

Election Supervisory Board Advisory Opinion 2020-006

Subject: Clarification of Fair-Market Value

The 2020 Election Supervisory Board would like to clarify the language of *Fair-Market Value*.

Whereas Section 3.21 of the Student Government Election Code reads:

“FINANCIAL DISCLOSURES: Each candidate’s financial records must list identifying information (name, item, etc.) and amounts of each contribution and expenditure.

- (a) Contributions and expenditures of non-monetary assets and in-kind efforts must be listed and valued at their *fair-market value*, as determined by the Election Supervisory Board.
- (b) The efforts and services of declared campaign staff do not need to be included as ‘in-kind’ donations of efforts and services.”

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 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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