

DE 92-20 - October 19, 1992

**Campaign Contribution Limits
Section 106.08, F.S.**

TO: Mr. Bill Posey, Candidate for State Representative, District 32, 1824 South Fiske Boulevard, Rockledge, Florida 32955

Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding campaign contribution limits. You are a candidate for State Representative and pursuant to Section 106.23(2), Florida Statutes, the Division of Elections has the authority to render this opinion to you.

You essentially ask the following:

Whether you, as a candidate for State Representative, may accept contributions up to \$500 before the first primary, before the second primary, and before the general election?

For the reasons which follow, the answer to your question is yes, so long as you are opposed in the general election.

Section 106.08, Florida Statutes, sets forth that a candidate for public office may accept no more than \$500 per election. Election is defined in Section 106.08(1)(c), Florida Statutes, to mean:

For purposes of this subsection the first primary, second primary, and general election shall be deemed separate elections so long as the candidate is not an unopposed candidate as defined in Section_106.011(15). However, for the purpose of contribution limits with respect to candidates for retention as a justice of the Supreme Court or judge of a district court of appeal, there shall be only one election, which shall be the general election, and with respect to candidates for circuit judge or county court judge, there shall be only two elections, which shall be the first primary election and general election.

Therefore, when a candidate, other than a judicial candidate, is an opposed candidate in the general election, he may receive the maximum contribution allowed for the first primary, second primary, and general election. For example: so long as the candidate is opposed in the general election, he may receive a contribution of \$500 for the first primary, \$500 for the second primary, and \$500 for the general election. Also, contributions for the first primary must be made prior to the first primary, and contributions for the second primary must be made after the first primary but prior to the second primary. Similarly, contributions for the general election must be made after the second primary but prior to the general election. Additionally, contributions are calculated in the aggregate for each election cycle. For example: a contributor, who initially gives a candidate \$50 and later makes a \$460 contribution during that same election cycle to the same candidate, has exceeded the statutory

contribution \$500 limit for that election cycle.

SUMMARY

A candidate for public office, except for a judicial office, who is an opposed candidate in the general election, may receive the maximum contributions allowable for the first primary, second primary, and general election.