

Indian River County

2020 CANDIDATE HANDBOOK



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To: Candidates and Campaign Treasurers

FROM: Leslie Swan, Supervisor of Elections

SUBJECT: Candidate Handbook

This Handbook is primarily intended to familiarize Indian River County candidates and campaign treasurers with their duties and responsibilities under Florida Election Law. It is designed to supplement the *Candidate and Campaign Treasurer Handbook* published by the Florida Department of State. However, whether you are a new candidate, a current elected official running for re-election, a member of a political organization, a campaign volunteer, or any business or group that participates in the campaign process, this *Indian River County Candidate Handbook* will provide you with useful information.

This handbook is not intended to be a substitute for reading and understanding Chapters 99, 104, 105, and 106 of the Florida Election Laws.

All the requirements prescribed by statute and included in this handbook are subject to change by the Legislature. Please understand, Supervisors of Elections do not write or interpret the laws, we only administer them. If changes do occur, I will notify all candidates who have filed with this office, as well as current elected officials, registered political committees, and local political parties.

Qualifying papers and financial reporting forms can be obtained at the Elections Office or online through the Florida Division of Elections website. I hope this Handbook will be a valuable reference for you. My goal is to help you avoid any problems you might encounter, so please call the Supervisor of Elections office any time you have questions or concerns about the election process.

Congratulations for taking an active role in the electoral process. I look forward to working with you.

Table of Contents.....4-7

I.	ELECTION RESOURCES.....	8
A.	Resource Material.....	8
1.	Contact Information.....	8
II.	CANDIDATES.....	9
A.	Candidate Filing.....	9
1.	Becoming a Candidate.....	9
2.	Resign-to-Run.....	9-10
3.	Federal Hatch Act.....	10
4.	Form DS-DE 9.....	11
5.	Form DS-DE 84 , DS-DE 83.....	11
6.	Filing Officer.....	12
7.	Changing Parties for Partisan Offices.....	12
8.	Changing the Designation of Office.....	13
9.	Pro Rate Refund Example.....	14
B.	Candidate Campaign Bank Account.....	15
1.	Filing Requirements.....	15
2.	Bank Account Requirements and Restrictions.....	15
3.	Campaign Account Checks.....	16
4.	Debit Cards.....	16-17
5.	Secondary Depository.....	17
6.	Separate Interest-Bearing Accounts and Certificates of Deposit.....	17-18
C.	Campaign Treasurer.....	19
1.	Campaign Treasurer.....	19
2.	Form DS-DE 9.....	19-20
3.	Duties and Responsibilities.....	20-21
4.	Campaign Treasurer Replacement.....	21
5.	Multiple Campaign Appointments.....	21
D.	Candidate Qualifying.....	22
1.	Qualifying Period.....	22
2.	Qualifying Officer.....	22
3.	Qualifying Methods.....	22
4.	Forms For Qualifying.....	22-23
5.	Financial Disclosure Form.....	23
6.	Loyalty Oath.....	23
7.	Non-Compliance with Requirements for Qualifying.....	23
8.	Guidelines for Determining When Residency Qualifications Must be Met.....	23-24
E.	Qualifying by Candidate Petition.....	25
1.	Petition Forms.....	25-26
2.	Petition Forms Must Include.....	26

