



## FLORIDA DEPARTMENT *of* STATE

**RICK SCOTT**  
Governor

**KEN DETZNER**  
Secretary of State

March 18, 2013

The Honorable Brian Corley  
Supervisor of Elections, Pasco County  
Post Office Box 300  
Dade City, Florida 33526

RE: DE 13-03 Campaign Finance; Election Assessment –  
payment of election assessment after remaining funds have  
been disposed of or transferred -- § 106.141, Florida  
Statutes

Dear Supervisor Corley:

This letter responds to your request for an advisory opinion. As the Pasco County Supervisor of Elections, you ask a question regarding reimbursement of the election assessment required by section 106.141(6), Florida Statutes (2012). The answer will enable your office to provide accurate advice to those candidates and assist you in your duties. The Division of Elections has the authority to issue an opinion pursuant to section 106.23(2).

You inquire whether it is permissible for a candidate who qualified by the petition method and who failed to first make the reimbursement for the election assessment before disposing of surplus funds to remit the required payment using non-campaign funds.

Your question is answered in *Division of Elections Opinion* 13-02 (March 18, 2013), wherein the Division opined:

When a candidate qualifies by the petition method and fails to first make a reimbursement for the election assessment, two permissible methods exist to pay the election assessment: (1) Payment with personal funds; and (2) Payment with refund checks from disposed-of surplus funds, to include a refund check from the elected official's office account in which the official placed the campaign funds. If the former candidate pays the election assessment reimbursement with personal funds, then an amended termination report is not necessary; however, if payment is made with refund checks, an amended termination report is necessary.



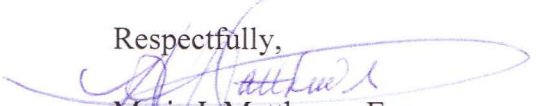
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Please refer to *Division of Elections Opinion* 13-02 (March 18, 2013) for the analysis supporting the above conclusions.

Respectfully,



Maria I. Matthews, Esq.  
Director, Division of Elections