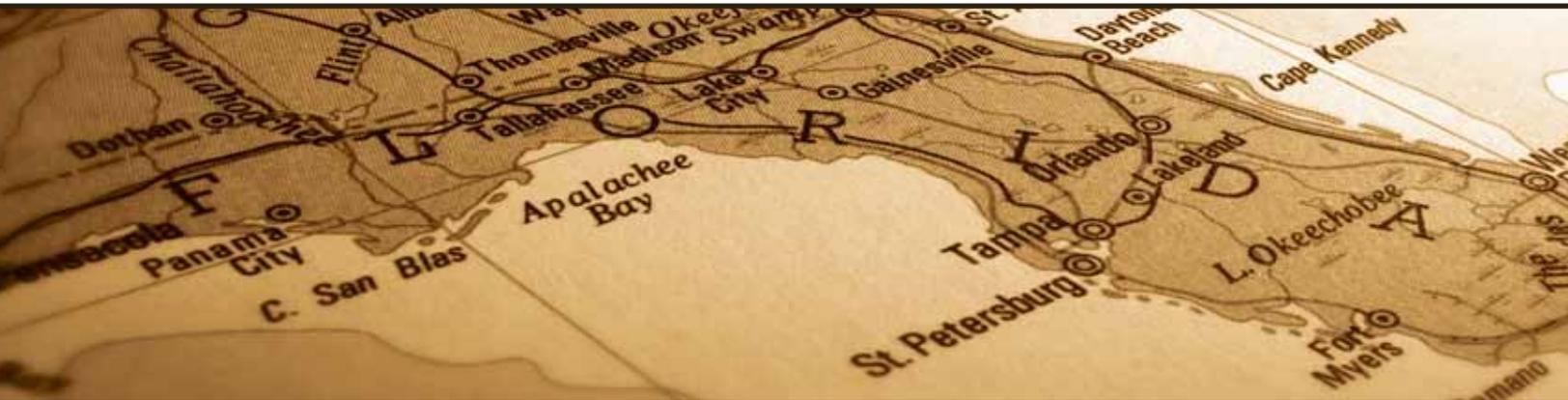


TOUGH CHOICES

FACING FLORIDA'S GOVERNMENTS



TOUGH CHOICES: BEST PRACTICES IN CAMPAIGN FINANCE AND PUBLIC ACCESS TO INFORMATION

Florida prides itself on being an open-government state and strives to make information available to citizens in a usable and understandable form. While the 2013 campaign finance reform law was a welcome first step, there remain areas where transparency and public access can be improved. As evidence, a recent scorecard from the National Institute on Money in State Politics gave the Sunshine State a "D" grade for disclosure requirements. This study explains the details of that report card and prescribes steps policymakers could take to improve Florida's competitiveness on future report cards.

One of the important parts of the 2013 law is to set up a new website for transparency and public access to campaign finance information. However, as we know from recent problems with both national and state website rollouts, this is a difficult task. This study provides information and policy direction to the state to build on the 2013 law. It reviews recent Florida campaign finance law changes and compares Florida to other states in campaign finance and public access to information policies. Our review of campaign finance disclosure policies by state governments in the U.S. closely examines availability and usability of information, transparency websites, data formats, campaign contribution limits, state and local data connectivity and enforcement agencies.

This report from the LeRoy Collins Institute at Florida State University and Integrity Florida will help Floridians see what state-level campaign finance information is available in our state and how accessible that information is compared to other states. We also seek to contribute policy direction options for state and local government discussions about improving campaign finance disclosure practices. Several case studies are documented along with suggested best practices for the state legislature to consider.



LEROY COLLINS
INSTITUTE

February 2014

Florida Campaign Finance and Transparency Laws

In the closing days of the 2013 Legislative Session, the Florida Legislature passed House Bill 569¹ by a vote of 37 to 2 in the Senate and 79 to 34 in the House. House Speaker Will Weatherford made the campaign finance bill a priority, and Senate President Don Gaetz was credited with making ethics reform a priority in the Senate.² Both leaders also prioritized election reform, and a bill was passed to expand early voting opportunities and reduce lines at the polls.

House Bill 569 attempted to make campaign financing less secretive. It did not seek to reduce or limit the amount of money in the political process. Rather, its goal was to allow more transparency so voters may easily follow the money in campaigns and be able to hold politicians accountable for their sources of funding and how they spend it.

