**Section 125.710 Advisory Opinions**

a) Request and Scope

1) An advisory opinion may be requested from the State Board of Elections by any of the following:

A) a member of the Board;

B) any candidate for public office or the chairman or treasurer of any campaign committee that is, or may be, required to file any campaign disclosure reports.

2) Advisory opinions under this Subpart shall be limited to issues pertaining to Section 9-8.10 of the Code.

b) The request must be submitted in writing to the General Counsel and shall set forth the specific facts, activity or transaction that the requesting party is undertaking, or intends to undertake, and the specific issues on which the requesting party seeks an advisory opinion.

1) Requests presenting general questions of interpretation, hypothetical questions, or matters relating to activities of third parties shall not qualify as requests for an advisory opinion.

2) Issuance of any advisory opinion shall at all times be discretionary with the Board.

c) The General Counsel shall review all requests for advisory opinions and, if the General Counsel determines that the request is incomplete or does not otherwise qualify under subsection (b), he or she shall, within 14 days after the receipt of the request, notify the requesting party and specify any deficiencies in the request. The requesting party may appeal any determination by the General Counsel directly to the Board.

d) If the General Counsel determines that the request may qualify for an advisory opinion, or if the Board overrules the determination by the General Counsel under subsection (c), the request shall be referred to the Campaign Disclosure Division of the State Board of Elections for review and written comment. The written comment shall be directed to the General Counsel, and the General Counsel shall in turn review and provide written comment on the request to the Board. The General Counsel shall also advise the party making the request for opinion that the request has been submitted to the Board.

e) Board Determination

1) Within 60 days after a request is received that qualifies for an advisory opinion, the Board shall issue to the requesting party either:

A) a written advisory opinion; or

B) a statement that the Board declines to issue an advisory opinion.

2) An advisory opinion shall be issued only upon the affirmative vote of 5 members of the Board.

f) An advisory opinion rendered by the Board may be relied upon by:

1) the requesting party;

2) any person involved in the specific transaction or activity with respect to which the advisory opinion is rendered; and

3) any person involved in any specific transaction or activity that is indistinguishable in all its material aspects from the transaction or activity with respect to which the advisory opinion is rendered.

g) Nothing contained in this Section shall preclude the distribution by the Board or any of its staff of information consistent with the Election Code, any prior opinions of the Board, and any relevant federal or state case law.

h) A copy of each advisory opinion shall be sent to the requesting partyand to any legal representatives of the requesting party.

(Source: Amended at 35 Ill. Reg. 2351, effective February 4, 2011)