



EXECUTIVE BRANCH

OFFICE OF THE ATTORNEY GENERAL

Jan Soto

To: Supervisor of Elections Matan Dalal
CC: Student Body President Meg Hall, Chief Justice Julia Gamarra, Assistant Supervisor of Elections Caitlin Moore, Student Government Advisor Shane Juntunen, Student Government Advisor Brodie Taylor
From: Attorney General Jan Soto
Date: 01/24/2022
Subject: **Opinion on Purchasing Campaign Materials before Active Campaigning**

Hi Matan,

The question posed asked whether candidates are permitted to purchase campaign materials before the start of active campaigning. They can.

Chapter 600.1(A) of Title VI defines active campaigning as “any *display or distribution* of tangible items or electronic media for a candidate/ticket for an elective office of the student body” (emphasis added).¹ Later on in the same chapter, campaign materials are defined as “any tangible items and/or electronic media which contribute to a candidate’s campaign and/or infers that a candidate/ticket intends to run for an elected Student Government office.”

No provision of Title VI expressly prohibits the purchasing of campaign materials prior to active campaigning. Only the display or distribution of purchased materials constitutes a violation under Chapter 606.2(H), 606.3(A), and 606.4(D).² This does not mean that potential candidates are free to disregard the limits imposed by expense statements.

Expense statements – exclusive to Presidential Candidates³ – must be submitted weekly to the Supervisor of Elections under Chapter 605.3. Chapter 605.5 specifically states that “*the total value* of all reported materials and expenditures included in the final expense statements may not exceed \$2,500 in an election” (emphasis added). While a candidate may purchase materials before the start of active campaigning, they must

¹ Chapter 600.1(A), Title VI: The Election Statutes, Student Government Statutes, https://studentgovernment.ucf.edu/wp-content/uploads/sites/4/2021/11/Title_VI_Updated_1_1.pdf.

² These violations would involve Tier II, III, IV sanctions respectively.

³ Chapter 605.1, Title VI: The Election Statutes, Student Government Statutes, https://studentgovernment.ucf.edu/wp-content/uploads/sites/4/2021/11/Title_VI_Updated_1_1.pdf.



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report the fair market value⁴ of the items they purchase. This fair market value – determined by “a quote and/or receipt submitted by the candidate for all campaign expenses” – is what counts towards the \$2,500 limit.

Consider the following example: A student is interested in running for the position of Student Body President in three years. To this end, the student purchases 500 shirts for his potential, future campaign for \$500 on their freshman year. Three years later and now in their senior year, they begin active campaigning after their declaration of candidacy is certified. They must submit an expense statement at the end of his first active campaigning week. If the fair market value for 500 shirts is now \$800 (originally \$500), \$800 dollars will be deducted from their total limit. Thus, they now have \$1,700 remaining for campaign expenses.

Potential candidates who buy materials before the start of active campaigning assume the risk that the fair market value may rise or fall to their benefit or detriment. Past market values fail to satisfy the fair market value requirement of expense statements.

A potential candidate can purchase materials before they are certified candidates, but any expense statements must submit the current market value in expense statements, and they count towards.

Best wishes,

Jan Soto
Attorney General

⁴ Chapter 600.1 defines Fair Market Value as: “Probable price at which a willing buyer will pay from a willing seller when both are unrelated, know the relevant facts, neither is under any compulsion to buy or sell, and all rights and benefit inherent in (or attributable to) the item may have been included in the transfer. Fair market value shall be determined by a quote and/or receipt submitted by the candidate for all campaign expenses.”
