Filed By: Tavaress Thomas, Supervisor of Elections

Party Against Whom the Violation is Alleged: Progress Coalition

Date Alleged Violation Heard: February 22, 2013

Alleged Violation: It is alleged that Progress Coalition failed to turn in all financial documents required on the first Wednesday of active campaign week.

Alleged Statute Violated: 714.3(B)(5) Which state: A copy of all account statements, check stubs, deposit slips, and any other financial documents shall be submitted on the first Wednesday of active campaigning as well as in the candidate or party's final expense statement.

The representative of Progress Coalition argued that the Home Depot receipt was an individual expense statement and not a financial document which statute 714.3(B)(5) specifically requires. They further argued that the material purchased under that receipt had not yet been distributed. The Supervisor of Elections argued that parties have been advised that receipts should be included in the financial documents that are submitted the Wednesday of active campaign week because this is how it has previously been done. After review of the arguments, it was found that Progress Coalition immediately turned in the receipt once they were advised by the Supervisor of Elections that it should have been included. Progress Coalition argued that they assumed that the receipt was not a financial document but an individual expense statement as articulated in 714.3(A)(1&2) because it is a statement indicating price and quantity and was only required in the final expense statement. Upon review of the statute it is clear that section 714.3(B)(5) only discusses financial documents such as bank account statements, check stubs, and deposit slips. If the legislature intended to include receipts in the category of financial statements they would have included it in the list. Even though information concerning including receipts within the financial documents to be submitted the Wednesday of campaign week may have been articulated to the parties, the statute does not specify this requirement and Progress Coalition submitted the documents upon immediate request. No ill intentions or blatant disregard for regulations were found.

Therefore, the violation against Progress Coalition is **OVERRULED.**

J. Agnew delivers the opinion of the Commission, and is joined by *L. Ames.*