

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1177 Campaign Financing

SPONSOR(S): Ingram

TIED BILLS: **IDEN./SIM. BILLS:** SB 1596

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Government Operations Subcommittee	12 Y, 0 N	Naf	Williamson
2) State Affairs Committee			

SUMMARY ANALYSIS

Current law exempts tickets or advertising for a campaign fundraiser from requirements for political advertisements circulated before an election. This bill subjects such tickets or advertising to those political advertisement requirements.

Current law also prescribes a name designation for certain campaign bank accounts, and requires checks for certain campaign bank accounts to contain a specific name designation. Debit cards count as checks if certain conditions are met, including that they contain the same name designation required for checks. This bill amends those provisions to require that such bank accounts, checks, and debit cards contain specified designation information, instead of prescribing an exact phrase.

The bill provides the act shall take effect upon becoming a law.

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

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Requirements for Tickets or Advertising for Campaign Fundraisers

Current law provides that a ticket or advertising for a campaign fundraiser is exempt from the political advertisement requirements of s. 106.143, F.S.¹ That section of law governs political advertisements circulated before an election.

Section 106.143, F.S., provides disclosure requirements that include, but are not limited to:

- Political advertisements that are circulated prior to an election and paid for by the candidate must prominently state certain information such as the name of the candidate, the party affiliation, and the office sought.²
- Any other political advertisement must be marked as a paid political advertisement and must provide information such as the name and address of the person paying for the advertisement.³
- Advertisements made by in-kind contributions of political parties must prominently state certain information such as the name of the political party and who approved the advertisement.⁴

Other provisions in s. 106.143, F.S, include additional political advertisement specifications and requirements governing a candidate's representation of an endorsement.

This bill subjects a ticket or advertising for a campaign fundraiser to the provisions of s. 106.143, F.S.

Information on Bank Accounts, Checks, and Debit Cards

Current law requires all funds received by the campaign treasurer of a candidate or political committee to be deposited in an account designated "... (name of candidate or committee) ... Campaign Account."⁵ This bill amends that provision to require that such accounts contain the name of the candidate or committee, instead of prescribing an exact phrase.

Current law also requires checks for a primary campaign depository account to contain the statement "... (name of candidate or political committee) ... Campaign Account."⁶ This bill amends that provision to require that such checks contain the name of the campaign account of the candidate or political committee, instead of prescribing an exact phrase. Debit cards count as checks if certain conditions are met, including that they contain the name statement required for checks.⁷ Therefore, the bill also amends that provision to require that such debit cards contain the name of the campaign account of the candidate or political committee, instead of prescribing an exact phrase.

By making those changes to designation requirements for bank accounts and checks, the bill clarifies that a check to a campaign does not have to contain an exact phrase in order to be in compliance with statutory provisions governing elections. The bill's changes also appear to codify the current practice of banks regarding the deposit of checks in campaign accounts.⁸

¹ See s. 106.025(1)(c), F.S.

² See s. 106.143(1)(a)-(b), F.S.

³ See s. 106.143(1)(c), F.S.

⁴ *Id.*

⁵ See s. 106.05, F.S.

⁶ See ss. 106.11(1)(b), F.S.

⁷ See s. 106.11(2)(a), F.S.

⁸ The amount of variation a bank will accept between the name on an account and the name written on a check to the account depends on the bank's application of provisions in Florida's uniform commercial code. Section 673.1101(3)(b)1., F.S., provides that if a check is payable to a fund or organization which is not a legal entity (like a campaign), the instrument is payable to a representative of the members of the fund or organization. Therefore, if the candidate or political committee's name is on the check, the bank should

B. SECTION DIRECTORY:

Section 1 amends s. 106.025, F.S., relating to requirements for tickets or advertising for a campaign fundraiser.

Section 2 amends s. 106.05, F.S., relating to designation of a campaign account for a candidate or political committee.

Section 3 amends s. 106.11, F.S., relating to requirements for checks and debit cards for campaign accounts.

Section 4 provides that the act shall take effect upon becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

Not applicable. This bill does not appear to affect county or municipal governments.

2. Other:

None.

accept it for deposit in the account. (*See* email correspondence between House of Representatives staff and Department of State staff (January 13, 2012). On file with the Government Operations Subcommittee.)

B. RULE-MAKING AUTHORITY:

This bill does not appear to create a need for rulemaking or additional rulemaking authority.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.