

Florida Campaign Finance and Election Law



**DANIEL NORDBY
GENERAL COUNSEL
FLORIDA HOUSE OF REPRESENTATIVES**

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An Overview of Topics in Campaign Finance and Election Law



Campaign Finance

- Political Communications
- Political Organizations
 - Registration
 - Contribution Limits
 - Authorized Activities
 - Disclosure Requirements

Election Law

- Early Voting
- Constitutional Amendments

Campaign Finance Overview



POLITICAL COMMUNICATIONS

POLITICAL ORGANIZATIONS

Candidates

Political Parties

Political Committees

Electioneering Communications Organizations

Committees of Continuous Existence



Key Statutory Terms

Political Communications

“Express Advocacy”

“Political
Advertisement”

“Electioneering
Communication”

- “Express Advocacy”
- “Political Advertisement”
- “Electioneering Communication”



Political Communications

“Express Advocacy”

“Political
Advertisement”

“Electioneering
Communication”

“Express Advocacy”

- *Buckley v. Valeo*, 424 U.S. 1 (1976)
- “Communications that, in express terms, advocate the election or defeat of a clearly identified candidate”
- “Magic words” standard: vote for, elect, support, cast your ballot for, Smith for Congress, vote against, defeat, reject.



“Political Advertisement”

Political Communications

“Express Advocacy”

“**Political
Advertisement**”

“Electioneering
Communication”

- “[A] paid expression in any communications media...which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.”
- **Exceptions**
 - Organizational newsletter distributed only to members
 - Editorial endorsements by recognized news media



Political Communications

“Express Advocacy”

“Political
Advertisement”

“Electioneering
Communication”

- “Electioneering Communication”
 - “[A]ny communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone” AND
 - 1. Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate;
 - 2. Is made within 30 days before a primary election or 60 days before a general election; and
 - 3. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.



Political Communications

“Express Advocacy”

“Political
Advertisement”

“**Electioneering
Communication**”

“Electioneering Communication”

- **Exceptions**
 - Organizational newsletter distributed only to members
 - News stories, commentaries, or editorials distributed through news media.
 - Public debate / forum including at least two opposing candidates staged by charitable organization or recognized news media

Political Organizations



CANDIDATES

POLITICAL PARTIES

POLITICAL COMMITTEES

**ELECTIONEERING COMMUNICATIONS
ORGANIZATIONS**

COMMITTEES OF CONTINUOUS EXISTENCE



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Candidates

- **Registration/”Qualifying”**
 - Appointment of Campaign Treasurer
 - Designation of Campaign Depository
 - Candidate Oath and Statement of Candidate
 - Financial Disclosure
 - Qualifying Fee (unless exempt)
- **Authorized Activities**
 - Accept contributions and make expenditures “with a view to bring about his or her nomination or election to, or retention in, public office.”



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Candidates

- **Disclosure**
 - All contributions and expenditures must be reported quarterly, except for the third calendar quarter immediately preceding a general election.
 - Additional reports filed every other Friday during last 4-6 weeks before primary/general election
 - Candidates for state office file reports electronically with the Division of Elections

- **Contribution Limits**
 - \$500 per person, per election.



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Candidates

- **Contribution Limits**
 - Florida's \$500 contribution limit enacted in 1991.
 - Only two other states prohibit all candidates from accepting more than \$500 / donor in campaign contributions. (Alaska, Massachusetts)
 - Nine other states impose a contribution limit of \$500 or less on some candidates (Arizona, Colorado, Connecticut, Kansas, Maine, Michigan, Minnesota, Montana, Wisconsin)



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Political Parties

- **Authorized Activities**
 - Express advocacy for/against candidates
 - Electioneering communications
 - Contributions to candidates, political committees, electioneering communications organizations, committees of continuous existence.
- **Contribution limits**
 - No limit on contributions made to a state or county executive committee of a political party.



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Political Committees

A combination of two or more individuals, or a person other than an individual, that, in an aggregate amount in excess of \$500 during a single calendar year:

- Accepts contributions for the purpose of making contributions to any candidate, political committee, committee of continuous existence, affiliated party committee, or political party;
- Accepts contributions for the purpose of expressly advocating the election or defeat of a candidate or the passage or defeat of an issue;
- Makes expenditures that expressly advocate the election or defeat of a candidate or the passage or defeat of an issue; or
- Makes contributions to a common fund, other than a joint checking account between spouses, from which contributions are made to any candidate, political committee, committee of continuous existence, affiliated party committee, or political party



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Political Committees

- **Authorized Activities**
 - Express advocacy for/against candidates
 - Electioneering communications
 - Contributions to candidates, political committees, electioneering communications organizations, committees of continuous existence.
- **Contribution limits**
 - \$500 per person, per election (for political committees supporting or opposing one or more candidates).
 - No limit on contributions to a political committee supporting or opposing only ballot issues.
- **Disclosure**
 - Reporting deadlines identical to candidates.



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Electioneering Communications Organizations

“[A]ny group, other than a political party, affiliated party committee, political committee, or committee of continuous existence, whose election-related activities are limited to making expenditures for electioneering communications or accepting contributions for the purpose of making electioneering communications and whose activities would not otherwise require the group to register as a political party, political committee, or committee of continuous existence under this chapter.”



