



# Political Committees and Electioneering Communications Organizations

*DE Reference Guide 0017 (Updated 01-2024)*

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## COMPARISON CHART

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>Purpose</b>	<ul style="list-style-type: none"> <li>To support or oppose any candidate, issue*, PC, ECO, or political party.</li> <li>May make independent expenditures</li> <li>May make electioneering communications (if political committee supports candidates).</li> <li>*A sponsor of a constitutional initiative petition must be a PC. (§ <a href="#">100.371</a>, F.S.)</li> </ul> <p><b>Independent expenditure =</b></p> <p>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. (§ <a href="#">106.011(12)</a>, F.S.)</p> <p><i>Note about independent expenditures:</i></p> <ul style="list-style-type: none"> <li><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. (§ <a href="#">106.071</a>, F.S.)</li> <li><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 it was a PC. (§ <a href="#">106.071</a>, 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.</li> <li>§ <a href="#">106.011(16)(b)2</a>, F.S.) -- See <a href="#">Advisory Opinion DE 12-08</a>.</li> </ul>	<ul style="list-style-type: none"> <li>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. (§ <a href="#">106.011(9)</a>, F.S.)</li> <li>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.(§ <a href="#">106.011(8)</a>, F.S.)</li> </ul> <p><b>Electioneering communications =</b></p> <ol style="list-style-type: none"> <li>A text message or communication publicly distributed by TV station, radio station, cable TV system, satellite system, newspaper, magazine, direct mail, or telephone;</li> <li>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>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>Is targeted to the relevant electorate in the geographic area the candidate would represent if elected. (§ <a href="#">106.011(8)(a)</a>, F.S.)</li> </ol>
<b>Initial Filings</b>	<ul style="list-style-type: none"> <li>Statement of Organization for PC must be filed within 10 days after its organization when PC receives contributions or makes expenditures in</li> </ul>	<ul style="list-style-type: none"> <li>Statement of Organization for ECO must be filed within 24 hours when ECO makes expenditures in excess of \$5,000 in a calendar year if made <u>within</u></li> </ul>

	<p>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. (§ <a href="#">106.03</a>, F.S.)</p> <ul style="list-style-type: none"> <li>• Appointment of Campaign Treasurer and Designation of Campaign Depository (§ <a href="#">106.021</a>, F.S.)</li> </ul> <p>Registered Agent Statement of Appointment (§ <a href="#">106.022</a>, F.S.)</p>	<p>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, the statement of organization must then 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. (§ <a href="#">106.03(1)(b)1.</a>, F.S.)</p> <p>Registered Agent Statement of Appointment (§ <a href="#">106.022</a>, F.S.)</p>
<p><b>Limits on Contributions To the Entity</b></p>	<p>\$3000 limit to political committees sponsoring or opposing constitutional amendment proposed by initiative (limitation only until the initiative achieves ballot position.) <i>This only applies to persons who are not residents of the state and to political committees that have not registered an office using a street address located in the state.</i> (§ <a href="#">106.08(1)(a)</a>, F.S.) However, see ACLU v. Byrd, 608 F.Supp.3d 1148 (N.D. Fla. 2022) (enjoining enforcement by FEC).</p> <p>No other monetary limit for PC</p>	<ul style="list-style-type: none"> <li>• No monetary limit for ECO</li> </ul>
<p><b>Limits on Contributions By the Entity</b></p>	<ul style="list-style-type: none"> <li>• PC to a candidate – <ul style="list-style-type: none"> <li>○ \$3000 per election for statewide office or Supreme Court Justice</li> <li>○ \$1000 per election for all other candidates</li> </ul> </li> <li>• PC to a political party – no limit</li> <li>• PC to ECO – no limit</li> <li>• PC to PC – no limit other than on constitutional initiatives (see limit above)</li> </ul> <p>§ <a href="#">106.08</a>, F.S.</p>	<ul style="list-style-type: none"> <li>• Limited to making electioneering communications (§ <a href="#">106.011(9)</a>, F.S.)</li> <li>• May not make contributions to candidates (§ <a href="#">106.011(9)</a>, F.S.)</li> <li>• May not make contributions to a political party or a political committee (§ <a href="#">106.011(9)</a>, F.S.)</li> </ul> <p>May make contributions to another ECO (§ <a href="#">106.011(9)</a>, F.S.)</p>
<p><b>Disposition of Residual Funds in the Event of Dissolution</b></p>	<p>In accordance with the plans stated in the PC’s Statement of Organization (§ <a href="#">106.03(2)(j)</a>, F.S.)</p>	<p>In accordance with the plans stated in the ECO’s Statement of Organization (§ <a href="#">106.03(2)(j)</a>, F.S.)</p>
<p><b>Restrictions</b></p>	<ul style="list-style-type: none"> <li>• Funds may be used <b>only</b> for PC activity and <b>only</b> for the purpose of influencing the results of an election (as described herein).</li> <li>• 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 § <a href="#">106.125</a>, F.S.</li> </ul>	<ul style="list-style-type: none"> <li>• Funds for its election-related activities may only be used to make electioneering communications. (§ <a href="#">106.011(9)</a>, 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)</li> <li>• May <b>not</b> make independent expenditures</li> <li>• May <b>not</b> expressly advocate</li> <li>• May <b>not</b> use credit cards. (§ <a href="#">106.0703(8)</a>, F.S.)</li> </ul>
<p><b>Where to File</b></p>	<ul style="list-style-type: none"> <li>• Division of Elections – if PC supports or opposes statewide, legislative, or multicounty candidates or issues.</li> <li>• Supervisor of Elections – if supports or opposes candidates or issues in a countywide or less than a</li> </ul>	<ul style="list-style-type: none"> <li>• Division of Elections – if ECO relates to statewide, legislative, or multicounty candidates.</li> <li>• 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.</li> </ul>

