

DE 78-40 - October 5, 1978

**Delivery Of Campaign Contributions;
ss. 106.021, 106.04, F.S. (1977)**

To: Mercer Fearington, Attorney-at-Law, 700 Lewis State Bank Building, P.O. Box 1548, Tallahassee, Florida 32302

Prepared by: Division of Elections

By your recent letter, an advisory opinion of this office was requested to the following question:

"Is it legal for a third party to deliver, either personally or through the mail, a campaign contribution check drawn from the account of a committee of continuous existence, signed by the secretary-treasurer of same committee and made to the campaign fund of a candidate in any state election?"

Your question is answered in the affirmative.

Chapter 106, Florida Statutes, does not provide provisions relating to the delivery of campaign contributions to candidates. Section 106.021(l)(a), F.S. (1977), requires each political candidate to appoint a campaign treasurer, and no person is to accept a contribution or make an expenditure unless the treasurer has been appointed and a primary depository designated. Subsection (3) of s. 106.021, F. S. (1977), requires all contributions or expenditures to be made through the duly appointed campaign treasurer of the candidate or political committee.

Section 106.04(5), F.S. (1977) states that "No funds of a committee of continuous existence shall be expended on behalf of a candidate, except by means of a contribution made through the duly appointed campaign treasurer of a candidate." Subsection (4) of that same section provides that the treasurer of each committee of continuous existence is responsible for certifying as to the correctness of reports listing the contributions made by the committee to candidates during the applicable reporting period.

However, there are no restrictions in the Election Code relating to the modes of delivery which are or are not appropriate. Therefore, delivery by a third person, either personally or by mail, of a check to the candidate's campaign treasurer to be deposited to the campaign fund is permissible, provided such check is properly drawn to the committee account. The contribution must be directly from the committee to the candidate, though another may be used to deliver it.

SUMMARY

It is permissible for a committee of continuous existence to make use of a third party, either personally or through the mail, to deliver contributions to a candidate's campaign fund.