In the interest of more transparency, the new campaign finance law passed in 2013 increases the reporting frequency of contributions and expenditures by candidates and committees. Before the state candidate qualifying date in June, campaign finance reports will be required monthly instead of quarterly, as required in the past. After the candidate qualifying date, statewide candidates and committees will have to file weekly reports of contributions and expenditures. Daily reports of contributions will only be required beginning on the tenth day before the general election. Legislative and other local candidates will file bi-weekly reports beginning on the sixtieth day before the primary election and continuing through the Friday before the general election, with an additional report due on the twenty-fifth and eleventh days before each election.

The new law also required the Division of Elections to submit a proposal for a mandatory statewide campaign finance electronic filing system for state and local candidates by December 1, 2013 (See page 6, Review of State Government Campaign Finance Disclosure Websites). Currently, the Division maintains an electronic campaign finance website for statewide and legislative races, but local candidates are required to file with local Supervisor of Elections offices. Having a one-stop center for campaign finance information is an important component of transparency.

Another effort to improve transparency involved the elimination of political committees known as Committees of Continuous Existence (CCEs). This change is important because officials often collected money in CCEs and then transferred it to other entities before it could be spent, making it more difficult to track how these unlimited funds were used. The elimination of CCEs means a single political committee may raise and spend money, then be required to disclose it, and be held accountable by the public.

The two remaining committees are Political Committees (PCs) and Electioneering Communications Organizations (ECOs), see Table 1. A key point is that both may accept unlimited contributions, but the PCs cannot coordinate with the candidate while the ECOs can. The ECOs cannot expressly advocate for the election or defeat of a candidate. Both committees are required to report contributions and expenditures through the Florida Division of Elections website.

TABLE 1: Comparison of Political Committees and Electioneering Communications Organizations

Political Committee (PC)	Electioneering Communications Organization (ECO)
<p>Purpose:</p> <ul style="list-style-type: none"> To support or oppose any candidate, issue, PC, ECO, or political party. May expressly advocate. May make independent expenditures. May make electioneering communications (if political committee supports candidates). May sponsor a constitutional initiative petition. 	<p>Purpose:</p> <ul style="list-style-type: none"> May make expenditures for electioneering communications. May accept contributions for the purpose of making electioneering communications and such activities that would not otherwise require the organization to register as a political party or political committee. May not “expressly advocate” the election or defeat of a candidate, but the communication must be susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate.
<p>Pros:</p> <ul style="list-style-type: none"> May accept unlimited contributions. May communicate with public. May expressly advocate. May contribute to candidate, political party, or any other political organization. May make electioneering communications, which are not considered contributions to the candidate. 	<p>Pros:</p> <ul style="list-style-type: none"> May accept unlimited contributions. May communicate with public. May coordinate with candidates. Electioneering communication not considered a contribution to candidate.
<p>Cons:</p> <ul style="list-style-type: none"> Cannot coordinate with candidate when making independent expenditures. 	<p>Cons:</p> <ul style="list-style-type: none"> May not expressly advocate. May not contribute to candidates, political parties, affiliated party committees, or political committees. Cannot use credit card.

Source: Appendix B within the Florida Division of Elections 2014 Political Committee Handbook.

The new law raises the \$500 limit on direct candidate contributions to \$3,000 for statewide and Florida Supreme Court retention candidates and to \$1,000 for all other candidates. This increase restored the direct contribution limits to what they were prior to the 1992 election. Explaining his support for restoring the earlier limits, House Speaker Will Weatherford cited a report that found three out of every four campaign dollars raised in the 2012 election cycle went to unlimited political committees rather than directly to candidate accounts. In the interest of transparency and accountability, Weatherford wanted to direct more of the funding for campaigns directly to the candidates and political parties rather than the political committees.

The new law makes a number of other changes as well:

- It limits the money a candidate may “turn back” to a political party from the candidate’s surplus funds to \$25,000.
- It allows county political party executive committees to contribute an aggregate of \$50,000 to a legislative, local or non-statewide candidate in addition to the aggregate \$50,000 that other party committees may contribute.
- It allows a successful state candidate to keep up to \$20,000 of funds in a campaign account to use for reelection in the next election cycle.
- It prohibits candidates who switch races from taking contributions from the same contributors in both races.

The Florida Legislature also passed two other election-related reform bills in 2013. Senate Bill 2³ and Senate Bill 4⁴ represent a comprehensive ethics reform package for government officials. Senate President Don Gaetz said he prioritized ethics because he believes Florida residents “are highly concerned about cleaning up the conduct of their elected officials.”⁵ These new ethics reform laws:

- Bar elected officials from taking advantage of their positions to get new taxpayer-funded jobs;
- Increase the ability of the Florida Commission on Ethics to collect the fines that are owed by public officials;
- Block lawmakers from lobbying state agencies, as well as the legislature, for two years after they leave office;
- Require financial disclosure forms to be put online and call on the Ethics Commission to develop an online filing system for public officials who file the more extensive Form 6 disclosure form;
- Allow referrals of ethics complaints to the Ethics Commission from the Governor’s Office, the Florida Department of Law Enforcement, state attorney’s and U.S. Attorney’s offices; and
- Require four hours of ethics training per year for the Governor, Cabinet members, constitutional officers and the legislature.

