Editorial: New law adds to 'silliness' of Florida's electoral process: Legislature should place reasonable limit on what unopposed candidates can give to their political party

By Editorial Board

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For the most part they are invisible candidates — men and women of mystery who file to run for elected office in Florida and, in many cases, are never heard from again.

They make no effort to raise money for their "campaigns."

They readily ignore media inquiries.

They attend no campaign events or joint political forums with their opponent(s).

In short, these candidates are little more than a name on the ballot come Election Day.

No, we’re not talking about write-in candidates, a separate class of invisible candidates whose names do not appear on ballots, and who are not required to obtain signatures or pay a fee to run for elected office. Instead, we have in mind those candidates who run under a party banner, whose names appear on the ballot and who have their filing fees paid for by the political party they represent.

There were 13 such candidates on ballots in Florida in the 2012 general election — and three in state legislative races on the Treasure Coast: Dominic A. Fallo II of Cocoa Beach, who was defeated by Sen. Thad Altman, R-Rockledge, in the race for state Senate District 16; Democrat Ray D’Amiano of Sewall’s Point, who lost to Sen. Joe Negron, R-Stuart, in the race for Florida Senate District 32; and Democrat Stacy McCland of St. Cloud, who lost to Sen. Denise Grimsley, R-Sebring, in the state Senate District 21 race.

For the record, not all of these candidates file to run and then vanish into obscurity. While McCland’s filing fee ($1,781.82) was paid for by the Democratic Party of Florida, McCland actually ran a legitimate campaign, raising more than $8,400 in contributions from about 50 donors, according to
the state Division of Elections’ website (www.doe.dos.state.fl.us). She also joined Grimsley at a meeting to seek the endorsement of the editorial board of Scripps Treasure Coast Newspapers.

The same cannot be said of Fallo and D’Amiano, who raised grand totals of $2,100 and $2,060, respectively. The lion’s share of each candidate’s fundraising total was a $2,000 check from the Florida Democratic Party.

“Mr. D’Amiano was not present at any of the candidate forums I attended,” Negron said. “I did not have the pleasure of meeting him and do not know him.”

At least D’Amiano spoke with the Stuart News in June when he qualified for the Senate District 32 race. Fallo ignored multiple media inquiries.

So why did state political parties pay the filing fees for 13 individuals — most of whom clearly had no intention of pursuing elected office — so these “candidates” could run against nine previously unopposed Republicans and four previously unopposed Democrats?

Money.

Or, more accurately, to keep the opposing party from taking advantage of a ridiculous — and recent — change in state law.

Florida elections law allows unopposed candidates to dispose of their unspent campaign contributions in a variety of ways, including: 1) returning the funds to their contributors; 2) donating funds to qualified charitable organizations; 3) transferring funds to the campaign accounts of other state and county candidates (with limits placed on the amount); and giving funds to one’s political party, among other options.

There used to be a cap on the amount of money an unopposed candidate could give to his/her political party. However, the 2011 Legislature eliminated the cap, thereby allowing unopposed candidates to donate all of their unspent contributions to their own party.

The state GOP reaped a financial windfall from this provision shortly after the qualifying period expired for the 2012 election. As many as 21 unopposed Republican legislative candidates gave at least $571,000 to the Florida GOP.

The Florida Democratic Party countered by recruiting nine “candidates” to challenge previously unopposed Republicans in the 2012 general election.

Negron, whose individual campaign account totaled more than $692,000 in the last cycle, says the 2011 law is “neutral (to both parties) in its impact.” But he also added, “This is one provision we need to examine. It would be preferable to have some limit on the amount of money unopposed candidates can give to their party.”
Negron proposes capping the amount of money an unopposed candidate can give his or her party at $50,000.

“It’s better than what we have now,” said Kevin Wagner, associate political science professor at Florida Atlantic University. “But why not zero?”

Ironically, as Wagner points out, the 2011 law “creates a need for fundraising where fundraising wasn’t necessary before.”

Why? Because an unopposed candidate, who doesn’t have to worry about re-election, can devote his time and attention to raising money — and thereby bolster his clout in the party.

“A law like this allows members of the Legislature from uncontested districts to play a larger role inside the caucus and to raise funds for other members,” Wagner said. “It adds to the silliness of the electoral process.”

Indeed.

For a modest investment of $2,000, a political party in Florida can recruit a candidate — in name only — pay his/her filing fee, and block the opposing state party from reaping a financial windfall when candidates dispose of their unspent contributions.

The 2013 Legislature needs to place a reasonable limit on the amount of money unopposed candidates can give to their own party. The figure proposed by Negron — $50,000 — is excessive. One-fifth that amount — $10,000 — is reasonable. Whatever the figure, it needs to be modest enough to discourage the silliness exhibited by both political parties in the 2012 election.

But don’t hold your breath. The 2011 law is not just silly, it also is self-serving and incestuous for those who write state law.

And such laws are almost impossible to remove from Florida Statutes.