Election Supervisory Board Advisory Opinion 2023-007
(Issued: December 19, 2022)

Subject: Clarification of Fair-Market Value

The 2023 Election Supervisory Board is issuing an advisory opinion to clarify the language of Fair-Market Value. Section 7.3 of the Campus-Wide Election Code reads:

> "EXCEEDING SPENDING LIMIT. Candidates whose total expenditures exceed 120% of their designated spending limit will be immediately disqualified. In extenuating circumstances, ESB may apply a substitute sanction.
>
> > a.   Total expenditures will include all campaign expenditures, contributions of funds, **fair market value of campaign materials** and all fines issued by ESB and/or other regulatory bodies."

The Election Supervisory Board shall define *Fair-Market Value* as follows: The value of the item at the time of purchase or acquisition, not including any deterioration of the item. This definition shall also apply to in-kind donations.

Additionally, only items that are acquired exclusively for campaign purposes need to be reported. We also suggest that candidates be conservative when reporting financial disclosures and do so to the best of their ability. For example:

> *Candidate A buys a poster board for $3.00. After a windstorm, the board becomes mangled and unusable. Candidate A must still list the poster board for the $3.00 it was originally purchased for, and not for whatever perceived value it has after the windstorm.*

> *Candidate B is given a half-full can of paint that originally cost $10 from a friend. Because only half the original material is present, the candidate would only have to report the paint as being $5.*

> *Candidate C uses a photo editing software on her laptop to design campaign materials. She need not report the value of the software or her laptop because she uses both outside of campaigning.*

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