The final component of ethics and elections reform in 2013 (House Bill 7013)⁶ increased the hours and days allowed for early voting, gave election supervisors more flexibility in selecting early voting sites, placed a 75-word limit on the ballot summaries for legislatively-proposed constitutional amendments⁷, and allowed voters in Florida counties who have moved from another county to make address changes at the polls on Election Day.

Many lawmakers, advocates and major news outlets lauded 2013 as a historic year for good government reform in Florida.⁸ Senate President Gaetz and House Speaker Weatherford promised Floridians campaign finance, ethics and election reforms, and by most accounts, they delivered. We applaud their positive actions in addressing these tough but crucial issues for the state.

In spite of this progress; however, Florida still receives low grades from national groups that rate states on campaign finance.

Comparing Florida Campaign Finance Policies to Other States

In May 2013, the National Institute of Money in State Politics (NIMSP) ranked states on disclosure requirements for independent spending, and a few months later the National Conference of State Legislatures (NCSL) released information on campaign contribution limits for all 50 states.

The NIMSP scorecard, “Essential Disclosure Requirements for Independent Spending,” is a 50-state assessment of how much information is shared with the public about express advocacy and electioneering communications by outside groups seeking to influence elections.⁹

The NIMSP report states that a best practice for state governments is to define and disclose independent spending and electioneering communications. According to the report:

Complete disclosure of independent spending is only possible when a state requires the reporting of both types of independent political spending in their campaign finance statutes: independent expenditures and electioneering communications. An independent expenditure expressly urges its audience to vote for or against a specific candidate or ballot issue. An electioneering communication clearly intends to influence an election, but stops short of explicitly telling its audience how to vote. Absent statutory definitions of reporting requirements for each type of independent spending, independent spenders are free to spend without having to disclose information about themselves or their political spending to the public.

The group graded states based on four questions:

1. Independent expenditures [30 points]: Does the state define and require disclosure of independent spending in elections?
2. Electioneering communications [30 points]: Does the state define and require disclosure of electioneering communications?
3. The spender's target [10 points for independent expenditures and 10 points for electioneering communications]: Does the state require disclosure of the name of the candidate or issue mentioned in the electioneering communication or targeted by the independent expenditure?
4. The spender's position [10 points for independent expenditures and 10 points for electioneering communications]: For an independent expenditure, was it made to support or oppose the targeted candidate or issue?

Florida is one of 44 states that require at least some identifiable reporting of independent expenditures and 22 other states that require reporting of electioneering communications. This earned the state 60 points out of a possible 100 points. However, Florida's campaign finance disclosure laws for independent expenditures and electioneering communications do not require filers to list the target issue or candidate for their expenditures, nor do they require disclosure of the position of the expenditure to support or oppose the candidate or issue. Thus, Florida received a score of zero for each of the last two questions.

Nine states received perfect 100 scores by the NIMSP: Alaska, Colorado, Connecticut, Illinois, Oregon, Rhode Island, Texas, Washington and Wisconsin. If Florida state policymakers modeled the disclosure detail requirements of one or more of these states, then a perfect 100 score on the next report card would be possible. Specific steps for Florida to achieve a perfect score on the next report card are:

- requiring independent expenditures to include the target issue or candidate in their campaign finance reports, and
- requiring electioneering communications to include details about whether expenditures are in support or opposition to a candidate or issue.

State Limits on Contributions to Candidates

In October 2013, the National Conference of State Legislatures (NCSL) released an updated 50-state chart detailing the 2013-2014 election cycle limits on campaign contributions to candidates.¹⁰ NCSL provided information about political campaign contributions by state from five donor types: individuals, state parties, Political Action Committees (PACs), corporations, and union contributions. Table 2 shows current Florida Campaign Limits for the five donor types and Tables 3 - 5 show how Florida compares to other states.

Table 2: Florida Campaign Contribution Limits

Contribution Sources	Florida Contribution Limits Per Election
Individual to Candidate	\$3,000 for candidates for Governor/Lt. Governor slate
	\$3,000 for other statewide candidates
	\$1,000 for legislative candidates
State Political Party to Candidate	Aggregate contributions from all political party committees to a single candidate:
	\$250,000 for candidates for Governor/Lt. Governor slate
	\$250,000 for statewide candidates
	\$50,000 for legislative candidates
PAC to Candidate	Same as individual limits
Corporation to Candidate	Same as individual limits
Union to Candidate	Same as individual limits

As Table 3 shows, in terms of both gubernatorial contributions and legislative contributions, Florida is well below the state median, with 33 states having higher contributions for gubernatorial campaigns and 27 for legislative campaigns – even after the 2013 limits increase. Among the states with higher limits than Florida, 12 states have no limits on gubernatorial or legislative contributions, as noted in Table 3 in parenthesis and italics. Fourteen states have the same legislative contributions as Florida.

