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April 8, 1975

John Tomasin, Esq.
4800 Kennedy Boulevard West
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Opinion (0-05-75)

Dear Mr. Tomasin:

This will acknowledge receipt of your request for opinion dated March 31, 1975. Thank you for your kindness in providing a format in which we might supply answers. However, we have elected to treat this as a request for formal advisory opinion under Section 6(f) of the Campaign Contributions and Expenditures Reporting Act.

We are responding to your questions enumerated (a) through (f).

- (a) If less than \$1,000 is expended on any one candidate, must the association file 25, 15 and 7 day reports and 15 days after reports?

Under Section 8 of the Act a committee need not file reports of contributions received or expenditures made in behalf of any candidate who is required only to file an affidavit (under Section 16). So long as the aggregated expenditures of the candidates supported by the committee do not exceed \$1,000 per candidate, the association need not file. When the aggregated expenditures of any candidate supported by the committee exceed \$1,000 the association will be required to file a complete report of all contributions and expenditures for all candidates.

- (b) If so, and the candidates do not raise, receive or expend anything whatever, may they each file an affidavit of less than \$1,000?

It is the candidate who must determine whether funds expended in the aggregate from all sources will or will not exceed \$1,000. If the candidate determines that the aggregate expenditures will not exceed \$1,000 then the candidate may elect to file an affidavit in lieu of reports as provided in Section 16 of the Act. However, the candidate must advise the Commission of any contributions in the aggregate exceeding \$100 from any one source (including from the association). If, for instance, the association expended \$500 on behalf of the candidates supported, the candidate might file an affidavit, the association would not necessarily have to file any return under the exemption of Section 8, but the candidate would have to advise the Commission of an in-kind contribution (or allocation) of \$500 from the association.

- (c) If not, or if more than \$1,000 per candidate is spent by others, but the sole receipt of each candidate is the allocated sum spent by the other committee and no monies, etc. are received or expended by the candidates, must each candidate file 25, 15 and 7 day reports?

The answer to question (c) is provided in the answer to question (b) above.

- (d) Why are they necessary, since it will be not a receipt, but the report of an expenditure already reported by the first committee?

Section 7 of the Act provides for an expenditure limitation. The maintaining of expenditures within this limitation is the prime responsibility of each candidate seeking elective office. In order to enforce this section it is necessary for the Commission to have reports filed by the candidates (or the candidate's treasurer) indicating the candidates awareness of the status of expenditures by him and by others of his behalf.

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- (e) If reports are required, can each candidate name as his treasurer, the same person named as the treasurer of the original civic association?

Yes.

- (f) Can the report of the first civic association be used as the report of each candidate (by referring to it and attaching it), if no other money or contribution is received or expended whatsoever - only the allocated part of the money raised, expended and reported by the first civic association?

The candidate may submit a verified statement for each reporting period (assuming that form R-1 rather than an affidavit is required of the candidate in question) attesting that all expenditures made on behalf of the candidates candidacy are reflected in schedule G of the association reports. It would not be necessary to indicate the negative responses set forth in your Example to question (f).

If you have further questions please advise.

Yours very truly,

Edward J. Farrell
Legal Counsel

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