

STORAGE NAME: h0267a.er

DATE: March 12, 1997

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ELECTION REFORM
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 267

RELATING TO: Campaign financing (revising reporting requirements)

SPONSOR(S): Representatives Carlton and Fasano

STATUTE(S) AFFECTED: amending s. 106.07, F.S.

COMPANION BILL(S): SB 400(i)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ELECTION REFORM (GRC) YEAS 8 NAYS 0
- (2) GOVERNMENTAL OPERATIONS (GRC)
- (3)
- (4)
- (5)

I. SUMMARY:

HB 267 revises reporting requirements applicable to candidates for other than statewide office who qualify with the Department of State. Specifically, this bill would require candidates to file copies of their campaign finance reports with the supervisor of elections of each county within the jurisdiction of the office sought.

This bill does not appear to have a significant fiscal impact on state or local governments.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Currently under Florida law, each campaign treasurer designated by a candidate must file regular reports of all contributions received and expenditures made by or on the candidate's behalf. (s. 106.07(1), F.S.). Reports are filed with the officer before whom the candidate is required to qualify. (s. 106.07(2)(a), F.S.). All candidates required to qualify with the Department of State must file the original and one copy of their reports. (s. 106.07(2)(a), F.S.). For those candidates who qualify with the Department of State but are not running for a statewide office, a copy of the report must also be filed with the supervisor of elections in the county where the candidate resides. (s. 106.07(2)(a), F.S.). Supervisors of Elections are required to preserve reports filed for ten (10) years from date of receipt. (s. 98.015(5), F.S.).

Consequently, candidates are only required to file a copy of their contribution and expenditure reports in their county of residence, regardless of whether or not a candidate is running for an office with a jurisdiction covering portions of other counties.

B. EFFECT OF PROPOSED CHANGES:

This bill amends s. 106.07(2)(a), F. S., to require a candidate who runs for an office which encompasses portions of multiple counties, other than a statewide office, to file copies of campaign expenditure and contribution reports in each of those counties.

For those candidates who seek office in a district covering more than one county, HB 267 will impose additional responsibility in getting copies of reports filed in a timely manner with more than one supervisor of elections. Similarly, the supervisors of elections for each county, any portion of which is within the jurisdiction of the office sought, will be responsible for monitoring the filing and preservation of the contribution and expenditure reports, not just the supervisor in the county of the candidate's residence. This will demand some coordination and communication between the effected supervisors. For example, under current law no certificate of election shall be granted to a candidate until all pre-election reports required by s. 106.07, F.S., have been filed in accordance with the provisions of that section. [s. 106.18(3), F.S.].

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

- (2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

This bill will require candidates to file copies of campaign finance reports in the supervisor of elections office of each county within the jurisdiction of the office sought. It will impose an additional burden on those supervisors to keep the reports.

- (3) any entitlement to a government service or benefit?

No.

- b. If an agency or program is eliminated or reduced:

- (1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

- (2) what is the cost of such responsibility at the new level/agency?

Not applicable.

- (3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

- a. Does the bill increase anyone's taxes?

No.

- b. Does the bill require or authorize an increase in any fees?

No.

- c. Does the bill reduce total taxes, both rates and revenues?

No.

- d. Does the bill reduce total fees, both rates and revenues?

No.

- e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

No.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

No.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

Not applicable.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

Local supervisors will have to bear the cost of maintaining the copies of campaign finance reports as required by this bill.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Elections laws are exempt from the requirements of Article VII, s. 18, Florida Constitution.

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B. REDUCTION OF REVENUE RAISING AUTHORITY:

Not applicable.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

Not applicable.

V. COMMENTS:

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

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