Table 3: How Florida Compares to other States for Campaign Contribution Limits on Individual Contributions to Gubernatorial and Legislative Campaigns

	Individual Contributions to Gubernatorial Candidates	Individual Contributions to Legislative Candidates
Higher than Florida (Unlimited)	33 States (12 States)	27 States (12 States)
Lower than Florida	16 States	8 States
Same as Florida	None	14 States

Florida is near the median in state party campaign contribution limits to individual candidates (Table 4), but has limits lower than two-thirds of the states for PAC contributions to individual candidates.

Table 4: How Florida Compares to other States for Campaign Contribution Limits from State Parties and PACs

	State Party Contributions to Individual Candidates	PAC Contributions to Individual Candidates
Higher than Florida (Unlimited)	26 States (21 States)	38 States (14 States)
Lower than Florida	23 States	11 States
Same as Florida	None	None

Table 5 demonstrates that while 21 states prohibit corporate contributions to candidates and 16 states have prohibitions on union contributions, Florida’s regulations on these entities are the same as those that apply to individual donors, which mirrors the policy of 17 states for regulation of corporate contributions and 20 states for union contribution regulation.

According to NCSL, six states have no limits on political contributions to candidates from any type of donor (individual, state party, PAC, corporation or union): Alabama, Missouri, Nebraska, Oregon, Utah and Virginia.

Table 5: State Campaign Contribution Limits for Corporations and Unions

	Corporate Contributions to Individual Candidates	Union Contributions to Individual Candidates
Prohibited	21 States	16 States
Same as Individual Limits	18 States	22 States
Same as PAC Limits	1 State	2 States
Specific Limits on this Type of Donor	4 States	2 States
Unlimited	6 States	8 States

In sum, several campaign contribution limits in Florida remain lower than most U.S. states in each of the donor categories, even after passing reforms in 2013. Despite some stakeholder opposition to Florida raising individual contribution limits in 2013, the new levels remain lower than most other U.S. states.

Review of State Government Campaign Finance Disclosure Websites

Transparency of campaign finance data is an important element in holding officials accountable. One of the key, but sometimes overlooked, components of Florida’s new campaign finance law is that the state Division of Elections was required to submit a proposal to the legislature to create a statewide electronic campaign finance filing system. That system would allow the public to better see how campaigns across the state are funded, as well as how various campaign entities spend the funding they receive.

The Division’s proposal, submitted in December 2013, could take up to three years to develop, design, test, train, and implement.¹¹ The costs range from \$534,418.80, with annual recurring costs of \$145,000 for an in-house development of the website and enhanced system by the Division of Elections to potentially more than \$1 million for a vendor-developed system, which could expedite the launch of a new disclosure website and electronic filing system. An issue

yet to be decided is whether the state should contract with the private sector or develop the website in-house. The Division received ten private sector responses to its request for information (RFI). If the legislature decides to move forward with the Division’s proposal, it will require a new law mandating that the statewide electronic campaign finance reporting system be created, as well as a budget appropriation to fund it.

Given the importance of the new website for transparency and its early stage of development, we examined campaign finance disclosure websites in all 50 states to assess their scope and availability to citizens. We approached the task from the perspective of a member of the public searching for information regarding the donors to a campaign, as well as the expenditures of the campaign. We wanted to determine the ability of the public to easily access campaign finance data that is meaningful and results in a more transparent political process. Specifically, we looked at four questions:

- Does the data include federal, state and local candidates?
- What information is provided about the contributors?
- How easy is it to search the dataset?
- How easy is it to download the data?

Table 6 provides answers to the first two questions. Specifically, the table addresses state and local candidates, political parties, political committees and contributor information. Highlights of our findings include:

- Every state website offered campaign contribution and expenditure information for statewide and legislative candidates.
- Twenty-six state webpages offer information on local candidates, 20 states did not and four offered information on some local candidates.
- Forty-seven states provided campaign finance information for candidate committees as well as committees that make independent expenditures. One state offered information only if the committee raised more than \$10,000 and two states did not offer this information.
- Every state provided information on political parties, but for three states it was difficult to access on the website due to technical errors.

