

MIAMI-DADE COUNTY

CODE

REPORTING OF SOLICITATION OF CONTRIBUTIONS FOR POLITICAL COMMITTEES, ELECTIONEERING COMMUNICATIONS ORGANIZATIONS, 501(C)(4) ORGANIZATIONS, AND POLITICAL PARTIES.

Sec. 12-14.2.1. - County and municipal elected officer and candidate reporting requirements for organizations exempt under section 501(c)(4) of the Internal Revenue Code or political party solicitations.

- (1) Effective January 1, 2017, each candidate for County or municipal office in Miami-Dade County shall insure that their designated campaign treasurer shall, within five (5) days of commencing solicitation activities, either directly or indirectly, on behalf of an organization exempt under Section 501(c)(4) of the Internal Revenue Code except for home owners associations ("501(c)(4) Organization") or a political party, file a one-time report with the Supervisor of Elections or other applicable filing officer indicating that the candidate is undertaking solicitation activities on behalf of such 501(c)(4) Organization or political party. The report shall identify the name of the 501(c)(4) Organization or political party on behalf of whom such funds are being solicited and a description of the relationship between the candidate and the 501(c)(4) Organization or political party. The report shall be filed on a form created by the Supervisor of Elections for such purpose.
- (2) Effective January 1, 2017, upon commencement of any solicitation activities undertaken on behalf of a 501(c)(4) Organization or a political party, each County or municipal elected officer in Miami-Dade County who is not also a candidate for another County or municipal office shall, within five (5) days of commencing solicitation activities, either directly or indirectly, on behalf of a 501(c)(4) Organization or a political party, file a one-time report with the Supervisor of Elections or other applicable filing officer indicating that the officer is undertaking solicitation activities on behalf of such 501(c)(4) Organization or political party. The report shall identify the name of the 501(c)(4) Organization or political party on behalf of whom such funds are being solicited and a description of the relationship between the officer and the 501(c)(4) Organization or political party. The report shall be filed on a form created by the Supervisor of Elections for such purpose.
- (3) Any County or municipal elected officer or candidate who fails to file a report as required by this section on the designated due date shall, for the first violation, be sent a letter of instruction regarding the provisions of this Section, and for each subsequent violation, be subject to a fine of \$50.00 per day for the first three (3) days and, thereafter, \$500.00 per day for each day late not to exceed \$5,000.00. Such fine shall not be an allowable campaign expense and shall be paid only from the personal funds of the candidate or officer. Any candidate or officer may appeal or dispute the fine to the Miami-Dade County Commission on Ethics and Public Trust based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request, and shall be entitled to, a hearing before the Commission on Ethics and Public Trust, which shall have the authority to waive the fine in whole or in part. Any such appeal or dispute shall be made within twenty (20) days after receipt of notice from the Supervisor of Elections that payment is due or such appeal or dispute shall be waived.

(Ord. No. 16-75, § 1, 7-6-16)

Sec. 12-14.2.2. - County and municipal elected officer and candidate reporting requirements for political committee and electioneering communication organization solicitations.

- (a) Effective January 1, 2017, each candidate for County or municipal office in Miami-Dade County shall ensure that their designated campaign treasurer shall, within five (5) days of commencing solicitation activities, either directly or indirectly, on behalf of a political committee or electioneering communications organization, file a one-time report with the Supervisor of Elections or other applicable filing officer indicating that the candidate is undertaking solicitation activities on behalf of such political committee or electioneering communications organization. The report shall identify the name of the political committee or electioneering communications organization on behalf of whom such funds are being solicited and a description of the relationship between the candidate and the political committee or electioneering communications organization. The report shall be filed on a form created by the Supervisor of Elections for such purpose.
- (b) Effective January 1, 2017, upon commencement of any solicitation activities undertaken on behalf of any political committee or electioneering communications organization, each County or municipal elected officer in Miami-Dade County who is not also a candidate for another County or municipal office shall, within five (5) days of commencing solicitation activities, either directly or indirectly, on behalf of a political committee or electioneering communications organization, file a one-time report with the Supervisor of Elections or other applicable filing officer indicating that the officer is undertaking solicitation activities on behalf of such political committee or electioneering communications organization. The report shall identify the name of the political committee or electioneering communications organization on behalf of whom such funds are being solicited and a description of the relationship between the officer and the political committee or electioneering communications organization. The report shall be filed on a form created by the Supervisor of Elections for such purpose.
- (c) Any County or municipal elected officer or candidate who fails to file a report as required by this section on the designated due date shall, for the first violation, be sent a letter of reprimand and instruction regarding the provisions of this section, and for each subsequent violation, be subject to a fine of \$50 per day for the first three (3) days and, thereafter, \$500 per day for each day late not to exceed \$5,000. Such fine shall not be an allowable campaign expense and shall be paid only from the personal funds of the candidate or officer. Any candidate or officer may appeal or dispute the fine to the Miami-Dade County Commission on Ethics and Public Trust based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date, and may request, and shall be entitled to, a hearing before the Commission on Ethics and Public Trust, which shall have the authority to waive the fine in whole or in part. Any such appeal or dispute shall be made within twenty (20) days after receipt of notice from the Supervisor of Elections that payment is due or such appeal or dispute shall be waived.

(Ord. No. 16-46, § 1, 5-17-16)

Editor's note— Ord. No. 16-46, § 1, adopted May 17, 2016, set out provisions intended for use as § 12-14.2. Inasmuch as there were already provisions so designated, said section has been codified herein as § 12-14.2.2 at the discretion of the editor.