

**DE 77-33 - December 5,1977**

**Political Committees Report Filing Dates Special Referendum Election  
Section 106.07, F.S.**

*To: Joyce V. Dieffenderfer, Supervisor of Elections, Metropolitan Dade County, P.O. Box 012241,  
Miami, Florida 33101*

*Prepared by: Division of Elections*

By your letter of November 30,1977, you requested an opinion of this office on the following question:

"On what dates does a political committee file reports as established in Chapter 106, F.S., when a special election does not involve candidates or a last day of qualifying upon which to determine such dates?"

It is my understanding that this question has arisen due to a special referendum election to be held March 7, 1978, under the provision of the Metropolitan Dade County charter.

The current law requires political committees to file reports on the first Monday of each calendar quarter until the 40th day preceding the election. Beginning then the political committee files either: 1) on Monday of each week preceding a statewide election, if applicable; or 2) on the first and third Mondays of each month following the 40th day and the Monday immediately preceding a less than statewide election in which the committee is involved. Section 106.07(1), F.S. (1975).

The new election code, effective January 1, 1978, revises this in some measure. Quarterly reports are still required as under existing law.

However, the 40 day "benchmark" has been eliminated and replaced with "following the last day of qualifying for office" the reports shall be filed, in the case of a political committee supporting or opposing an issue in a statewide election, on the Monday of each week preceding the election and on the 1st and 3rd Monday of each month; also the Monday immediately preceding a less than statewide election. Chapter 77-175, Section 46, Laws of Florida.

As of January 1, 1978, reporting dates are contingent on the last day of candidates qualifying for office. However, in the case you have presented, the special referendum election has no qualifying period, as there are no public offices for which individuals may qualify as candidates. In such an instance, it appears to be the better view that in the case of a non-candidate referendum election, the phrase "following the last day of qualifying for office" should be read as the day on which the special election was approved either by resolution, special act, or petition and also the election day scheduled. Such has the same effect as the end of qualifying in that it closes the ballot and establishes the respective sides to be contested. For example, after the new code is effective, if on January 15,1978, an election is called for the purpose of voting on a particular issue and is scheduled for March 7,1978,

the date for determining the bi-weekly reporting deadline would be January 15th.

Therefore, in answer to your question, quarterly reports should be filed with the clerk of the circuit court through the end of 1977. Beginning January 1, 1978, these reports are to be filed with the supervisor of elections, in the case of a county-wide election as this. As the election has already been called and the election date set at a time beyond forty days after January 1<sup>st</sup>, political committee bi-weekly reports should be filed beginning the first Monday in January, the first and third Monday of each month thereafter; and the Monday immediately preceding the election.

### **SUMMARY**

After January 1, 1978, reports of political committees supporting or opposing an issue filed pursuant to Section 106.07, F.S., shall be filed bi-weekly following the calling and scheduling of a referendum election in which no public office candidates are on the ballot.