

DE 90-41 - August 27, 1990

**Contributions to Committees of Continuous Existence by Credit Card
Section 106.04, F.S.**

To: Mr. Robert C. Harris, President, PAC Council of Florida, 335 Beard Street, Tallahassee, Florida 32303

Prepared by: Division of Elections

This is in reference to your letter requesting an opinion on the legality of contributions by credit card to committees of continuous existence (CCEs). Pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has authority to issue advisory opinions relating to the Florida Election Code, Chapters 97-106, Florida Statutes, to several categories of persons including political committees and CCEs.

You ask the following question:

May CCEs accept contributions or membership dues paid in the form of credit card transactions?

The answer to your question is yes. In DE 90-40, the Division of Elections opined that contributions made by credit card to a political party or candidate are permitted if such contributions meet the disclosure requirements of Chapter 106, Florida Statutes.

The Division noted that the use of a credit card is merely a loan from the institution issuing the credit card. In addition, the Division stated that there is nothing in Chapter 106, Florida Statutes, which prohibits a person from borrowing money and then contributing that money to a political party or candidate. Similarly, there is no prohibition against contributing such contributions to a CCE.

However, if contributions are made to CCEs by credit card, such contributions must meet the disclosure requirements provided in Section 106.04, Florida Statutes, for CCEs.

Section 106.04(2), Florida Statutes, provides that any group, organization or association seeking certification as a CCE must file an application with the Division of Elections. A copy of the dues or assessment schedule of the organization must accompany the application. If contributions represent the payment of dues by members in an amount fixed pursuant to the schedule on file with the Division of Elections, only the aggregate amount of the contributions need be listed in the campaign treasurer's report together with the number of members paying such dues and the total amount of the membership dues. See Section 106.04(4)(a), Fla. Stat.

For contributions of \$100 or less not representing the payment of dues, the campaign treasurer's report must contain the name and address of the contributor and the amount of the contribution. When the

contribution exceeds \$100, the occupation of the contributor must also be reported. See Section 106.04 (4)(a), Fla. Stat.

Therefore, CCEs may accept contributions or membership dues paid in the form of a credit card transaction when such contributions meet the disclosure requirements provided in Section 106.04, Florida Statutes.

SUMMARY

Committees of continuous existence may accept contributions or membership dues paid in the form of credit card transactions when such contributions meet the disclosure requirements provided in Section 106.04, Florida Statutes.