Table 6: Type of Information Disclosed on State Campaign Finance Websites

Information Disclosed on Websites	Yes	No	Other
State/Legislative Candidates	50 States	N/A	N/A
Local Candidates	26 States	20 States	4 States Partial Disclosure (some local candidates)
Political Committees	47 States	2 States	1 State if Above a Threshold of Contributions Raised
Political Parties	50 States	N/A	N/A
Contributor occupation/ employer and address	26 States	14 States	8 States Partial; 2 States Unknown

Contributor occupation/employer address information is useful in determining if contributions are coming from outside the state or district, whether contributions are coming from the same business address which could signal “bundling” and if a certain profession is supporting a specific candidate for one reason or another. Twenty-six states require disclosure of this information, while 14 do not. Eight states require partial disclosure.

Whether websites provide dates of the contributions or expenditures, and if they distinguish between financial contributions and in-kind contributions, is also important. All websites provide the dates of the transactions and most (42) provide information on types of transactions. Six states do not and two were indeterminable.

Assessing how easy it is to search the database, the format of information and the ability to download data are vital components. Table 7 shows that the format of campaign finance reporting varies widely and likely depends on how the reports are required to be filed. Some states use electronic filing systems, while other states require reports be submitted in a PDF format, or in some cases on paper reports or scanned images. Thirty-six states presented the reports in a standardized electronic format, 17 states used a PDF format, two states allowed users to view the data visually in a pie chart and two states provided scanned images of paper reports. Eight states provided reports in more than one format, usually a combination of the electronic and PDF formats.

Table 7: Format of Information Disclosed on State Campaign Finance Websites

Website Features	Yes	No	Other
Downloadable Data	25 States	23 States	2 Indeterminable
Transaction Dates	50 States	N/A	N/A
Transaction Type	42 States	6 States	2 Indeterminable
Reports in standardized electronic format	36 States	-	-
Reports in PDF format	17 States	-	-
Visualization of Data with Pie Charts	2 States	-	-
Multiple Data Formats	8 States	-	-

Another key question is whether the website allows the campaign finance data to be downloaded in a searchable, sortable, excluding proprietary formats. The formats include tab delimited, Excel, Word or ASCII. This is an important function because it gives members of the public flexibility in how they use the raw data. Twenty-five states provide this option, 23 do not and two were indeterminable.

Finally, we provide an assessment of the design of the website based on attempts to track money in politics in each of the 50 states.

For the average user who is attempting to find out who is funding a campaign or committee and how the money is being spent, the important features for a website are ease of navigation, ability to quickly identify candidates and committees in a specific election cycle, “intuitiveness” or how logical the website is to use, and the quality of the design and layout. We used these elements to rate state websites according to the following criteria:

- Poor: Data were not easily accessible and not presented in a user-friendly format.
- Average: Data were accessible, but required considerable user effort to navigate the website. Data were presented, but not in a format that was user-friendly.
- Good: Data were easily accessible and the website was logical for the user to navigate. Data were presented in a format that was clear for the user to understand.
- Excellent: The design of the website makes it very easy for the user to quickly access the desired data. Data are clearly presented in multiple formats that are user-friendly and easily downloaded.

We found 15 states rated “poor” for being user-friendly and easily searchable. Fourteen states were rated “average” and 15 states rated “good.” Five states (Georgia, Hawaii, Maine, Massachusetts and Washington) were rated “excellent.” The State of Delaware website was not operational at the time of the writing of this report.

Florida and Best Practice States

Florida’s current website¹², maintained by the Florida Division of Elections housed under the Florida Department of State, was rated as “good” when it came to being user-friendly, easily searchable and capable of downloading data in an open format. The website would likely be somewhat frustrating for an average member of the public who is trying to learn more about how a candidate is financing their campaign as it only contains contribution and expenditure reports for statewide candidates, candidates for the legislature, committees and parties – it does not contain records for federal elections which are housed by the Federal Election Commission.¹³ The website also does not contain records for county and city elections which are filed locally and can only be found in city and county government filing offices. The new campaign finance law mandates the creation of a new statewide database that includes both state and local offices.

In our analysis of the Florida campaign disclosure website, the state received high marks for the scope of data included. For candidates, parties and committees, users of the database are able to learn a contributor’s address, occupation and employer, as well as the transaction amount, type and date.

The depth of the reports is also good with available historical reports dating back to the 1996 election. Adding advanced search options, such as the ability to search a committee’s contribution and expenditure data related to the candidate registered to solicit funds for the committee, would further benefit the public. Adding a full text search feature and a bulk data download option would also enhance the quality of the website. The public benefits from the fact that data may be downloaded in an open tab delimited format.