3.	Voter Information Required for Valid Petition.....	26
4.	Submitting Petition for Verification.....	26-27
5.	Certificate for Petition Qualifying.....	27
6.	Penalties for Falsifying Petitions.....	27
F.	Qualifying by Fee.....	28
1.	Qualification Fee.....	28
2.	Qualifying Fee Refund.....	28
G.	Qualifying as a Write-In Candidate.....	29
1.	Write-In Candidate Qualifying.....	29
H.	Qualifying County Executive Committee Precinct or State Committee Man/Woman.....	30
III.	CAMPAIGN FINANCE.....	31
A.	Glossary of Terms.....	31-33
B.	2020 Election Dates.....	34
1.	Qualifying Dates for 2020.....	34
2.	Finance Reporting.....	34
C.	Campaign Contributions.....	35
1.	A Contribution Is.....	35
2.	Unauthorized Contributions.....	35
3.	Contribution Limits for Candidates.....	36-37
4.	Anonymous Contributions.....	37
5.	In-Kind Contributions.....	37
6.	Cash Contributions.....	38
7.	Debit and Credit Card Contributions.....	38
8.	Deadlines for Accepting Contributions.....	38
9.	Loans.....	38
10.	Foreign Contributions.....	39
11.	Contribution Reporting.....	39
12.	Preservation of Accounts.....	39
13.	Inspections.....	39-40
14.	Violations.....	40
D.	Campaign Expenditures.....	41
1.	Campaign Expenditures.....	41
2.	Checks.....	41
3.	Living Expenses.....	42
4.	Credit Cards.....	42
5.	Debit Cards.....	42-43
6.	Expense Reporting.....	43
7.	Advertising.....	43
8.	Petty Cash Funds.....	44
9.	Independent Expenditures.....	44-46
10.	Electioneering Communications.....	46-47

E. Campaign Treasurer Reports.....	48
1. Reporting Contributions and Expenditures.....	48
2. Where to File.....	48
3. When to File.....	48-49
4. Reporting Contributions.....	49
5. Returning Contributions.....	49-50
6. Reporting Expenditures.....	50
7. Special Requirements for Judicial Candidates.....	50-51
8. Late Reports.....	51
9. Late Report Fines.....	51-52
10. Termination Reports.....	52
11. Using Campaign Funds After Election.....	52
12. Prior to Disposing of Surplus Funds.....	52
13. Disposing of Surplus Funds.....	53-54
14. Money from Separate Interest-Bearing Account or Certificate of Deposit.....	54
15. Campaign Loan Reports.....	54
16. Campaign Fund Raiser.....	54
17. Contributions from Fund Raisers.....	54
18. Expenditures for Fund Raisers.....	54-55
19. Tickets.....	55
20. Campaign Reporting – Indian River County.....	55-60
IV. Political Advertisements.....	61
1. Political Advertisements.....	61
2. Candidate Disclaimers.....	61-62
3. Examples of Advertisements with Disclaimers.....	62-63
4. Independent Campaign Advertisement Disclaimer.....	64
5. Endorsements in Political Advertisements.....	64
6. Independent Expenditures Disclaimers.....	65
7. Disclaimers for Other than Independent Expenditures.....	65
8. Disclaimers on Novelty Items.....	66
9. Language Other than English.....	66
10. Electioneering Communication Disclaimers.....	66
11. Billboard Political Disclaimer Example.....	66
12. Items Designed to be Worn Disclaimer Example.....	67
13. Disclaimers do not Apply to the Following.....	67-68
14. Bumper Sticker Disclaimer Example.....	68
15. Fund Raiser Mail Outs.....	68
16. Miscellaneous Advertisements.....	69
17. Closed Captioning and Descriptive Narrative for Television Broadcasts.....	69
18. Telephone Solicitation.....	70
19. Telephone Solicitation, Registered Agent.....	71
20. Campaign Signs.....	72

21. SOE Memorandum – Political Signs at Polling Places.....	73
V. Vote-By-Ballots.....	74
1. Who Can Vote by Vote-by-Mail Ballot.....	74
2. Requesting a Vote-by-Mail Ballot.....	74
3. Requirements for Certain First Time Voters.....	75
4. Obtaining a Vote-by-Mail Ballot.....	75-76
5. Returning a Vote-by-Mail Ballot.....	76
VI. Requesting Voter Data.....	77
1. Voter Lists.....	77
2. Registered Voter Information Request Form.....	78
3. Vote-by-Mail Request Information.....	79
4. Vote-by-Mail Ballot Information Request Form.....	80
VII. Poll Watchers.....	81
1. Watchers at the Polls.....	81
VIII. Ethical Conduct.....	82
1. Prohibited Acts.....	82-83
2. Limitations on Political Activity for Judicial Candidates.....	83-84

