

DE 02-09 - June 24, 2002

**Campaign Contributions via Wire Transfer
§ 106.11(3), Florida Statutes**

*To: The Honorable Locke Burt, State Senator, Locke Burt for Attorney General of Florida Campaign,
Post Office Box 2574, Ormond Beach, Florida 32175-2574*

Prepared by: Division of Elections

This is in response to your request for an advisory opinion as a candidate for attorney general in the 2002 election. Pursuant to section 106.23(2), Florida Statutes, the division has authority to issue advisory opinions to candidates. You ask essentially the following:

Can a candidate accept campaign contributions via a wire transfer of funds to the campaign account?

Your question is answered in the affirmative.

Section 106.011(3), Florida Statutes, defines a contribution as follows:

(3) "Contribution" means:

- (a) A gift, subscription, conveyance, **deposit**, loan, payment, or distribution of money or anything of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election.
- (b) A transfer of funds between political committees, between committees of continuous existence, or between a political committee and a committee of continuous existence.
- (c) The payment, by any person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.
- (d) The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, and the term includes any interest earned on such account or certificate.

Notwithstanding the foregoing meanings of "contribution," the word shall not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee. This definition shall not be construed to include editorial endorsements. [emphasis added]

Because the definition of a contribution includes deposits, a wire transfer to the campaign account, as a form of a deposit, would be permissible as long as all required identification information related to the contributor is received and reported by the candidate and, where required, reported by the

contributor.

The division has historically taken the position that the method by which a contribution can be made should not be construed in a manner that infringes upon first amendment freedoms more than is necessary in order to protect the state's interest in disclosure under chapter 106, Florida Statutes. As a result, the division has previously determined that the use of credit cards, debit cards, money orders and travelers checks are permissible methods by which contributions can be made. See Division of Elections Opinions DE 90-15, DE 90-40 and DE 00-03.

Applying that reasoning to the question currently posed, the statutory definition of "contribution" contained in section 106.011(3), Florida Statutes, would allow a candidate to accept campaign contributions via a wire transfer of funds to the campaign account as long as the candidate receives all required identification information related to the contributor.

SUMMARY

A candidate may accept campaign contributions via a wire transfer of funds to the campaign account as long as the candidate receives all required identification information related to the contributor.

Sincerely,

L. Clayton Roberts
Director, Division of Elections

Prepared by:
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