

SUBJECT: CAMPAIGN DISCLOSURE REQUIREMENTS- EFFECTIVE DATES

SUMMARY:

The campaign practices requirements of Section 8-13-1304 and 8-13-1308 take effect January 1, 1992. Candidates in a January 7, 1992 election will be required to register their committee within five days after January 1, 1992. An initial campaign disclosure will be due on or before January 10, 1992. Contribution limits apply only to those contributions received on or after January 1, 1992.

QUESTION:

A candidate for the House of Representatives has questioned the effective date of the campaign practices provisions of the new ethics legislation. He is a candidate in an election to be held on January 7, 1992. He further questions how the reporting requirements will be handled for contributions beginning January 1, 1992.

DISCUSSION:

This opinion is rendered in response to a letter dated October 7, 1991 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the State Ethics Act (Act No. 248 of 1991; Section 8-13-100 et. seq., 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

The State Ethics Commission has no legislative authority to respond to provide advice to a member or candidate for the General Assembly. The House of Representatives Ethics Committee has jurisdiction in accordance with Section 8-13-530(5) to advise members and candidates for the House of Representatives. The State Ethics Commission is responding to this request, however, since it will have effect on other elections to be held in early 1992.

Section 8 provides that the effective date of the statute is January 1, 1992. That section further provides:

"...Except as otherwise provided, this act governs only transactions which take place after December 31, 1991.

The questions of primary concern appear to be those involving campaign disclosure registration and reporting, and campaign contribution limits. Sections 8-13-1304 and 8-13-1308(A) requires a committee to file a statement of organization within five days after receiving or expending more than \$500. Section 8-13-1308(A) further provides for the filing of a disclosure of campaign finances within ten days after meeting the \$500 threshold. Section 8-13-1309(D)(1) requires a campaign report within fifteen days prior to an election current as of twenty days prior to the election.

Since the requirements imposed by Sections 8-13-1304 and 8-13-1308 require compliance prior to the effective date of the new statute, the State Ethics Commission advises that the committee registration, be filed within five days after January 1, 1992. Further, the initial Campaign Disclosure should be filed no later than ten days after January 1, 1992. Since there is not adequate time for the fifteen day pre-election report, such filing will not be required for the January 7, 1992 election or any elections to be held prior to January 15, 1992.

The State Ethics Commission further advises that the contribution limits would apply to any contributions received on or after January 1, 1992 and would be prospective in nature.