



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

February 27, 2015

The Honorable Mark Andersen
Bay County Supervisor of Elections
830 West 11th Street
Panama City, Florida 32401

RE: DE 15-01 Campaign Financing –
Disposition of Surplus Funds, § 106.141(4),
Florida Statutes

Dear Supervisor Andersen:

This letter responds to your request for an advisory opinion regarding whether candidates required to dispose of surplus funds pursuant to section 106.141, Florida Statutes, are permitted to give funds to a county executive committee of a political party. The Division has the authority to issue you an advisory opinion pursuant to section 106.23(2), Florida Statutes (2014).

Section 106.141, Florida Statutes, prescribes the means by which candidates are permitted to dispose of surplus funds after the termination of their campaigns. One of the permissible means is by giving “not more than \$25,000 of the funds that have not been spent or obligated to the affiliated party committee¹ or *political party* of which such candidate is a member.” § 106.141(4)(a)3., Fla. Stat. (2014) (emphasis added). You ask whether giving to a county executive committee of a political party constitutes giving to a “political party” in a manner that complies with section 106.141(4)(a)3.

¹ An “affiliated party committee” is a committee established by the leader of each political party conference of the House of Representatives and Senate to support the election of candidates of the leader’s political party. § 103.092, Fla. Stat. (2014).



The Honorable Mark Andersen

February 27, 2015

Page 2 of 2

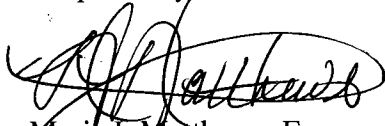
The Division of Elections previously provided guidance that candidates may not give to a county executive committee when disposing of surplus funds. The Division has revisited this issue and, upon further review, concludes that the term “political party” in section 106.141 encompasses county executive committees, as previously applied before the Division issued its December 5, 2014 memorandum giving guidance to candidates preparing termination reports for their campaigns.

The term “political party” is not explicitly defined by the Election Code. *See, e.g.* §§ 97.021, 106.011, Fla. Stat. (2014). However, Chapter 103, Florida Statutes, governs political parties in Florida. While each political party of the state is required to be represented by a state executive committee, Chapter 103 contemplates that political parties may also be represented at the national and county levels. *See* § 103.091, Florida Statutes (2014) (permitting a party to “provide for the selection of its national committee and its state and county executive committees in such a manner as it deems proper”). County executive committees are part of the state political party. *See* § 103.091(1) (allowing county executive committees to be “established in accordance with the rules of the state executive committee”). Additionally, both state and county executive committees have the power and duty to raise and expend “party funds.” *See* § 103.121(1)(a)6., Fla. Stat. Accordingly, by giving surplus funds to a county executive committee of a political party, a candidate is giving to a “political party” in a manner that complies with section 106.141(4)(a)3.

SUMMARY

A candidate disposing of surplus funds pursuant to section 106.141, Florida Statutes, may do so by giving funds to the county executive committee of a political party.

Respectfully,



Maria I. Matthews, Esq.

Director, Division of Elections