Florida’s mandate to create a new campaign disclosure website should be seen as an opportunity to learn from innovations that other states have used in recent years to make campaign financing more transparent and provide the public with the ability to better track the influence of money in politics.

Website Case Studies and Best Practices

In our analysis of state webpages, we identified four states offering innovative features in the criteria identified as key to campaign finance disclosure requirements and data availability: Maine, Kentucky, Washington and Hawaii. Brief descriptions of these websites follow; summary information and their web addresses can be found in Table 8.

Table 8: Summary of Featured States Exhibiting Best Practices

State	Website Address	Noteworthy Components	Responsible Agency
Maine	http://mainecampaignfinance.com/PublicSite/homepage.aspx	Data for state and local candidates; easy search by candidate or office; data download available; user-friendly	Maine Commission on Governmental Ethics and Election Practices (single agency for ethics and elections)
Kentucky	http://www.kref.state.ky.us/krefsearch/	Easy search function; data for state and local candidates; historical data back to 1998	Kentucky Registry of Election Finance
Washington	http://www.pdc.wa.gov/MvcQuerySystem	Lobbying and campaign finance data on same website; multiple download and social media sharing options	The Washington State Public Disclosure Commission
Hawaii	http://ags.hawaii.gov/campaign/cc/view-searchable-data/	State and local candidate information; multiple data download options; analysis available of in-state versus out-of-state contributors	State of Hawaii Campaign Spending Commission

Maine

The Maine campaign disclosure website¹⁴ is housed within the Maine Commission on Governmental Ethics and Election Practices. The website offers users campaign finance data for state and local candidates, political parties and committees. Candidate campaign finance data are easily searched alphabetically or by office sought in election cycles going back to 2002. The campaign reports can be easily accessed and the scope of information provided is extensive, including the contributor's address, occupation and employer as well as transaction types and dates. Data may be easily downloaded into an Excel spreadsheet either at the individual candidate level, or committee and party level, or for total overall contributions and expenditures.

The website also lists political committees that support or oppose ballot questions on a separate webpage from other political committees, which is a useful distinction that adds to the user-friendly nature of the website. In fact, it is the user-friendliness of the website that makes it one of the better sites in the 50 that we analyzed. The search function is intuitive and easy to use making it an ideal tool for an average member of the public to track campaign contributions and expenditures in the State of Maine.

Kentucky

The Kentucky campaign finance disclosure website¹⁵ is housed within the Kentucky Registry of Election Finance. The website contains a searchable database of records dating back to 1998. Detailed contribution records are included for candidates and issue committees while records for permanent committees and executive committees are only presented in summary figures. The website offers records for both state and local races and candidate reports may be easily searched by name, election date or office sought. Contributors may be searched by individual candidates or by multiple candidates and committees. Information provided about contributors includes their address, occupation and employer, as well as transaction amounts, types and dates.

The website is user-friendly and the search function works well once users understand how to navigate it. Still, this state's website is the only one of our case studies that received only a "good" grade for being user-friendly/easily searchable. It is not as intuitive as the websites that received an "excellent" rating.

Kentucky is a state that has strong government transparency websites, and the campaign finance disclosure website is no exception. Contribution and expenditure records that are reported electronically are available for download in an ASCII text file. Like the Maine website, the Kentucky campaign disclosure website offers the public an effective means to monitor campaign funding and spending.

Washington

The State of Washington's campaign disclosure website¹⁶ is under the auspices of the Public Disclosure Commission, which claims to be "shining light on Washington politics." In addition to campaign finance disclosure information, the website offers election totals and lobbying reports. The home page offers five simple search options that include elections, lobbying, candidates, political committees and independent expenditures. The website includes contribution and expenditure reports going back to 2000.

The Washington campaign disclosure website is very well organized and offers a search function that is intuitive and easy to navigate. Users may first choose an election cycle and then select a statewide office, a legislative office, a judicial office or a local office. For each selection the website gives users the total raised and spent for that election cycle. Users are also offered snapshots of what each candidate raised and spent. If users click on the "details" button next to a candidate's name, they can access a list of all contributions, in-kind contributions, expenditures and independent expenditures. The details of individual contributors include the amount, date, city, state, occupation and employer. This level of detail is available for other categories as well, including parties, committees and independent expenditures.

Perhaps the most remarkable aspect to the Washington website is how the data are able to be accessed and shared. Each dataset may be turned into a pie chart, exported to a PDF or an Excel file, printed or turned into an RSS feed. The user also has the option to share the data on Facebook, Twitter, Email or multiple other social media options. The Washington campaign disclosure website may be the most user-friendly campaign finance website in the country and should be looked at closely as a model for states considering improvements.

