



# Political Committees and Electioneering Communications Organizations

**DE Reference Guide 0017 (Updated 6/2019)**

*These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state law, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.*

## 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> 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 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. (§ <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>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>

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<b>Initial Filings</b>	<ul style="list-style-type: none"> <li>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. (§ <a href="#">106.03</a>, F.S.)</li> <li>Appointment of Campaign Treasurer and Designation of Campaign Depository (§ <a href="#">106.021</a>, F.S.)</li> <li>Registered Agent Statement of Appointment (§ <a href="#">106.022</a>, F.S.)</li> </ul>	<ul style="list-style-type: none"> <li>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, 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.)</li> <li>Registered Agent Statement of Appointment (§ <a href="#">106.022</a>, F.S.)</li> </ul>
<b>Limits on Contributions To the Entity</b>	No monetary limit	No monetary limit
<b>Limits on Contributions By the Entity</b>	<ul style="list-style-type: none"> <li>PC to a candidate - \$1000 per election, except limit to candidates for statewide office or Supreme Court Justice = \$3000</li> <li>PC to a political party – no limit</li> <li>PC to ECO – no limit</li> <li>PC to PC – no limit</li> </ul>	<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> <li>May make contributions to another ECO</li> </ul>
<b>Disposition of Residual Funds in the Event of Dissolution</b>	In accordance with the plans stated in the PC’s Statement of Organization (§ <a href="#">106.03(2)(j)</a> , F.S.)	In accordance with the plans stated in the ECO’s Statement of Organization (§ <a href="#">106.03(2)(j)</a> , F.S.)
<b>Restrictions</b>	<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.</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>

	<b>Political Committee (PC)</b>	<b>Electioneering Communication Organization (ECO)</b>
<p><b>Where to File</b></p>	<ul style="list-style-type: none"> <li>• Division of Elections – if 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 countywide election, except if supports or opposes <i>only</i> municipal candidates or issues.</li> <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. (<a href="#">§ 106.03(3)(d), F.S.</a>)</p>	<ul style="list-style-type: none"> <li>• Division of Elections – if 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> <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. (<a href="#">§ 106.03(1)(b)2.d., F.S.</a>)</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 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> <p style="padding-left: 40px;">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 25th and 11th days before the primary and general election. (<a href="#">§ 106.07(1), F.S.</a>)</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 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 on 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 on the 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. (<a href="#">§ 106.0703(1), F.S.</a>)</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>

	Political Committee (PC)	Electioneering Communication Organization (ECO)
<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>, F.S.</li> <li>• Telephone solicitation – see §§ <a href="#">106.147(1)</a> &amp; <a href="#">106.1439(2)</a>, F.S.</li> <li>• Miscellaneous advertisement – see § <a href="#">106.1437</a>, F.S.</li> </ul>	<ul style="list-style-type: none"> <li>• Electioneering communication – see § <a href="#">106.1439</a>, F.S.</li> <li>• Electioneering communication telephone solicitation – see §§ <a href="#">106.1439(2)</a> &amp; <a href="#">106.147</a>, F.S.</li> </ul>
<p><b>Pros/Cons</b></p>	<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) (§ <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:</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>