

**Meyers, Robert (COE)**

INQ 06-79

**From:** Meyers, Robert (COE)  
**Sent:** Wednesday, May 31, 2006 3:39 PM  
**To:** Meyers, Robert (COE)  
**Subject:** Inquiry

The Elections Department (Maria Acosta) called and asked whether Beth McElroy, a candidate for a County Commission seat, had timely filed her declaration seeking funding from the county's Election Campaign Financing Trust Fund. According to the Ordinance 12-22, candidates have 90 days from the date they open a campaign account to file the declaration. In Ms. McElroy case, she filed her paperwork with Elections on February 23, 2006 and opened up a campaign account with a local bank the same day. The following day Ms. McElroy amended one of the forms she had filed with the Elections Department, naming herself as deputy campaign treasurer. On the 90<sup>th</sup> day – counted from February 24<sup>th</sup> – Ms. McElroy filed her declaration. Ms. McElroy believed that revision she made gave her an additional day to file her declaration. Elections claimed that it was filed a day late, as the 90<sup>th</sup> day was calculated from February 23<sup>rd</sup> – or the day she initially submitted her paperwork to the Elections Department. Our office was asked to issue an opinion.

After consulting with Ardyth Walker and Chairman Kerry Rosenthal on May 26<sup>th</sup> and May 30<sup>th</sup>, we agreed that the ninety day period began when she opened up her campaign account with the bank. The fact that she amended an Elections Department form and submitted it the day after her original date of filing had no bearing on the date she opened up her campaign account. Because she opened up her campaign account with the bank on February 23<sup>rd</sup>, this is the critical date pursuant to the ordinance. Therefore, the candidate has 90 days from that day to file her declaration. Using the February 23<sup>rd</sup> date, the Elections Department calculated that she missed the deadline to file her declaration for public funding of her campaign by one day.

Robert Meyers

5/31/2006