

SUBJECT: CONTRIBUTION LIMITS FOR 1990 ELECTION DEBT

SUMMARY: A former candidate who is retiring a debt from a 1990 election campaign is not restricted in the amount of contributions which may be accepted, in accordance with Section 8-13-1318.

QUESTION: A candidate for Lieutenant Governor in 1990 is attempting to retire his election campaign debt for that race. He questions whether he is limited to the \$3,500 contribution limitation.

DISCUSSION:

This opinion is rendered in response to a letter dated April 13, 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.

Section 8-13-1314(A) provides:

Within an election cycle, no candidate or anyone acting on his behalf may solicit or accept:

- (1) a contribution which exceeds:
 - (a) three thousand five hundred dollars in the case of a candidate for statewide office...

Thus, after January 1, 1992, a candidate is prohibited from accepting a campaign contribution exceeding \$3,500 during an election cycle as defined in Section 8-13-1300(10). However, Section 8-13-1318 provides:

If a candidate has a debt from a campaign for an elective office, the candidate may accept contributions to retire the debt, even if the candidate accepts contributions for another elective office or the same elective office during a subsequent election cycle, as long as those contributions accepted to retire the debt are:

- (1) within the contribution limits applicable to the last election in which the candidate sought the elective office for which the debt was incurred; and
- (2) reported as provided in this article.

Section 8-13-1318 provides for retirement of debts in accordance with contribution limits applicable to the election for which the debt was incurred. There were no such contribution limits in effect for the 1990 Lieutenant Governor's election campaign, therefore, the Commission advises that there are no limitations prescribed for contributions to retire debts for election campaigns which occurred prior to January 1, 1992.