I. ELECTION RESOURCES

A. Resource Material

1. Contact Information

Indian River County Supervisor of Elections
4375 43rd Avenue
Vero Beach, FL 32967
772.226.3440
772.770.5367 (fax)
www.voteindianriver.com

- Supervisor of Elections: Leslie Swan
lswan@voteindianriver.com
- Qualifying Information: Jane Markley
jmarkley@voteindianriver.com
- IT Manager: Gary Gordon
ggordon@voteindianriver.com

Florida Department of State
Divisions of Elections
500 South Bronough Street
Room 316, R.A. Gray Building
Tallahassee, FL 32399-0250
850.245.6200
<https://dos.myflorida.com/elections>

Florida Elections Commission
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399-1050
850.922.4539
<http://www.fec.state.fl.us>

Florida Commission on Ethics
P.O. Drawer 15709
Tallahassee, FL 32317-5709
850.488.7864
<http://www.ethics.state.fl.us>

II. CANDIDATES

A. Candidate Filing

1. Becoming A Candidate (Section 106.011(3), F.S.)

A candidate is:

A person who seeks to qualify for nomination or election by means of the petitioning process;

A person who seeks to qualify for election as a write-in candidate;

A person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office;

A person who appoints a treasurer and designates a primary depository; or

A person who files qualification papers and subscribes to a candidate's oath as required by law.

2. Resign-to-Run (Section 99.012, F.S.)

No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other.

No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds.

The resignation is irrevocable.

The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek.

The resignation must be effective no later than the earlier of the following dates:

- The date the officer would take office, if elected; or
- The date the officer's successor is required to take office.
- An elected district, county, or municipal officer must submit his or her resignation to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State.
- An appointed district, county, or municipal officer must submit his or her resignation to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

- All other officers must submit their resignations to the governor with a copy to the Department of State.
- A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to Section 99.012, F.S., if the person is seeking to qualify for a public office that is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office.

The resign-to-run law does not apply to political party offices, persons serving without salary as members of an appointive board or authority, and persons seeking federal office. (Section 99.012(7), F.S.)

For additional information regarding resign-to-run, see the Division's Frequently Asked Question page: <http://www.elections.myflorida.com/gen-faq.shtml>.

3. Federal Hatch Act

Although a person may not be someone who would have to resign under Florida's resign-to-run law, the person may be precluded by the federal Hatch Act (5 USC § 1501 – 1508) from holding his or her current job and becoming a candidate in a partisan election. The Hatch Act restricts the political activity of individuals principally employed by the state, county, or municipal executive agencies in connection with programs financed in whole by loans or grants made by the U.S. or a federal agency. If the state, county, or municipal employee performs duties in connection with an activity financed in whole by federal dollars (loans or grants), that employee is precluded from being a candidate for public office in a partisan election. With local governments making increasing use of federal dollars, state, and local government employees must be cognizant of the Hatch Act as it relates to their political activities.

Please note, however, that pursuant to 5 USC § 1502 (c) Governors, Lieutenant Governors, mayors, elected heads of executive departments, and individuals holding elective office are exempt from the prohibition against being a candidate for public office. So, the Hatch Act prohibits state, county and municipal employees seeking public office in a partisan election, not an elected officer seeking re-election or election to another office.

The Department of State has no authority to advise individuals on the applicability of the Hatch Act; however, the U.S. Office of Special Counsel provides advisory opinions to potential candidates. Inquiries about the Hatch Act should be directed to the Special Counsel's "Hatch Act Unit." The contact may be in writing or by telephone at:

Hatch Act Unit
U.S. Office of Special Counsel
1730 M Street, N.W., Suite 218
Washington, D.C. 20036-4505
Tel: (800) 85-HATCH or (800) 854-2824, (202) 804-7002

Requests for Hatch Act advisory opinions may be made by e-mail to: hatchact@osc.gov.

