

Public comment

Tom Perry

reported via email

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I strenuously oppose PDC staff's proposal to retroactively apply the May 2023 interpretation of the surplus funds transfer rule. Prior to May 25th, 2023 the written and verbal instructions from the PDC were very clear. Campaigns did as they were instructed, and transferred surplus funds with permission from previous campaigns in lump sums. They were not required to attribute the contributions to their previous donors.

Now you want to go back in time and change the law? You can't do that. It's not how laws work. A new law or rule is passed, and it becomes effective on a given date. It cannot be enforced retroactively. That is insanity.

Here is a realistic scenario that could happen with your proposal. Candidate Jones had a campaign for city council in 2021. He had surplus funds when the campaign ended. He then ran for state representative in 2022. As instructed, he transferred surplus funds with previous donors' permission in lump sums. Let's say that Donor #1 approved the transfer of \$500 from the city council campaign to the state representative campaign. Then in 2022 he also donated the maximum of \$1000. You are proposing that we go back in time to the 2021 campaign and attribute \$500 to Donor #1. But since he also gave \$1000 to the 2022 campaign, he is now over the limit by \$500. So are we supposed to refund him that excess \$500? I'd like to know your idea on how this could be accomplished since candidate Jones **has concluded his campaign and has closed the bank account**. There is no \$500.

Do not punish campaigns from following the instructions that you gave.

Tom Perry

Campaign Compliance Solutions, LLC