

## Campaign Account

### **When do I appoint a Campaign Treasurer and name a Depository?**

1. F.S. 106.021 requires that you file your Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9) with the qualifying officer (City Clerk) **before** any contributions are accepted or any expenditures are made.
2. You may serve as your own Campaign Treasurer.
3. Any bank, savings and loan association, or credit union authorized to transact business in the State of Florida may be designated as a campaign depository.
  - a. Your primary depository is where all contributions are deposited, and from which all expenditures are disbursed.
  - b. All campaign accounts must be separate from any personal or other account.

### **What is a contribution?**

F.S. 106.011(3) defines a contribution as:

- a. A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contributions in-kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.
- b. A transfer of funds between political committees, between committees of continuous existence, between electioneering communications organizations, or between any combination of these groups.
- c. The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.
- d. The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes any interest earned on such account or certificate.
- e. Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee is not a contribution.

### **How soon after receipt must contributions be deposited?**

F.S. 106.05 requires that all contributions be deposited into the campaign account by the campaign treasurer prior to the end of the 5<sup>th</sup> business day following receipt. The time frame excludes Saturdays, Sundays, and legal holidays.

### **Is there a limit as to the amount a person may contribute to my campaign?**

Dania Beach Code of Ordinances, Chapter 2, Article II, Section 2-30, Individual Campaign Contribution Limits, provides that it is unlawful for any person or political committee, as

defined in Chapter 106, Florida Statutes, to make a contribution or expenditure in excess of \$250 directly, indirectly or through a political committee, to any candidate for election to the office of city commissioner. It shall be unlawful for any candidate, political committee or other person to knowingly accept or receive any campaign contribution or expenditure prohibited by this section. This includes in-kind contributions and the purchase of tickets to fund-raisers.

Any primary election and general election are separate elections, provided the candidate is not an unopposed candidate as defined in section 106.011(15) F.S.

F.S. 106.08 provides that an unemancipated child under the age of 18 years of age may not make a contribution in excess of \$100 to any candidate or to any political committee supporting one or more candidates.

F.S. 106.09 states that a person may not make or accept a cash contribution or contribution by means of a cashier's check in excess of \$50.

### **What is an in-kind contribution?**

F.S. 106.011(3)(a) defines an in-kind contribution as anything of value having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.

F.S. 106.055 states any person who makes an in-kind contribution shall, at the time of making such contribution, place a value on such contribution, which valuation shall be the fair market value of such contribution.

### **Is there a limit on the amount I can contribute to my campaign?**

There is no limit to the amount you may contribute to your campaign.

### **What is the last day I may receive contributions?**

F.S. 106.08(3)(a) establishes that midnight of the Thursday preceding each election as the deadline for receiving contributions. Any contributions received less than 5 days prior to the day of the election must be returned to the person or committee contributing it and may not be used or expended by or on behalf of the candidate.

**[It is important that you have a sufficient amount of funds deposited by the deadline as it is illegal to add any money after a deadline.](#)**

### **What is an expenditure?**

F.S. 106.11(4)(a) defines an expenditure as a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money

or anything of value made for the purpose of influencing the results of an election or making an electioneering communication.

### **What are the requirements for making expenditures?**

Requirements are covered under F.S. 106.11 and F.S. 106.12.

A candidate **must** pay all campaign expenditures by a check drawn on his/her campaign account.

F.S. 106.1405 provides that a candidate or the spouse of a candidate may not use funds on deposit in a campaign account to defray normal living expenses for the candidate or the candidate's family, other than expenses actually incurred for transportation, meals, and lodging by the candidate or a family member during travel in the course of the campaign.

### **Is there a limit on the total amount I may spend on my campaign?**

No, you are limited only by the amount of funds you receive.

### **May a candidate make unlimited personal expenditures or donate purchased items as in-kind to the campaign account?**

A candidate may not make unlimited personal expenditures and report them as reimbursements. Likewise, a candidate may not make unlimited personal expenditures, donate purchased items to his/her campaign and then report them as in-kind contributions. To do so, frustrates the purpose of the campaign finance law, which is the full disclosure of campaign expenditures.

### **What are the guidelines for petty cash?**

F.S. 106.12 provides guidelines for petty cash. You are not required to report each individual petty cash expenditure, however, you are required to keep a complete record of all petty cash expenditures.

1. The campaign treasurer is authorized to withdraw from the primary campaign account, until the close of the last day for qualifying for office, the amount of \$500 per calendar quarter reporting period.
2. After qualifying is over and until the election in which the candidate is eliminated or elected to office, the campaign treasurer may withdraw \$100 per week.
3. The petty cash shall be spent only in amounts less than \$100 and only for office supplies, transportation expenses, and other necessities.
4. Only the total amount withdrawn (PCW) and the total amount spent (PCS) for the reporting period is listed on the campaign report expenditure page (DS-DE 14); individual amounts are not listed.
5. Petty Cash shall not be used for the purchase of time, space, or services from communications media as defined in F.S. 106.011(13).

### **May a candidate for local office use a credit card for expenditures?**

Credit cards may only be used by candidates for state-wide office or any political committee created to support or oppose any candidate for state-wide office or issue.

### **May a candidate for local office use a debit card for expenditures?**

Pursuant to F.S. 106.11(2)(a) debit cards are considered bank checks if:

1. It is obtained from the same bank that has been designated as the candidate's or political committee's primary campaign depository.
2. It is issued in the name of the treasurer, deputy treasurer, or authorized user and states "Campaign Account of \_\_\_\_\_".
3. No more than 3 debit cards are requested and issued.
4. Before a debit card is used, a list of all persons authorized to use the card is filed with the division.
5. All debit cards issued to a candidate's campaign or a political committee expire no later than midnight of the last day of the month of the general election.
6. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.
7. All receipts for debit card transactions must contain the last 4 digits of the debit card number; the exact amount of the expenditure; the name of the payee; the signature of the campaign treasurer, deputy treasurer, or authorized user; and the exact purpose for which the expenditure is authorized.

### **How may I use the leftover funds in my campaign account?**

F.S. 106.141 explains how to dispose of the funds left in your campaign account after you withdraw your candidacy, are elected to office, are eliminated or become unopposed.

1. You have 90 days to dispose of the funds on deposit in your campaign account and file a final report reflecting the disposition of all remaining funds. During this time, no contributions may be accepted. If you receive a refund check after disposing of all funds, you may endorse the check and dispose of it under this section and file an amended report showing the refund and the subsequent disposition.
2. Pay for items which were obligated, including loans.
3. Purchase "thank you" advertising in the communications media for up to 75 days.
4. Pay for expenditures necessary to close your campaign office and prepare final campaign reports.
5. The candidate may be reimbursed, in full or in part, for any reported contributions by the candidate to the campaign account.
6. F.S. 106.11(4) allows you, after you are elected, defeated, withdraw or become unopposed, to:
  - a. Return pro rata to each contributor the funds that have not been spent or obligated.
  - b. Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code.
  - c. Give the funds to the General Revenue Fund of the City of Dania Beach.

- d. Transfer the funds into an Office Account (up to \$2,500 multiplied by the number of years in the term of office). All funds transferred shall be used only for legitimate expenses in connection with the candidate's public office. Quarterly reports are filed with the local Supervisor of Elections (City Clerk) until the account is closed.