



State Ethics Commission of Georgia

ADVISORY OPINION NO. 1994-28

April 2, 1993

SUBJECT: RETROACTIVE APPLICATION OF CAMPAIGN CONTRIBUTION LIMITS

REAL OR HYPOTHETICAL SET OF CIRCUMSTANCES:

A candidate for public office incurred campaign debts when he ran in a series of elections held before October 1990. Following the elections, the candidate seeks to retire his campaign debts.

According to O.C.G.A. § 21-5-41(a), effective October 1990, candidates participating in statewide elections became subject to a \$3,500 contribution limit. In 1992, the contribution limit for statewide candidates was lowered to \$2,500 per election.

Is the contribution limitation provision set forth in O.C.G.A. § 21-5-41(a) applicable to the candidate's efforts to retire those debts incurred before October 1990, which was prior to the enactment of any contribution limits?

ADVISORY OPINION

Since the contribution limitation of O.C.G.A. § 21-5-41(a) was not in effect at the time the campaign debts were incurred, it places no limitations on contributions made to retire the preexisting debts, even though contribution limits have subsequently gone into effect.

With respect to retiring campaign debts from elections completed before contribution limits took effect, contribution limits do not apply retroactively.