

# Obsolete. Please consult current Florida law.

DE 077-27 – December 5, 1977

## CAMPAIGN CONTRIBUTIONS BY CREDIT CARDS CHAPTER 106, F.S.

To: *Mr. S. Richard Seltzer, 2126 Pittman Drive, Panama City, Florida 32405*

Prepared by: *Division of Elections*

You have requested an opinion of this office regarding the legality under the Florida Election Laws of utilizing BankAmericard or other similar credit cards for the purpose of receiving contributions to your campaign for the Florida Legislature. Individual contributions would be made by a person utilizing his/her own credit card to make the payment which you receive and subsequently collect.

Florida law requires contributions be made directly to the campaign treasurer by the contributor. Section 106.021(4), Florida Statutes. Such contributions may not be made by indirection nor in the name of another. Section 106.08(3), Florida Statutes, Any person, corporation, entity, or other organization is prohibited by Section 106.14, Florida Statutes, from providing goods or services prior to the receipt of payment therefore.

An investigation by the Division of Elections reveals that the agreement used by BankAmericard and other such credit cards mandates certain obligations and procedures on the part of the financial institution issuing the card and the merchant (which in the instance would be yourself as a political candidate) having the effect of reducing the amount purportedly contributed.

This reduction would be the result of a percentage charge (normally around 4%) made by the credit card company or financial institution assessed against the total amount of the card transaction as a service fee. In addition, the source of the payment to your campaign account would be the financial institution or card company not the individual utilizing a credit card to make a contribution. The campaign accounting would receive the payment by means of a draft debiting a special BankAmericard account you would be required establish.

Second, the assessed service charge is a payment by the candidate to the credit card company for the guaranteeing and collection of the original credit card payment. This is providing goods and services prior to the receipt of payment. Section 106.14, Florida Statutes. The automatic deduction of the service fees is contrary to the exclusive statutory method of making expenditures. Section 106.11, Florida Statutes.

Accordingly, your question is answered in the negative inasmuch as the method of payment by credit card involves several violations of Chapter 106 and is not in accord with the legislative intent that contributions be only in the forms of cash, checks or in-kind services or goods.

### Summary

Use of credit cards to make political campaign contributions is not permitted under Chapter 106, Florida Statutes, in that it constitutes giving in the name of another and the making of unauthorized expenditures.