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AND REGULAR MAIL

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STAFF GENERAL COUNSEL

July 21, 2004

Andre L. Williams
Andre L. Williams Campaign
606 N.W. 183rd Street
Miami Gardens, FL 33169

RE: REQUEST FOR ADVISORY OPINION 04-140

Dear Mr. Williams:

The Commission on Ethics received your request for an advisory opinion regarding your eligibility for public financing. The Chairperson of the Ethics Commission and I have conferred regarding this matter and I am issuing the opinion because of the time constraints. The full Ethics Commission has not considered this matter.

In your request, you advised the Ethics Commission that, on February 19, 2004, you filed a Statement of Candidacy for District 1 of the County Commission. On July 7, 2004, you filed a Public Financing Acknowledgement Statement with the Department of Elections. On July 12, 2004, you submitted your contributor's report along with copies of your contribution checks. In your request, you state that a statement and application for election campaign trust funds was submitted. Subsequently, the Department of Elections notified you that although you met the contribution requirement for public financing, you had failed to file the statement and application for public financing.

You are eligible for public financing because the documents you provided to the Department of Elections by the filing deadline satisfied the eligibility requirements stated in Section 12-22 (c) (1-5).¹ Section 12-22 of the Code of Miami-Dade County sets out the eligibility requirements for public financing. Section 12-22 (c) (1) provides that (e)ach candidate for the Office of Mayor of Miami-Dade County or the Board of County Commissioners of Miami-Dade County who desires to receive contributions from the Election Campaign Financing Trust Fund ("the Fund") shall file a request by the filing deadline for such contributions with the filing officer on forms provided by the Supervisor of Elections. As used in this subsection "filing deadline" shall mean the last day upon which a candidate for office may qualify for the elective office sought. If a candidate requesting contributions seeks to have such funds distributed by electronic funds transfer, the request shall include information necessary to implement such procedure. To be eligible to receive contributions from the Fund, a candidate shall not be an unopposed candidate and shall:

- 1) sign a statement of understanding wherein the candidate states that he or she has read, understands and agrees to abide by Section 12-22 of the Code and applicable Administrative Order regarding the Election Campaign Financing Trust Fund;
- 2) Qualify as a candidate pursuant to Chapter 99, Florida Statutes and section 2.04 of the Home Rule Charter;
- 3) Limit loans or contributions from the candidate's personal funds to twenty-five thousand (\$25,000) dollars which loans or contributions shall not qualify for meeting the threshold amounts in subsection (c) (5);

¹ The Statement and Application for Public Financing which was submitted on July 19th cannot be considered because it was received by the Department after the filing deadline.

- 4) Submit to audits of the campaign account by the Commission on Ethics and Public Trust as provided in subsection (f)(3) and
- 5) Each candidate for the Board of County Commissioners shall have received by the filing deadline at least two hundred separate contributions between fifteen dollars and two hundred and fifty dollars from two hundred registered voters residing in Miami-Dade County totaling at least fifteen thousand dollars (\$15,000). These contributions must be in the form of
 1. A personal check
 2. Money order that includes the contributor's name and address;
 3. Traveler's check that includes the contributor's name and address or
 4. Electronic transfer of funds where the name of the contributor is clearly stated.

The Public Financing Acknowledgement Statement satisfies the requirements of Section 12-22 (c)(1). The Public Financing Acknowledgement Statement states that you have received, read, understand and agree to abide by Section 12-22 of the code and the applicable Administrative Order regarding the Election Campaign Financing Trust Fund (Elections Department Rule pertaining to Electronic Reporting and Campaign Financing). Since the ordinance states that a candidate is eligible if he has met the requirements stated in 1 through 5, you are eligible for public financing.

Therefore, you are eligible for public financing because the acknowledgement statement satisfies the first requirement and you have met the other four criteria for eligibility.

If you have any questions regarding the opinion, please call the undersigned or Ardyth Walker, Staff General Counsel at (305) 579-2594.

Sincerely Yours,

A handwritten signature in cursive script, appearing to read "Robert Meyers", with a long horizontal flourish extending to the right.

ROBERT MEYERS
Executive Director

cc: Constance Kaplan, Supervisor of Elections