

Political Party Executive Committee Offices

Any person seeking party position does not fall within the definition of a “candidate” (ss. 99.021(5) and 106.011(3), F.S.), therefore many provisions under Chapter 106 (Campaign Finance) do not apply to persons seeking political party executive committee offices.

Also, party office is not a “public office” as defined in the law. This is why a person may qualify for both a party office and public office at the same time and appear on the ballot for both.

Since persons seeking political party offices are not candidates, as defined in the law...

- Resign-to-run law does not apply to person holding a party office. A person does not have to resign party office to run for public office. (s. 99.012(6), F.S.)
- The person could be designated a poll watcher. (s. 101.131, F.S.)

Required P7 Campaign Finance Report

What Should You Report?

See full listing of requirements in 106.0702, F.S. which is included, beginning on page 3.

All contributions, including monetary and in-kind.

The law provides no exceptions for reporting contribution information, regardless of the size of the contribution (e.g., the reporting requirements would be the same for a 50 cent contribution as for a \$500 contribution). See 106.011(5), F.S.

In-kind contributions are anything of value made for the purpose of influencing the results of an election. Any person who makes an in-kind contribution shall, at the time of making the contribution, place a fair market value on the contribution. See 106.055, F.S.

In-kind contributions include your personal supplies such as paper, ink/toner, etc. You must attribute a fair market value to any supplies or personal items and report them as in-kind, if used to advocate your election.

All expenditures. See 106.011(10)(a), F.S.

For more information, refer to the Candidate & Campaign Treasurer Handbook:

<http://dos.myflorida.com/media/695284/candidate-and-campaign-treasurer-handbook.pdf>

Questions and Answers

- If I don't spend any money or collect any contributions, do I have to file the report? No.
- Does the report need to be signed by campaign treasurer? No. It must only be signed by reporting individual (106.0702, F.S.).

Recent changes in Legislation now require campaign financial reporting for any persons seeking political party executive offices who accepts a contribution or makes an expenditure towards the furtherance of their election.

A paper report will be accepted by the Elections Office from a person seeking political party office.

Report due: August 26, 2016

Reference: 106.0702, F.S.

- Do contribution limits apply? No contribution limits exist for a person seeking a party position (106.08, F.S.).
- Termination report? No termination campaign finance report is required (106.141, F.S.) Only 4th day report (P7 report) on August 26, 2016
- Must funds be deposited within 5 days of receipt? No. (106.05, F.S.)
- Do fair market valuation of in-kind contributions apply? Yes. (106.055, F.S.)
- Must a campaign treasurer keep records? No. (106.06, F.S.) Although not specifically required by a treasurer, it is recommended that you keep your own records.
- Is it necessary to make expenditures by campaign check from campaign account? No. (106.11, F.S.)
- Can you use petty cash? No. (106.12, F.S.)

Political Advertising Disclaimer

- Must a person running for party committee position include a disclaimer on his/her advertising? No.

Based upon definition of “political advertisement” (s. 106.011(15), F.S.), which requires express advocacy to elect a “candidate,” the disclaimers in s. 106.143, F.S., are not required for use by persons seeking political party positions. Also, the advertisement is not an electioneering communication (EC) because the person is not a “candidate.” Thus, no EC disclaimer needed. (ss. 106.011(8) and 106.1439, F.S.)

- Do advertisements need to have “for” between name and position being sought? No. (106.143(6), F.S.).

Independent expenditures may require a political advertising disclaimer.

An independent expenditure means an expenditure made by a person for the purpose of expressly advocating the election or defeat of a candidate, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate or agent of such candidate. An expenditure for such purpose by a person having a contract with the candidate or agent of such candidate in a given election period is not an independent expenditure.

The Supervisor of Elections Office has no authority to interpret election law. For more information concerning independent expenditures, contact the Division of Elections at (850) 245-6200. You may also refer to the Candidate & Campaign Treasurer Handbook:

<http://dos.myflorida.com/media/695284/candidate-and-campaign-treasurer-handbook.pdf>

106.0702 Reporting; political party executive committee candidates.—

(1) An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure shall file a report of all contributions received and all expenditures made. The report shall be filed on the 4th day immediately preceding the primary election.

(2)(a) The report shall be filed with the supervisor of elections of the appropriate county. Reports shall be filed no later than 5 p.m. of the day designated; however, any report postmarked by the United States Postal Service by the day designated shall be deemed to have been filed in a timely manner. Any report received by the filing officer within 5 days after the designated due date shall be deemed timely filed unless it has a postmark that indicates that the report was mailed after the designated due date. A certificate of mailing obtained from and dated by the United States Postal Service at the time of mailing, or a receipt from an established courier company, which bears a date on or before the date on which the report is due is proof of mailing in a timely manner. The report filed must contain information of all contributions received and expenditures made as of the day preceding the designated due date. All such reports must be open to public inspection.