Hawaii

The Hawaii campaign disclosure website¹⁷ is housed under the State of Hawaii Campaign Spending Commission. Its mission is to "maintain the integrity and transparency of the campaign finance process by enforcing the law, educating the public, administering public financing, and training campaign committees in order to encourage timely compliance." The data on the website date back to the 2008 election cycle, but earlier election cycles are available under older data systems.

The Hawaii website offers data for both state and county level candidates. Candidate reports may be searched by name, alphabetically or by office. Committee reports may be searched by name or alphabetically. When users click on a candidate or committee name, they can obtain access to the contribution and expenditure reports that have been filed. The contribution reports give detailed information about the contributor, including the aggregated amount, the date, the address, the occupation and the employer.

Like the Washington website, the Hawaii campaign disclosure site offers users a number of data options. Users may create pie charts that show a candidate's contributions and break down how much and what percentage of the contributions are funded by individuals, non-candidate committees, political parties, etc. Users may also see how much and what percentage of a candidate's contributions came from in-state versus out-of-state, from which states and zip codes, and from which geographical location. Users may also create a pie chart for expenditures which shows the percentage spent on advertising, travel, surveys and polls.

Other sites that we analyzed were often frustrating and difficult to navigate. Sometimes it seemed as if they had been purposely designed to make it difficult to track campaign financing. The four states that we have highlighted seem truly committed to making campaign financing as transparent as possible.

Analysis

Our analysis reveals that in comparison with other states, Florida's campaign finance data transparency is good. The database is relatively user-friendly, has an easy search process, and contains campaign finance data dating back to 1996. The effort underway to include local data will go a long way in making a good website even better. In addition, the state might consider the following policy directions to improve Florida's competitiveness on national report cards and enhance public access to campaign finance information:

- Improve campaign finance data quality and ease of public access online. Florida could offer campaign finance data in multiple formats, offer data visualization features and allow for social media connectivity.
- Require independent expenditures to include the target issue or candidate in their campaign finance reports.
- Require electioneering communications to include details about whether expenditures are in support of or opposition to a candidate or issue.

Appendix Available

An online appendix is located at the LeRoy Collins Institute website: collinsinstitute.fsu.edu. The appendix provides detailed information and links to campaign finance websites for all 50 states.

Conclusion

The 2013 Florida law on campaign finance is clearly moving the state toward more transparency, aligning with the state's proud open government culture. The raising of campaign finance limits, while controversial, positions the state near the median of the country, and the call for a comprehensive state-local campaign finance data set will make it easier for citizens to hold their elected officials accountable. While the legislative call for an enhanced statewide campaign finance website that includes local data is an ambitious project, it has tremendous potential to provide valuable information to Floridians and strengthen the Sunshine State's reputation for open government.

Enhancements to campaign finance websites could be pursued through broad-based open data policies. Hawaii has an open data policy that gives the public easy access to government data in a format that updates in real-time so programmers may use it for apps and enhanced databases.

The states exhibiting best practices for campaign finance disclosure websites typically had a state ethics enforcement agency responsible for the website. The Florida Legislature may be interested in evaluating other governance models across the U.S. that function as consolidated ethics and elections agencies.

Finally, legislators might want to consider further extensions of the law to require independent expenditures and electioneering communications groups to list the target issue or candidate for their expenditures, and require disclosure of the position of the expenditure to support or oppose the candidate or issue. Such action would propel Florida to the top of state rankings for at least one national scorecard and continue its trajectory toward excellence in public access to campaign finance.

External Resources for Additional Information

Ballotpedia, a project of the Lucy Burns Institute
<http://ballotpedia.org/>

National Conference of State Legislatures
<http://www.ncsl.org/legislatures-elections/elections/database-of-campaign-finance-legislation.aspx>

ProPublica
<http://www.propublica.org/series/free-the-files>

State Integrity Investigation
<http://www.stateintegrity.org/>

Sunlight Foundation
http://sunlightfoundation.com/policy/municipal_campaign_finance/

The Campaign Disclosure Project, a project of the UCLA School of Law, the Center for Governmental Studies and the California Voter Foundation
<http://disclosure.law.ucla.edu/>

The Center for Responsive Politics
<http://www.opensecrets.org/>

The National Institute on Money in State Politics
<http://www.followthemoney.org/>

Endnotes

¹ <http://www.flsenate.gov/Committees/BillSummaries/2013/html/565>

² <http://miamiherald.typepad.com/nakedpolitics/2013/04/legislators-send-campaign-finance-and-ethics-bills-to-governor.html>

³ <http://www.flsenate.gov/Committees/BillSummaries/2013/html/563>

⁴ <http://www.flsenate.gov/Session/Bill/2013/0004>

⁵ <http://www.nwfdailynews.com/local/gaetz-emphasizes-ethics-as-new-senate-president-document-1.53042>

⁶ <http://www.flsenate.gov/Committees/BillSummaries/2013/html/562>

⁷ This provision applies to the first version of the ballot summary; if the summary is rejected by the courts, the attorney general may propose an alternative summary that is longer than 75 words.

