

## **San Bernardino County Campaign Finance Reform Ordinance Advice Intra-Candidate Transfer of Campaign Funds/Attribution**

***May a candidate transfer funds from a separate controlled committee to a committee for an elected San Bernardino office?***

Section 12.4310 of the San Bernardino Ordinance permits a candidate for an elected San Bernardino office to “transfer campaign funds from one controlled committee to a controlled committee for County office of the same candidate.” Paralleling Section 85306 of the Political Reform Act, “contributions transferred shall be attributed to specific contributors using a ‘last in, first out’ or ‘first in, first out’ accounting method, and these attributed contributions when aggregated with all other contributions from the same contributor may not exceed the limits” set forth in the ordinance.

In interpreting the San Bernardino Ordinance, Section 12.4303(b) states, “Unless a word or term is specifically defined in this ordinance or the contrary is stated or clearly appears from the context, words and terms shall have the same meaning as when they are used in Political Reform Act, as amended and codified, and in the related regulations of the Fair Political Practices Commission.”

Accordingly, any transfer of campaign funds from one controlled committee to a controlled committee for San Bernardino office of the same candidate shall be made pursuant to the Commission’s attribution rules found in Commission Regulation 18536.

***May a candidate with a federal campaign committee transfer funds from the federal committee to a committee for an elected San Bernardino office?***

Under the Act, a “controlled committee” is one that is controlled by a “candidate,” which is defined to exclude federal candidates. (Sections 82007 and 82016.) Because a federal candidate committee is not considered a “controlled committee,” the Act does not specifically address the question of transfers from a federal committee to a state committee of the same candidate. However, as analyzed in the *Morrell* Advice Letter, FPPC No. A-03-089, we have previously determined that transfers from a federal campaign committee to a state committee of the same candidate shall also be made pursuant to the attribution rules found in Section 85306 and Commission Regulation 18536.

Because the San Bernardino Ordinance expressly states that words and terms shall be given the same meaning as when they are used in Act, any transfer of campaign funds from a federal candidate committee to a controlled committee for San Bernardino office of the same candidate shall be made pursuant to the Commission’s attribution rules found in Commission Regulation 18536.