
Election Reform

Two issues will dominate the elections arena in Florida during the upcoming 2010 session. The first relates to efforts at “reforming” Florida’s regulation of **campaign financing**. The other deals with the reenactment of “**Electioneering Communications Organizations**” (ECOs), Florida’s version of “527s,” that was declared unconstitutional by a federal court this past spring.

While legislation regarding ECOs has yet to be filed, it will undoubtedly follow the “roadmap” laid out by the federal court decision as to what would constitute a valid regulatory process for ECOs.

- Regulation will probably be limited to a specific period before an election—30 days before a primary election and 60 days before a general election.
- Only electronic communications—TV, radio, and internet — will be regulated while direct mail and phones will be exempt.
- Only communications that are the “functional equivalent” of a traditional political advertisement will be regulated.

Additionally, the business community is strongly supportive of legislation filed last session that would have protected the right to a **secret ballot** election through a new constitutional amendment that explicitly provided for this right.

This proposal is especially critical at a time when labor unions are doing everything in their power to pass “Card Check” legislation at the federal level, which would make it easier for unions to organize employees.

AIF will also be closely monitoring the debate surrounding the upcoming **redistricting efforts**. Currently, two proposed constitutional amendments will be voted on by Floridians during the November 2010 election. Known as **Fair Districts Florida**, these amendments would establish supposed fairness standards for use in creating legislative and congressional district boundaries. **Associated Industries of Florida is strongly opposed to the Fair Districts Florida amendments**. These proposals have the potential to disenfranchise minorities and contain too many unanswered questions on implementation. Our current system, while not perfect, provides for a process that works fairly and efficiently and has been upheld by the judicial branch.

In the area of Election Reform AIF will focus on the following issues:

Campaign Finance Regulation

Florida’s campaign finance laws are based on disclosure of contributions and expenditures — “who gave” and “who got” — and not on limitations on contributions. The premise is that an informed electorate will take a candidate’s contributions and expenditures into account when making their voting decisions. Limits on contributions only apply in the case of contributions directly to candidates in order to avoid even the perception of a quid pro quo. Florida’s regulatory scheme is considered to be a model for other states to follow. **As such, AIF will SUPPORT legislation that enhances disclosure of campaign finances, but will oppose the imposition of any additional limitations on contributions or expenditures.**

Electioneering Communications Organizations

AIF SUPPORTS the enactment of Electioneering Communications Organizations (ECO) legislation that follows the guidelines established by the federal court. However, AIF will OPPOSE any such legislation that goes beyond these guidelines and thus infringes on the right of free speech per the First Amendment of the United States Constitution. As noted, ECOs are Florida’s version of groups that are commonly known as “527s.” Last spring, a federal court declared Florida’s regulatory scheme for ECOs to be unconstitutional in that it went beyond the regulation of candidate-oriented political communications by also regulating other forms of issue-related speech, such as grassroots communications to legislators over the course of a session.

Save our Secret Ballot

AIF SUPPORTS legislation designed to protect the secret ballot process in Florida. Passage of this proposed constitutional amendment will allow voters in Florida to decide whether they want to enshrine and protect the use of secret ballots in election in our state’s Constitution. The proposal provides that the right of individuals to vote by secret ballot is guaranteed where local, state, or federal law requires elections for public office, requires public votes on initiatives or referenda, or requires designations or authorizations of employee representation.

AIF Lobby Team Member Assigned to the Area of Election Reform:

John French – AIF Special Counsel on Elections