⁸ <http://www.flsenate.gov/Media/Topics/EthicsReform>

⁹ <http://www.followthemoney.org/press/ReportView.phtml?r=495>

¹⁰ http://www.ncsl.org/Portals/1/documents/legismgt/Limits_to_Candidates_2012-2014.pdf

¹¹ <http://www.scribd.com/collections/4439008/Florida-Division-of-Elections-Campaign-Finance-System-Website-Proposal>

¹² <http://election.dos.state.fl.us/campaign-finance/cam-finance-index.shtml>

¹³ <http://www.fec.gov/disclosure.shtml>

¹⁴ <http://mainecampaignfinance.com/PublicSite/homepage.aspx>

¹⁵ <http://www.kref.state.ky.us/krefsearch/>

¹⁶ <http://www.pdc.wa.gov/MvcQuerySystem>

¹⁷ <http://ags.hawaii.gov/campaign/>



Tough Choices: A research series focused on state and local government relationships from the LeRoy Collins Institute.

Established in 1988, the LeRoy Collins Institute is a nonpartisan, statewide policy organization which studies and promotes creative solutions to key private and public issues facing the people of Florida and the nation. The Institute, located in Tallahassee at Florida State University, is affiliated and works in collaboration with the State University System of Florida.

Named in honor of Florida Governor LeRoy Collins, the Institute is governed by a distinguished board of directors, chaired by Lester Abberger. Other board members include executives, local elected officials, and other professionals from throughout the state.

Beginning in 2005, the Institute produced several reports in a series called *Tough Choices: Shaping Florida's Future*. These publications provided an in-depth analysis of Florida tax and spending policy and concluded that Florida's pattern of low spending and low taxes conflicted with the growing demands of the state's residents, predicting trouble might be ahead.

Recent work has produced the series, *Tough Choices, Facing Florida's Governments*, examining local retirement benefits, including pensions and other post-employment benefits, as well as ethics policy at the local level – all timely issues in state and local relationships.

This report, *Tough Choices: Best Practices in Campaign Finance and Public Access to Information* compares Florida's practices in campaign finance and public access to information to other states and provides examples from four best practice states where a wide variety of well-organized and user-friendly information is made available to the public.

The report is a collaboration of the LeRoy Collins Institute and Integrity Florida. Contributors include Dan Krassner, Ben Wilcox and Dr. Carol Weissert. Lindsay Potvin, Alex del Rey and Stacie Linley contributed to the editing, proofing and production of the report.

The *Tough Choices* research series is supported by funds from the Jessie Ball duPont Fund. Future reports in the series will examine local retiree health benefits, special districts, and state intergovernmental aid.

All publications can be found on the Institute's website: <http://collinsinstitute.fsu.edu>.

LeRoy Collins Institute Board of Directors:

Chairman Lester Abberger, *Tallahassee*

Vice Chairman Allison DeFoor, D.Min, *Tallahassee*

Director Carol S. Weissert, Ph.D., *Tallahassee*

Jim Apthorp, *Tallahassee*

Jane Collins Aurell, *Tallahassee*

Jeffrey Bartel, *Miami*

Colleen Castille, *Tallahassee*

Betty Castor, *Tampa*

LeRoy "Roy" Collins III, *Tampa*

Rena Coughlin, *Jacksonville*

Richard Crotty, *Orlando*

Sandy D'Alemberte, *Tallahassee*

Brian Dassler, *Tallahassee*

Rick Edmonds, *St. Petersburg*

Joel Embry, *Fernandina Beach*

Pegeen Hanrahan, *Gainesville*

Jim Ley, *Sarasota*

John Marks, III, *Tallahassee*

John Martinez, *Orlando*

Audrey Moran, *Jacksonville*

John Padgett, *Key West*

David Rasmussen, Ph.D., *Tallahassee*

Charles Reed, Ed.D., *Tallahassee*

Don Slesnick, *Miami*

Hansel Tookes, *Palm Beach*

Ken van Assenderp, *Tallahassee*



LEROY COLLINS
INSTITUTE

LeRoy Collins Institute - FSU Campus
P: 850.644.1441 • F: 850.644.1442
506 West Pensacola Street • Tallahassee, Florida 32306-1601
<http://collinsinstitute.fsu.edu> - Follow us on Twitter: @LCInstitute_FL