

Did you know?

Friday, March 26, 2021

Affidavit Not to Exceed

Officially known as the Affidavit Not to Exceed \$2,500 in Contributions and/or Expenditures

1. **Who can file the Affidavit?** Any local filer that runs for a county or municipal-level office.
2. **Where do I file the Affidavit?** The affidavit is filed directly with the County Election Superintendent if you are running for a county-level office. It is filed directly with the City Clerk/Municipal Election Superintendent if you are running for a municipal-level office. Local filers should not send the affidavit to the Commission for processing.
3. **How long is the Affidavit valid?** The affidavit is **ONLY** valid for one election cycle.
4. **How long is an election cycle?** An election cycle is the period of time between one General Election to the day after the next General Election. *See O.C.G.A. § 21-5-3(10)*
 - a. **For Example – 2020 Election Cycle**
 - i. Started on November 8, 2016 (The day of the 2016 General Election).
 - ii. Ended on November 4, 2020 (The day after the 2020 General Election).
5. **Do you have to file the Affidavit every year?** No.
6. **Why would I file the Affidavit?** A local filer running for a county or municipal-level office would file the Affidavit if they do not want to file campaign contribution disclosure reports during their election cycle. If the local filer plans on staying under the threshold of \$2,500 in **BOTH** contributions and expenditures during their election cycle, they can file the Affidavit.
7. **Is the Affidavit valid forever?** No. A new Affidavit is filed at the start of **EACH** election cycle for a local filer for however long they are in office.
8. **When should an Affidavit be filed?** An Affidavit should be filed at the start of each election cycle, which is the day after a General Election.
 - a. **For Example –** A local filer runs for Mayor in 2015 and wins the election. A new cycle started the day after the General Election in November of 2015. The new Mayor will submit an Affidavit on the day after the election because they do not plan on spending or raising more than \$2,500 during the next election cycle. The new Mayor is running for election again in 2019. A new cycle will start the day after the General Election in November. If the filer wins, they will file a new Affidavit so they will not have to file CCDR's during their next election cycle.
9. **What is the threshold limit for filing an Affidavit?** Local filers can file the Affidavit if they **DO NOT** plan on spending or raising more than \$2,500, in the aggregate, during their election cycle.
10. **What happens if I cross the \$2,500 Threshold?** If the filer crosses the \$2,500 threshold but stays under \$5,000, they are required to file a June 30th and December 31st campaign contribution disclosure report (CCDR) during their election year. The June 30th CCDR will include all contributions and expenditures beginning January 1st of such calendar year. *See O.C.G.A. § 21-5-34(d.1)(2)*
11. **What happens if I cross \$5,000 in contributions and expenditures?** The filer will be required to file all campaign contribution disclosure reports due in an election year per the filing schedule

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found here <https://ethics.ga.gov/wp-content/uploads/2021/03/Filing-Schedule-for-Local-Filers-2.15.2021.pdf>. They will start filing reports the moment they cross \$5,000 in contributions and/or expenditures. See *O.C.G.A. § 21-5-34(d.1)(3)*