4. Form DS-DE 9 (Section 106.021, F.S.)

Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates is the first document that must be filed with the filing officer to become a candidate. At the same time, the candidate must designate the office for which he or she is running. **DS-DE9:**

- Shall be filed with the filing officer **prior** to opening the campaign account.
Note: The campaign depository should not be opened until after the DS-DE 9 is on file with the filing officer.
- Is not effective until signed by the campaign treasurer and filed with the filing officer.
- Is not considered “filed” upon mailing, but only upon receipt by the filing officer.
- Shall be on file with the filing officer **prior** to the candidate accepting any contributions or making any expenditures, or authorizing another to accept contributions or make expenditures on the person’s behalf.
- Shall be on file with filing officer **prior** to obtaining signatures on a DS-DE 104, Candidate Petition.

A candidate can appoint a campaign treasurer and designate a campaign depository at any time, but **no later** than the date the candidate qualifies for office. Nothing prohibits a person from announcing their intention to become a candidate prior to filing Form DS-DE 9, as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition.

5. Form DS-DE 84 or DS-DE 83 for Judicial Candidates

Each candidate must file a DS-DE 84 Statement of Candidate or DS-DE 83 Statement of Judicial Offices to the Supervisor of Elections Office within 10 days of submission of the DS-DE 9 form. This form states that the candidate has received, read, and understands the requirements of Chapter 106, F.S. The execution and filing of the statement of candidate does not in and of itself create a presumption that any violation of Chapter 106, F.S. or Chapter 104, F.S., is a willful violation as defined in Section 106.37, F.S.

WARNING:

Willful failure to file the DS-DE 84 or DS-DE 83 is considered to be a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes. (See Chapter 106.19(1)©, 106.25(3), and 106.023, Florida Statutes for detail.)

6. Filing Officer

The filing officer is the person before whom a candidate qualifies. (Section 106.011(11), F.S.)

Division of Elections.....State, multicounty, district, and judicial offices
(except county court judge)

Supervisor of Elections.....County court judge, countywide, and district offices
(except multicounty offices)

Municipal Clerk.....Municipal offices

Office Sought	Qualifying Officer
State Multi-County District (Sebastian Inlet Tax District, State Legislators) Judicial (except county court judge)	Department of State Division of Elections
Constitutional Officers (Clerk of Court and Comptroller, Property Appraiser, Sheriff, Tax Collector, & Supervisor of Elections) County Commission Hospital District Mosquito Control District School Board Soil and Water Conservation District Political Party Precinct Committeemen and Committeewomen	Supervisor of Elections
City of Fellsmere City of Sebastian City of Vero Beach Town of Indian River Shores Town of Orchid	Municipal Clerk

7. Changing Parties for Partisan Offices (Section 99.021(2)(b), F.S.)

Prohibits would-be candidates from seeking a party's nomination to an office if the person was a member of any other political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.

8. Changing the Designation of Office (Section 106.021(1)(a), F.S.)

A candidate can change the designation of office by filing a new Form DS-DE 9 and a written statement indicating the change with the filing officer. However, the candidate must notify each contributor in writing of the intent to seek a different office and offer to return pro rata, upon their request, those contributions given in support of the original office sought using the following procedure:

- Within 15 days after the filing of the change of designation with the filing officer the candidate must include a standard form developed by the Division of Elections for requesting the return of contributions.
- The candidate must offer (in the notice) to return to the contributor on a pro rata basis all contributions given in support of the original office.
- The candidate must include (with the notice) a copy of **Form DS-DE 86, Request for Return of Contribution Form.**
- If the contributor returns Form DS-DE 86 within 30 days of receiving the notice, the candidate must return a pro rata share of all contributions given in support of the original office, calculated as of the date the change of designation is filed.
- If the contributor does not return Form DS-DE 86 within 30 days of receiving the notice, the candidate may use the contribution for the newly designated office. Up to a maximum of the contribution limits specified in s. 106.08, a candidate who runs for an office other than the office originally designated may use any contribution that a donor does not request be returned within the 30-day period for the newly designated office, provided the candidate disposes of any amount exceeding the contribution limit pursuant to the options in s. 106.11(5)(b) and (c) or s. 106.141(4)(a)1., 2., or 4.; notwithstanding, the full amount of the contribution for the original office shall count toward the contribution limits specified in s. 106.08 for the newly designated office.

