

## Comparison – Political Committee vs. Electioneering Communications Organization (eff. November 1, 2013)

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>Purpose</b>	<p>To support or oppose any candidate, issue*, PC, ECO, or political party.</p> <p>May make independent expenditures**</p> <p>May make electioneering communications (if political committee supports candidates).</p> <p>*A sponsor of a constitutional initiative petition must be a PC. (§ 100.371, F.S.)</p> <p>** <b>Independent expenditure</b> = an expenditure made for the purpose of expressly advocating the election/defeat of candidate/issue, which expenditure is not controlled by, coordinated with, or made upon consultation with any candidate, political committee, or agent of such. (§ 106.011(12), F.S.)</p> <p><b><u>Note about independent expenditures:</u></b></p> <p><b>If made by an individual:</b> No limit on amount of independent expenditures exists, but if \$5000 or more, must file reports as if was a PC. (§ 106.071, F.S.)</p> <p><b>If made by a corporation or business entity:</b> If independent expenditure is for/against an issue: No limit on the amount of independent expenditures exists, but if \$5000 or more, must file reports as if was a PC. (§ 106.071, F.S.) However, if independent expenditure is for/against a candidate &gt; \$500: no limit, but must register as PC and file reports as PC. (§ 106.011(16)(b)2., F.S.) -- See DE 12-08.</p>	<p>Election-related activities are limited to making expenditures for electioneering communications* or accepting contributions for the purpose of making electioneering communications and such activities would not otherwise require the organization to register as a political party, or political committee. (§ 106.011(9), F.S.)</p> <p>May <b>not</b> “expressly advocate” the election or defeat of a candidate, but the communication must be susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate. (§ 106.011(8), F.S.)</p> <p><b>* Electioneering communication =</b></p> <ol style="list-style-type: none"> <li>1. Communication publicly distribute by TV station, radio station, cable TV system, satellite system, newspaper, magazine, direct mail, or telephone;</li> <li>2. Refers to a clearly identified candidate without expressly advocating election or defeat, but is susceptible of no reasonable interpretation other than appeal to vote for or against a specific candidate;</li> <li>3. Is made w/in 30 days before a primary or special primary or 60 days before any other election for the office sought by the candidate; and</li> <li>4. Is targeted to the relevant electorate in the geographic area the candidate would represent if elected. (§ 106.011(8)(a), F.S.)</li> </ol>

	<b>Political Committee (PC)</b>	<b>Electioneering Communication Organization (ECO)</b>
<b>Initial Filings</b>	<p>Statement of Organization must be filed within 10 days after its organization when PC receives contributions or makes expenditures in excess of \$500 in a calendar year <u>or</u> seeks signatures of voters in support of an initiative. Also, must file immediately when organized within 10 days of any election. (§ 106.03, F.S.)</p> <p>Appointment of Campaign Treasurer and Designation of Campaign Depository (§ 106.021, F.S.)</p> <p>Registered Agent Statement of Appointment (§ 106.022, F.S.)</p>	<p>Statement of Organization must be filed within 24 hours when ECO makes expenditures in excess of \$5,000 in a calendar year if made <u>within</u> 30 days before a primary or 60 days before any other election for the office sought by the candidate. If made <u>before</u> the 30/60 day timeframe, statement of organization must be filed within 24 hours after the 30<sup>th</sup> day before the primary or within 24 hours after the 60<sup>th</sup> day before any other election, whichever is applicable. (§ 106.03(1)(b)1., F.S.)</p> <p>Registered Agent Statement of Appointment (§ 106.022, F.S.)</p>
<b>Campaign Accounts</b>	Funds must be deposited in a campaign depository in an account that contains the name of the committee (§ 106.05, F.S.)	May use the organization's checking account
<b>Limits on Contributions <u>To</u> the Entity</b>	No monetary limit	No monetary limit
<b>Limits on Contributions <u>By</u> the Entity</b>	<p>PC to a candidate - \$1000 per election, except limit to candidates for statewide office or Supreme Court Justice = \$3000</p> <p>PC to a political party – no limit</p> <p>PC to ECO – no limit</p> <p>PC to PC – no limit</p>	<p>Limited to making electioneering communications (§ 106.011(9), F.S.)</p> <p>May not make contributions to candidates (§ 106.011(9), F.S.)</p> <p>May not make contributions to a political party or a political committee (§ 106.011(9), F.S.)</p> <p>May make contributions to another ECO</p>
<b>Disposition of Residual Funds in the Event of Dissolution</b>	In accordance with the plans stated in the PC's Statement of Organization (§ 106.03(2)(j), F.S.)	In accordance with the plans stated in the ECO's Statement of Organization (§ 106.03(2)(j), F.S.)