	<p>countywide election, except if supports or opposes <i>only</i> municipal candidates or issues.</p> <ul style="list-style-type: none"> <li>• Municipal Clerk – if supports or opposes <i>only</i> municipal candidates or issues.</li> </ul> <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.</p> <p>(§ <a href="#">106.03(3)(d)</a>, F.S.)</p>	<ul style="list-style-type: none"> <li>• Municipal Clerk – if relates to <i>only</i> municipal candidates.</li> </ul> <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.</p> <p>(§ <a href="#">106.03(1)(b)2.d.</a>, F.S.)</p>
<p><b>When to File Reports</b></p>	<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 on the 4<sup>th</sup> day before the general election; and,</li> <li>• DAILY contribution-only reports beginning on the 10<sup>th</sup> 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> <p>BI-WEEKLY full reports of contributions and expenditures on the 4<sup>th</sup> day before the general election, with an additional report due on the 25<sup>th</sup> and 11<sup>th</sup> days before the primary and general election. (§ <a href="#">106.07(1)</a>, F.S.)</p> <p>See <a href="#">Campaign Finance Reporting Dates</a> on the Division’s web site. For filing date calendars for counties and municipalities, contact the respective county supervisor of elections and municipal clerk, respectively.</p>	<p>Monthly; except for additional reports due beginning 60 days before the primary election; thereafter, reports are due 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 on the 4<sup>th</sup> day before the general election; and,</li> <li>• DAILY contribution-only reports beginning on the 10<sup>th</sup> 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). (§ <a href="#">106.0703(1)(e)</a>, F.S.)</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 on the 4<sup>th</sup> day before the general election, with an additional report due on the 25<sup>th</sup> and 11<sup>th</sup> days before the primary and general election. (§ <a href="#">106.0703(1)</a>, F.S.)</li> </ul> <p>See <a href="#">Campaign Finance Reporting Dates</a> on the Division’s web site. For filing date calendars for counties and municipalities, contact the respective county supervisor of elections and municipal clerk, respectively.</p>
<p><b>Political Disclaimers on ads</b></p>	<ul style="list-style-type: none"> <li>• Political advertisements – see § <a href="#">106.143(1)(c)</a> &amp; (2), F.S.</li> <li>• Independent expenditures – see § <a href="#">106.071(2)</a>, F.S.</li> <li>• Electioneering communication – see §§ <a href="#">106.1439</a>, and <a href="#">106.147</a>, F.S.</li> <li>• Text message and telephone solicitation – see §§ <a href="#">106.147(1)</a> &amp; <a href="#">106.1439(2)</a>, F.S.</li> </ul>	<ul style="list-style-type: none"> <li>• Electioneering communication (other than text message or telephone call) – see § <a href="#">106.1439</a>, F.S.</li> <li>• Electioneering communication – text message and telephone solicitation – see §§ <a href="#">106.147</a>, and <a href="#">106.1475</a> (registered agent requirement), F.S.</li> </ul>

	Miscellaneous advertisement – see § <a href="#">106.1437</a> , F.S.	•
<b>Pros/Cons</b>	<p><b>Pros as a political committee:</b></p> <ul style="list-style-type: none"> <li>• May accept unlimited contributions, except for committees sponsoring or opposing constitutional amendments proposed by initiative until ballot position is reached.</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 as a political committee:</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> <li>•</li> </ul>	<p><b>Pros as an ECO:</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) (§ <a href="#">106.011(8)(d)</a>, F.S.)</li> <li>• Expenditures made for, or in furtherance of, an electioneering communication are not considered a contribution to the candidate (§ <a href="#">106.011(8)(c)</a>, F.S.)</li> </ul> <p><b>Cons as a political committee:</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>
<p>Florida Department of State DE Reference Guide 0017 – PCs and ECOs -Comparison Chart (01-23-2024) <span style="float: right;">Page 4 of 4</span></p>		