

SUBJECT: REGISTRATION BY BALLOT ISSUE GROUP

SUMMARY: A committee supporting a potential ballot issue is required to file a Statement of Organization within five days after receiving or expending \$500 and must file a Campaign Disclosure Form within ten days after reaching the \$500 threshold.

QUESTION: A representative for The Coalition to Save Our State questions exactly when the group is required to register. The group supports the state government reorganization legislation that may be put before the citizens on the November ballot. The Coalition does no direct lobbying and has not expended any funds on legislators, either through entertainment or political campaign contributions.

DISCUSSION:

This opinion is rendered in response to a letter dated April 7, 1992 requesting an opinion from the State Ethics Commission. The Commission's jurisdiction is limited to the applicability of the Ethics, Government Accountability, and Campaign Reform Act of 1991 (Act No. 248 of 1991; Section 8-13-100 et. seq., as amended, 1976 Code of Laws). This opinion does not supersede any other statutory or regulatory restrictions or procedures which may apply to this situation.

Committee is defined in Section 8-13-1300(6) as:

Committee means an association, a club, an organization, or a group of persons which, to influence the outcome of an elective office or a ballot measure, receives contributions or makes expenditures in excess of five hundred dollars in the aggregate during an election cycle...

Section 8-13-1304 provides in part as follows:

A committee, except an out-of-state committee, which receives or expends more than five hundred dollars in the aggregate during an election cycle to influence the outcome of an elective office or ballot measure must file a statement of organization with the State Ethics Commission no later than five days after receiving the contribution or making the expenditure...

Further, Section 8-13-1308 provides:

(A) Upon the receipt or expenditure of campaign contributions totaling, in an accumulated aggregate, five hundred dollars or more, a candidate or committee required to file a statement of organization pursuant to Section 8-13-1304 must file an initial certified campaign report within ten days of

these receipts or expenditures. However, a candidate or a committee that does not receive or expend campaign contributions totaling, in an accumulated aggregate, five hundred dollars or more must file an initial certified campaign report fifteen days before an election as provided in subsection (D).

- (B) Following the filing of an initial certified campaign report, additional certified campaign reports must be filed within ten days following the end of each calendar quarter in which contributions are received or expenditures are made, whether before or after an election.

Thus, a committee which receives or expends more than five hundred dollars is required to file a Statement of Organization within five days after meeting that threshold. A Campaign Disclosure Form is to be filed within ten days after reaching that \$500 threshold.

While at this time the subject of state government reorganization is not definitely on the November ballot, the filing requirement exists when the threshold amount is reached, not when the issue is approved for inclusion on the ballot.