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<b>Restrictions</b>	<p>Funds may be used <b>only</b> for PC activity and <b>only</b> for the purpose of influencing the results of an election.</p> <p>Credit cards: PC created to support/oppose a statewide candidate or to support/oppose any statewide issue, may use credit cards in making travel-related campaign expenditures subject to the conditions in § 106.125, F.S.</p>	<p>Funds for its election-related activities may only be used to make electioneering communications. (§ 106.011(9), F.S.) (Thus, ECO may not make expenditures for an ad which is distributed outside the 30/60-day timeframe since the ad would not be an electioneering communication)</p> <p>May <b>not</b> make independent expenditures</p> <p>May <b>not</b> expressly advocate</p> <p>May <b>not</b> use credit cards. (§ 106.0703(8), F.S.)</p>
<b>Where to File</b>	<p>Division of Elections – if supports or opposes statewide, legislative, or multicounty candidates or issues.</p> <p>Supervisor of Elections – if supports or opposes candidates or issues in a countywide or less than a countywide election, except if supports or opposes <i>only</i> municipal candidates or issues.</p> <p>Municipal Clerk – if supports or opposes <i>only</i> municipal candidates or issues.</p> <p>Any political committee which would be required under this subsection to file a statement of organization in two or more locations need file only with the Division of Elections. (§ 106.03(3)(d), F.S.)</p>	<p>Division of Elections – if relates to statewide, legislative, or multicounty candidates.</p> <p>Supervisor of Elections – if relates to candidates in a countywide or less than a countywide election, except if relates <i>only</i> to municipal candidates.</p> <p>Municipal Clerk – if relates to <i>only</i> municipal candidates.</p> <p>Any electioneering communications organization that would be required to file a statement of organization in two or more locations need only file a statement of organization with the Division of Elections. (§ 106.03(1)(b)2.d., F.S.)</p>

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<b>When to File Reports</b>	<p>Monthly; except for additional reports due beginning 60 days before the primary election; thereafter, reports are due as follows for political committees who:</p> <p><b>1. File with Division of Elections —</b></p> <ul style="list-style-type: none"> <li>• WEEKLY full reports of contributions and expenditures to the 4<sup>th</sup> day before the general election; and,</li> <li>• DAILY contribution-only reports beginning on the 10th day before the general election and ending on the 5<sup>th</sup> day before the general election.</li> </ul> <p><b>2. File with a filing officer other than the Division of Elections—</b></p> <ul style="list-style-type: none"> <li>• BI-WEEKLY full reports of contributions and expenditures to 4<sup>th</sup> day before the general election, with an additional report due on the 25th and 11th days before the primary and general election.</li> </ul> <p>See <i>Calendar of Reporting Dates</i> on the Division’s web site. For filing date calendars for counties and municipalities, contact the applicable county supervisor of elections and municipal clerk, respectively.</p> <p style="text-align: right;">(<i>§ 106.07(1), F.S.</i>)</p>	<p>Monthly; except for additional reports due beginning 60 days before the primary election; thereafter, reports are due as follows for ECOs who:</p> <p><b>1. File with Division of Elections —</b></p> <ul style="list-style-type: none"> <li>• WEEKLY full reports of contributions and expenditures to the 4<sup>th</sup> day before the general election; and,</li> <li>• DAILY contribution-only reports beginning on the 10th day before the general election and ending on the day before the general election (excluding the 4<sup>th</sup> day before the general election).</li> </ul> <p><b>2. File with a filing officer other than the Division of Elections—</b></p> <ul style="list-style-type: none"> <li>• BI-WEEKLY full reports of contributions and expenditures to 4<sup>th</sup> day before the general election, with an additional report due on the 25th and 11th days before the primary and general election.</li> </ul> <p>See <i>Calendar of Reporting Dates</i> on the Division’s web site. For filing date calendars for counties and municipalities, contact the applicable county supervisor of elections and municipal clerk, respectively.</p> <p style="text-align: right;">(<i>§ 106.0703(1), F.S.</i>)</p>
<b>Political Disclaimers on ads</b>	<p>Political advertisements – <i>see § 106.143(1)(c) &amp; (2), F.S.</i></p> <p>Independent expenditures – <i>see § 106.071(2), F.S.</i></p> <p>Electioneering communication – <i>see § 106.1439, F.S.</i></p> <p>Telephone solicitation – <i>see §§ 106.147(1) &amp; 106.1439(2), F.S.</i></p> <p>Miscellaneous advertisement – <i>see § 106.1437, F.S.</i></p>	<p>Electioneering communication – <i>see § 106.1439, F.S.</i></p> <p>Electioneering communication telephone solicitation – <i>see § 106.1439(2), F.S.</i></p>

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>Pros/Cons</b>	<p><b>Pros:</b></p> <ul style="list-style-type: none"> <li>May accept unlimited contributions</li> <li>May communicate with public</li> <li>May expressly advocate</li> <li>May contribute to candidate, political party, or any other political organization</li> <li>May make electioneering communications, which are not considered contributions to the candidate</li> </ul> <p><b>Cons:</b></p> <ul style="list-style-type: none"> <li>Cannot coordinate with the candidate on political advertisements without the political advertisement becoming a contribution to the candidate</li> </ul>	<p><b>Pros:</b></p> <ul style="list-style-type: none"> <li>May accept unlimited contributions</li> <li>May communicate with public</li> <li>May coordinate with candidates on electioneering communications (not subject to the limitations applicable to independent expenditures) (§ 106.011(8)(d), F.S.)</li> <li>Expenditures made for, or in furtherance of, an electioneering communication are not considered a contribution to the candidate (§ 106.011(8)(c), F.S.)</li> </ul> <p><b>Cons:</b></p> <ul style="list-style-type: none"> <li>May not expressly advocate</li> <li>May not contribute to candidates, political parties, affiliated party committees, or political committees</li> <li>Cannot use credit card</li> </ul>