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Electioneering Communications Organizations

- **Authorized Activities**
 - Electioneering communications
 - Contributions to another ECO
- **Restrictions**
 - **May not** make contributions to candidates, political committees, political parties, committees of continuous existence
 - **May not** engage in express advocacy
- **Contribution limits**
 - No limit on contributions to an electioneering communications organization.
- **Disclosure**
 - Reporting deadlines identical to candidates.



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Committees of Continuous Existence

- “[A] group, organization, association, or other such entity which is involved in making contributions to candidates, political committees, or political parties”
- At least 25 percent of the income of the organization, excluding interest, must be derived from dues or assessments payable on a regular basis by its membership pursuant to provisions contained in the charter or bylaws
- Must apply and receive certification from Division of Elections as committee of continuous existence



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Committees of Continuous Existence

- **Authorized Activities**
 - Contributions to candidates, political committees, political parties, electioneering communications organizations
- **Restrictions**
 - **May not** expend funds for any political advertising – express advocacy or electioneering communications.
- **Contribution limits**
 - No limit on contributions to a committee of continuous existence (other than at least 25 percent of income being derived from dues).
- **Disclosure**
 - Reporting deadlines identical to candidates.

Election Law Overview



EARLY VOTING

CONSTITUTIONAL AMENDMENTS



Early Voting

Days and Hours

Locations

Recent Changes

Early Voting

“As a convenience to the voter, the supervisor of elections shall allow an elector to vote early...”

s. 101.657, Florida Statutes



Early Voting

Days and Hours

Locations

Recent Changes

Days and Hours of Early Voting

- “Early voting shall begin on the 10th day before an election that contains state or federal races and end on the 3rd day before the election...”
- “...and shall be provided for no less than 6 hours and no more than 12 hours per day at each site”
- Any person in line at the closing of an early voting site is permitted to vote.
- Eight consecutive days: Saturday through Saturday



Early Voting

Days and Hours

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Locations of Early Voting

- **Permitted locations:**
 - Main office of the Supervisor of Elections
 - Branch office of the Supervisor used as such for at least one year before the election
 - City halls
 - Permanent public library facilities
- **All early voting sites must be designated by the Supervisor of Elections no later than the 30th day before the election**

A Comparison of Early Voting Requirements Before and After Passage of CS/CS/HB 1355



Before

- **Early Voting Days**
 - 12-14 days required
 - Began on 15th day before and ended on the 2nd day before an election
- **Early Voting Hours**
 - 96 hours required
 - 8 hours required on each weekday
 - 8 total hours required each weekend
 - Early voting only allowed from 7 a.m. to 7 p.m.
- **Early Voting Locations**
 - Main or permanent branch office of a Supervisor of Elections
 - City hall
 - Public library

After

- **Early Voting Days**
 - 8 days required
 - Begins on 10th day before and ends on the 3rd day before an election
- **Early Voting Hours**
 - 48-96 hours required
 - Must provide at least 6 hours and no more than 12 hours on each day, including weekend days
 - No 7 a.m. to 7 p.m. restriction
- **Early Voting Locations**
 - Unchanged



Constitutional Amendments

Sources

Ballot Statements

Challenges to and
Revision of Ballot
Statements

Constitutional Amendments

- Sources of proposed amendments to the Florida Constitution
 - Constitution Revision Commission
 - Taxation and Budget Reform Commission
 - Constitutional Convention
 - Initiative Petition
 - ✦ Limited by the Florida Constitution to a “single subject and matter directly connected therewith”
 - Legislative Joint Resolution



Constitutional Amendments

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Ballot Statements

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Ballot Statements

- Each proposed constitutional amendment is represented on the ballot by a ballot title and ballot summary
- **Ballot title**
 - A caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.
- **Ballot summary**
 - An explanatory statement describing the chief purpose of the measure.
 - With the exception of amendments proposed by joint resolution, the ballot summary cannot exceed 75 words in length



Constitutional Amendments

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Ballot Statements

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Ballot Statements

- Constitutional amendments proposed by the Legislature must include one or more ballot statements set forth in order of priority. Each ballot statement must include:
 - **Ballot title**
 - A caption, not exceeding 15 words in length, by which the measure is commonly referred to or spoken of.

AND

- **Either the full text of the amendment OR a ballot summary**
 - An explanatory statement describing the chief purpose of the amendment in clear and unambiguous language.



Constitutional Amendments

Sources

Ballot Statements

Challenges to and Revision of Ballot Statements

Ballot Statement Challenges

- **Prompt-challenge requirement**
 - “Any action for a judicial determination that one or more ballot statements embodied in a joint resolution are defective must be commenced...within 30 days after the joint resolution is filed with the Secretary of State.”
- **Revision by the Attorney General**
 - “If the court finds that all ballot statements embodied in a joint resolution are defective and further appeals are declined, abandoned, or exhausted, unless otherwise provided in the joint resolution, the Attorney General shall, within 10 days, prepare and submit to the Department of State a revised ballot title or ballot summary that corrects the deficiencies identified by the court...”

Conclusion



Questions?

Daniel Nordby

General Counsel

Florida House of Representatives

(850) 717-5500