The notice requirement shall **not** apply to any change in a numerical designation resulting solely from redistricting.

The following formula is used to determine the pro rata share:

$$\begin{array}{l} \text{The amount of contributions contributed to the campaign that remains in the campaign account} \\ \text{on the date the candidate filed the change of designation} \\ \text{MINUS} \\ \text{The amount already obligated for goods or services} \\ \text{DIVIDED BY} \\ \text{The total amount of contributions contributed to the campaign} \\ \text{MULTIPLIED BY} \\ \text{The amount of the contribution contributed by the individual contributor} \end{array}$$

9. Pro Rate Refund Example

The candidate received a total of \$5,000 from all contributors. Of this amount, the candidate has \$2,500 remaining in the campaign account with an outstanding amount of \$500 owed for goods and services. This leaves \$2,000 in the account to be used for pro rata refunds. One contributor gave a \$500 original contribution and wishes to have it returned.

$$\$2,500 - \$500 = \$2,000 \div \$5,000 = 40\% \times \$500 = \$200$$

B. Candidate Campaign Bank Account

1. Filing Requirements (Section 106.021, F.S.)

Before a candidate can open a campaign bank account, receive contributions, or expend funds, the candidate must file a DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates with the Qualifying Officer.

2. Bank Account Requirements and Restrictions (Sections 106.021(1) and 106.05, F.S.)

- Any bank, savings and loan association, or credit union authorized to transact business in this state may be designated as a campaign depository.
- The bank, savings and loan association, or credit union the candidate selects as a campaign depository must be reported on the DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates.
- The campaign account shall be separate from any personal or other account and shall be used only for the purpose of depositing contributions and making expenditures for the candidate or political committee.
- As stated in Section 106.021, F.S., candidates must designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate.
- Designating a campaign depository does not mean physically opening your account. It is merely naming the financial institution where your campaign funds will be deposited. This is because most banks require an initial deposit to open a campaign account and a contribution cannot be accepted prior to the candidate filing form DS-DE 9.
- All funds received by the campaign treasurer shall, prior to the end of the **5th business day** following the receipt thereof, Saturdays, Sundays, and legal holidays excluded, be deposited in a campaign depository designated pursuant to Section 106.021, F.S., in an account that contains the name of the candidate or committee.

In addition, candidates may also designate one (1) secondary depository for the sole purpose of depositing contributions and forwarding the deposits to the primary depository.

Note:

All contributions must be deposited into such account and all expenditures must be drawn by a check on such account, except when paid with petty cash.

All deposits must be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each. Except for contributions to political committees made by payroll deduction.

No expenditures may be made from a secondary depository.

3. Campaign Account Checks (Section 106.11(1)(b), F.S.)

Campaign checks shall contain, as a minimum, the following information:

- The name of the campaign account of the candidate or political committee.
- Account number and name of bank.
- The exact amount of the expenditure.
- The signature of the campaign treasurer or deputy treasurer.
- The exact purpose of which the expenditure is authorized.
- The name of the payee.

WARNING:

When issuing a check from the campaign account, the campaign treasurer or deputy treasurer shall be responsible for the completeness and accuracy of the information on the check and for insuring that such expenditure is an authorized expenditure (Section 106.11(3), F.S.)

Name of the campaign account of the candidate or political committee		00001
		12-123
		April 6, 2016
Pay To The		
Order Of	XYZ Lumber Company	\$ 150.00
One Hundred and Fifty and 00/100		Dollars
Hometown Bank		
Hometown, FL 01234		
FOR	Sign Materials	Signature of Campaign Treasurer
00338255800326 0075894		

4. Debit Cards (Section 106.11(2), F.S.)

Candidates may use debit cards for expenses. Debit cards are considered bank checks if:

- Debit cards are obtained from the same bank that has been designated as the candidate's or political committee's primary depository.
- Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and contain the name of the campaign account of the candidate or political committee.
- No more than three debit cards are requested and issued.
- The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.

