

May 26, 2006

Rena Saiter  
Assistant Deputy Supervisor  
Department of Elections  
2700 N.W. 87<sup>th</sup> Avenue  
Doral, Fl 33172

**RE: REQUEST FOR ADVISORY OPINION RQO 06-40**

Dear Ms. Saiter:

The Commission on Ethics and Public Trust considered your request for an advisory opinion at its meeting on May 26, 2006 and rendered its opinion based on the facts stated in your letter.

You requested an opinion regarding verification of contributions that do not contain an address or use a P.O. box to the Election Campaign Financing Trust Fund. Pursuant to Section 12-22, the Ethics Commission is responsible for issuing advisory opinions regarding the Elections Campaign Financing Trust Fund.

In your request, you advised the Commission that the Election Campaign Financing Trust Fund provides for public financing of mayoral and commission candidates. In order 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);
- 4) Submit to audits of the campaign account by the Commission on Ethics and Public Trust as provided in subsection (f)(3) and
- 5) Receive the required number of contributions in the form of:
  - i. A personal check
  - ii. A business check drawn on a corporate or other business bank account;
  - iii. Traveler's check that includes the contributor's name and address or
  - iv. Electronic transfer of funds where the full name of the contributor is clearly stated.

In 2005, the Election Campaign Financing Trust Fund ordinance was amended to require that the majority of qualifying contributions must come from registered voters or business owners in the applicable district. Under public records law, the addresses of certain public employees are exempt from disclosure. In order for a contribution to serve as a qualifying contribution for public financing, the contributor must be a registered voter or own a business that is physically located in Miami-Dade County. A post office box cannot qualify as a place of business.

The Ethics Commission found the Department of Elections may use the contributor's voter

identification number and date of birth to confirm that a contributor resides in the appropriate commission district. Section 12-22 requires all contributors to sign a contributor's statement. Section 12-22 (5)(c) provides that "Each individual contributor shall sign a contributor's statement on forms provided by the Supervisor of Elections that contains the full name, date of birth and voter registration number of the contributor. Each corporate contributor shall sign a contributor's statement on forms provided by the Supervisor of Elections that contains the full name of the business entity, the place of business of the entity and the full name and title of the person executing the business check."

Accordingly, the Department of Elections may use the voter's identification number and the date of birth to verify the identity of the individual contributor and the eligibility of the contribution. The form does not require law enforcement personnel or other exempt personnel to disclose phone numbers, addresses or other exempt information.

As for business contributors whose mailing address is a post office box, the owner must provide the actual physical address of the business on the contributor's form. If a physical address is not provided, then the contribution should not be counted as a qualifying contribution.

Therefore, the Department of Elections may use the voter identification number to verify contributions that do not provide the address of the contributor. Further, the Department of Elections should disqualify business contributions where the contributor has failed to provide the physical address of the business.

If you have any questions regarding the opinion, please call the undersigned at (305)

579-2954 or Ardyth Walker, Staff General  
Counsel at (305) 350-0616.

Sincerely Yours,

ROBERT MEYERS  
Executive Director