

**DE 88-07 - February 22, 1988**

**Contributions to Candidates by Political Committees  
Sections 106.011(1), (8); 106.025; 106.08(1), F.S.**

*To: Mr. K. Patrick Meehan, Leibowitz and Spencer, Suite 501, 3050 Biscayne Boulevard, Miami, Florida 33137*

*Prepared by: Division of Elections*

This is in reference to your letter regarding donations by political committees. Under Section 106.23 (2), Florida Statutes, the Division of Elections may provide advisory opinions to several categories of persons including political committees. You are an attorney and represent a political committee so that the Division has authority to issue this opinion.

You have asked a series of questions regarding donations by political committees and, for clarity, we will state your question and then the answer. Your questions are as follows:

1. Several persons, as defined by Section 106.011(8), Florida Statutes, intend to make contributions to a political committee, formed for the sole purpose of opposing a specific issue on the ballot. Are there limitations on the amount of contributions to such a committee?

No. Section 106.08(1) provides various limitations on contributions. However, due to the Buckley v. Valeo Supreme Court decision, there can be no limitations to political committees supporting or opposing issues. 424 U.S. 1, 96 S.Ct. 512, 46 L.Ed. 2d 659 (1976).

2. May a political committee, formed for the sole purpose of opposing a specific issue on the ballot, make contributions to a political candidate?

Yes. Section 106.011(1), Florida Statutes, does not distinguish between a political committee which donates to issues and a political committee which donates to candidates. However, if the political committee donates to candidates, the limitations of Section 106.08(1), Florida Statutes, will apply.

3. If a person makes a contribution to a political committee with the knowledge that such committee intends to make the maximum contribution allowed by Section 106.08, Florida Statutes, to a political candidate, may such person also make a separate contribution to the same political candidate?

Yes. The Florida Election Code does not provide for aggregating contributions by contributors to political committees with contributions by those political committees to enforce the limitations upon contributions contained in Section 106.08, Florida Statutes.

4. A number of political committees, with substantially the same list of contributors, are

planning to make separate contributions to the same political candidate. Will the contributions of each political committee be considered individually or in aggregate for the purpose of enforcing the limitations upon contributions to political candidates?

The contributions will be considered individually as there are no provisions in the Florida Election Code to aggregate contributions by political committees with substantially the same list of contributors to enforce the limitations upon contributions to political committees contained in Section 106.08, Florida Statutes.

5. A trade association has established a number of political committees to oppose a specific issue on the ballot. Assuming that such committees are allowed to make contributions to political candidates and assuming that such contributions made by each committee will be considered individually for the purposes of enforcing the limitations upon contributions to political candidates, to what extent may such committees share information, exchange correspondence, or coordinate their activities without jeopardizing their status as independent political committees?

The Florida Election Code does not address this issue.

6. A political committee, formed for the sole purpose of opposing an issue on the ballot, intends to sponsor a dinner in honor of a political candidate. With the exception of the actual cost of the dinner itself, no money or contributions will be received or accepted by such political committee or political candidate. The sole purpose of such dinner would be to honor the political candidate and provide such candidate an opportunity to express his viewpoints. Would such a dinner be considered a campaign fund-raiser pursuant to Section 106.025, Florida Statutes? Would the cost of such a dinner be considered a contribution by the political committee to the political candidate? If so, what portion of the total cost of the dinner would be considered a contribution by the committee to the candidate?

Under the circumstances that you have outlined, such a dinner would not be considered a campaign fund-raiser pursuant to Section 106.025, Florida Statutes. Only the cost of the candidate's meal would be considered a contribution by the political committee to the political candidate.

7. The owner of a radio station intends to use air-time on his station to broadcast advertisements opposing a particular issue on the ballot. Would the use of station air-time be considered an independent expenditure? If so, are there any limitations upon the amount of such expenditures? If the fair market value of such air-time were to exceed \$500, would the station be required to register as a political committee?

We hope the information is helpful.