

DE 88-39 - September 12, 1988

**Joint Fund Raiser
Sections 106.021(3) and 106.025 (1)(C), F.S.**

To: Mr. George M. Clayton, 7911 North Twelfth Street, Tampa, Florida 33604

Prepared by: Division of Elections

This is in reference to your request for an advisory opinion on the Florida Election Code, Chapters 97-106, Florida Statutes. You are a candidate and pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue an opinion to you.

Several candidates in your area would like to hold a joint fund raiser and want information on the following:

1. What is the proper form for donors to make out their checks?
2. How should payment of expenses be made?
3. How should the division of profits be made?
4. How do the candidates report contributions and expenses for the joint fund raiser?

You also inquire as to whether the candidates may set up a special bank account for the fund raiser.

Section 106.021(3), Florida Statutes, provides that except for independent expenditures, all expenditures must be made through the campaign treasurer of the candidate and must be reported on the campaign treasurer's report. There is an exemption for political committees or political parties regulated by Chapter 103, Florida Statutes, for obtaining time, space, or service in or by any communications media for the purpose of jointly endorsing six or more candidates. However, Chapter 103, Florida Statutes, relates directly to political parties and their associated committees and is not applicable in this situation.

In addition, Section 106.025, Florida Statutes, regulates campaign fund raisers and Section 106.025(1)(c), Florida Statutes, provides:

All money and contributions received with respect to such a campaign fund raiser shall be received only through the campaign treasurer of the candidate.... All expenditures made with respect to such a campaign fund raiser shall be made only by a check drawn on the campaign depository of the candidate....

Therefore, candidates holding a joint fund raiser may not set up a special bank account for the fund

raiser.

If a joint fund raiser is held, each candidate must share pro rata the expenses of the fund raiser. Therefore, if three candidates are hosting the fund raiser, each would pay one-third of the expenses of the fund raiser by a check drawn on the campaign depository of the candidate. A contributor who purchases a ticket to the joint fund raiser, must pro rate the cost of the ticket among the three candidates so that one-third goes to each candidate. If the contributor pays for the ticket by check, which he must do if the individual contribution to a candidate is over \$100, a separate check must be written for each candidate made payable to the candidate's campaign.

Each candidate would report one-third of the expenditures and one-third of the contributions for the fund raiser on his campaign treasurer's report.

SUMMARY

Candidates may hold a joint fund raiser but a special bank account may not be set up for contributions and expenditures for the fund raiser. Each candidate must share pro rata the expenses of the fund raiser and pay for his share by a check drawn on the campaign depository of the candidate. A contributor who purchases a ticket to the joint fund raiser must pro rate the cost of the ticket among the candidates and if the contributor pays for the ticket by check, a separate check must be written for each candidate made payable to the candidate's campaign. Each candidate must report his share of the expenditures and contributions for the fund raiser on his campaign treasurer's report.