

**DE 83-10 - May 10, 1983**

**LOANS TO CAMPAIGN ACCOUNTS LESS THAN 5 DAYS  
PRIOR TO AN ELECTION, s. 106.08(2), F.S.**

*To: June B. Watts, City Clerk, City of Hallandale, 308 S. Dixie Highway, Hallandale,  
Florida 33009*

*Prepared by: Division of Elections*

Pursuant to your request under Section 106.23(2), Florida Statutes, this is an Elections Opinion on substantially the following question:

Is it a violation of Section 106.08(2), F.S. for a candidate to loan money to his campaign account within the 5 day period preceding an election?

Section 106.08(2), F.S. prohibits a candidate from receiving any contributions "...on the day of the election or less than 5 days prior to the day of that election...." The term "contribution" is defined by Section 106.011(3)(a), F.S. (set forth below in pertinent part):

(a) A gift, subscription, conveyance, deposit, loan, payment, or distribution of money or anything of value, including contribution in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.

Therefore, a loan is considered to be a form of contribution, and any contribution less than 5 days prior to an election is prohibited.

The term "election" is defined to mean "...any primary election, special primary election, general election, special election or municipal election held in this state for the purpose of nominating or electing candidates to public office...." Section 106.011(6), F.S. Therefore, the prohibition in Section 106.08(2), F.S. applies in a municipal election as well as in each primary and the general election.

**SUMMARY**

By express language in the Election Code. Chapter 106, a candidate is prohibited from loaning money to his campaign account on the day of an election or less than 5 days prior to the day of that election.