

Obsolete. Please consult current Florida law.

DE 77-22 - September 30, 1977

Post Election Expenditures Chapter 106, F.S.

To: Honorable Charles Miranda, City Councilman, City of Tampa, Tampa, Florida 33602

Prepared by: Division of Elections

You have requested an opinion on the legality of expending the here to for unexpended balance of your campaign contributions upon and for expenses of litigation pertinent to public matters not part of your campaign for public office. You have indicated that the unexpended balance, aforementioned, is in an escrow account.

First, Chapter 106, Florida Statutes, 1975, allows a candidate with funds remaining in his campaign depository after the election to execute or have executed a voucher to himself by means of which the account will be closed. Thereafter, such a former candidate is entitled to spend such funds as his own, subject to the fact that he may be a "person" as defined by Section 106.011(7) if he seeks to raise or expend monies for purposes covered by Chapter 106, Florida Statutes.

If your campaign funds have already been removed from the campaign account and placed in an escrow account, there is obviously no need to voucher the remainder to yourself, for you have already apparently done so.

If any campaign monies remain at this date in your campaign account, it would be the case that they cannot be expended directly from the account for the purposes which you mentioned; they must be vouchered to you personally and thereafter spent by you.

Effective January 1, 1978, Chapter 106 specifically directs and significantly restricts the distribution of surplus campaign funds.

SUMMARY

After election a candidate may voucher, or have vouchered to himself the remainder of funds in his campaign account. The campaign account may not directly expend remaining funds for matters not designed to facilitate the candidate's election; and where that election has already occurred expenditures from the account must be severely limited in nature.