(b) A reporting individual may submit the report required under this section through an electronic filing system, if used by the supervisor for other candidates, in order to satisfy the filing requirement. Such reports shall be completed and filed through the electronic filing system not later than midnight on the 4th day immediately preceding the primary election.

(3)(a) A report that is deemed to be incomplete by the supervisor shall be accepted on a conditional basis. The supervisor shall send a notice to the reporting individual by certified mail or by another method using a common carrier that provides proof of delivery as to why the report is incomplete. Within 7 days after receipt of such notice, the reporting individual must file an addendum to the report providing all information necessary to complete the report in compliance with this section. Failure to file a complete report after such notice constitutes a violation of this chapter.

(b) Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address that is on record with the supervisor.

(4)(a) Each report required by this section must contain:

1. The full name, address, and occupation of each person who has made one or more contributions to or for the reporting individual within the reporting period, together with the amount and date of such contributions. For corporations, the report must provide as clear a description as practicable of the principal type of business conducted by the corporations. However, if the contribution is \$100 or less or is from a relative, as defined in s. 112.312, provided that the relationship is reported, the occupation of the contributor or the principal type of business need not be listed.

2. The name and address of each political committee from which the reporting individual has received, or to which the reporting individual has made, any transfer of funds within the reporting period, together with the amounts and dates of all transfers.

3. Each loan for campaign purposes from any person or political committee within the reporting period, together with the full name, address, and occupation, and principal place of business, if any, of the lender and endorser, if any, and the date and amount of such loans.

4. A statement of each contribution, rebate, refund, or other receipt not otherwise listed under subparagraphs 1.-3.

5. The total sums of all loans, in-kind contributions, and other receipts by or for such reporting individual during the reporting period. The reporting forms shall be designed to elicit separate totals for in-kind contributions, loans, and other receipts.

6. The full name and address of each person to whom expenditures have been made by or on behalf of the reporting individual within the reporting period; the amount, date, and purpose of each such expenditure; and the name and address of, and office sought by, each reporting individual on whose behalf such expenditure was made.

7. The amount and nature of debts and obligations owed by or to the reporting individual which relate to the conduct of any political campaign.

8. Transaction information for each credit card purchase. Receipts for each credit card purchase shall be retained by the reporting individual.

9. The amount and nature of any separate interest-bearing accounts or certificates of deposit and identification of the financial institution in which such accounts or certificates of deposit are located.

(b) The supervisor shall make available to any reporting individual a reporting form that the reporting individual may use to indicate contributions received by the reporting individual but returned to the contributor before deposit.

(5) The reporting individual shall certify as to the correctness of the report and shall bear the responsibility for the accuracy and veracity of each report. Any reporting individual who willfully certifies the correctness of the report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(6) Notwithstanding any other provisions of this chapter, the filing of the required report is waived if the reporting individual has not received contributions or expended any reportable funds.

(7)(a) A reporting individual who fails to file a report on the designated due date is subject to a fine, and such fine shall be paid only from personal funds of the reporting individual. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater. The fine shall be assessed by the supervisor, and the moneys collected shall be deposited into the general revenue fund of the political subdivision.

(b) The supervisor shall determine the amount of the fine due based upon the earliest of the following:

1. When the report is actually received by the supervisor;
2. When the report is postmarked;
3. When the certificate of mailing is dated;
4. When the receipt from an established courier company is dated; or
5. When the report is completed and filed through the electronic filing system, if applicable.

Such fine shall be paid to the supervisor within 20 days after receipt of the notice of payment due unless appeal is made to the Florida Elections Commission pursuant to paragraph (c). Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the supervisor. Such fine may not be an allowable campaign expenditure and shall be paid only from personal funds of the reporting individual.

(c) A reporting individual may appeal or dispute the fine, based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request and is entitled to a hearing before the Florida Elections Commission, which has the authority to waive the fine in whole or in part. The Florida Elections Commission must consider the mitigating and aggravating circumstances contained in s. 106.265(2) when determining the amount of a fine, if any, to be waived. Any such request shall be made within 20 days after receipt of the notice of payment due. In such case, the reporting

individual must, within 20 days after receipt of the notice, notify the supervisor in writing of his or her intention to bring the matter before the commission.

(d) The appropriate supervisor shall notify the Florida Elections Commission of the late filing by a reporting individual, the failure of a reporting individual to file a report after notice, or the failure to pay the fine imposed. The commission shall investigate only those alleged late filing violations specifically identified by the supervisor and as set forth in the notification. Any other alleged violations must be separately stated and reported by the division to the commission under s. 106.25(2).