All receipts for debit card transactions must contain:

- The last four digits of the debit card number.
- The exact amount of the expenditure.
- The name of the payee.
- The signature of the campaign treasurer, deputy treasurer, or authorized user.
- The exact purpose for which the expenditure is authorized.

Note:

Any information required but not included on the debit card transaction receipt may be handwritten on, or attached to the receipt by the authorized user before submission to the treasurer.

5. Secondary Depository (Sections 106.021(1) (b) and 106.05, F.S.)

- A candidate or political committee may designate one secondary depository in each county in which an election is held in which the candidate or political committee participates.
- Any bank, savings and loan association, or credit union authorized to transact business in the state of Florida may be designated as a campaign depository.
- Secondary depositories shall be for the sole purpose of depositing contributions and forwarding the deposits to the primary campaign depository.
- A candidate or political committee shall file the name and address of each primary and secondary campaign depository so designated at the same time that, and with the same officer with whom, the candidate or committee files the name of his or her, or its campaign treasurer on Form DS-DE 9.

6. Separate Interest-Bearing Accounts and Certificates of Deposit (Sections 106.021(1) (b))

In the event funds are available in the primary campaign depository that are not currently needed for the disbursement of expenditures, the campaign treasurer or deputy campaign treasurer may deposit such funds into a separate interest-bearing account in any bank, savings and loan association, or credit union authorized to transact business in the State of Florida or may purchase a certificate of deposit with the available funds. (Section 106.021(1)(b), F.S.)

- The separate interest-bearing account must be designated “Name of Candidate or Committee separate interest-bearing campaign account.”
- The campaign treasurer or deputy treasurer may purchase a certificate of deposit (instead of a separate interest-bearing account) with such unneeded funds in such bank, savings and loan association, or credit union.

- The interest-bearing account/certificate of deposit shall be separate from any personal or other account or certificate of deposit. Co-mingling of personal and campaign funds is to be strictly avoided.
- The transfer of funds from a primary depository to a separate interest-bearing account or certificate of deposit must be reported on the DS-DE 94 Treasurer's Report-Fund Transfer. The transfer amount will not reflect on the summary page.
- Any withdrawal of the principal or earned interest or any part thereof shall only be made from the separate interest-bearing account or certificate of deposit for the purpose of transferring funds to the primary account and shall be reported as a contribution.
- The transfer of funds from an interest-bearing account or certificate of deposit back to the primary account must also be reported on the DS-DE 94 Campaign Treasurer's Report – Funds Transfer. The transfer amount will not reflect on the summary page.
- Any interest earned must be reported as a contribution to the campaign account.
- Separate interest-bearing accounts **cannot** be used to pay campaign expenses. The only acceptable withdrawal from a separate interest-bearing account is to transfer funds back to the primary campaign account.

C. Campaign Treasurer

1. Campaign Treasurer (Section 106.021, F.S.)

Each candidate for nomination or election to office and each political committee shall appoint a campaign treasurer. Each person who seeks to qualify for nomination or election to, or retention in, office shall appoint a campaign treasurer and designate a primary campaign depository before qualifying for office. Each candidate shall appoint a campaign treasurer by filing **Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates** with the filing officer before whom the candidate qualifies. The name and address of the campaign treasurer must be included on the form. A candidate may appoint a campaign treasurer and designate a campaign depository at any time, but no later than the date the candidate qualifies for office. A candidate who seeks to qualify by the petition process shall appoint a treasurer and designate a primary depository **on or before** obtaining signatures on petitions. Nothing prohibits a person from **announcing** his or her intention to become a candidate prior to filing Form DS-DE 9, as long as no contributions are received and no expenditures are made:

- The candidate shall designate the office for which he or she is a candidate. If the candidate is running for an office that will be grouped on the ballot with 2 or more similar offices to be filled at the same election, the candidate must indicate for which group or district office he or she is running.
- A candidate must have a campaign treasurer.
- A candidate may appoint herself or himself as campaign treasurer or deputy campaign treasurer.
- A candidate for statewide office (Governor, Cabinet and Supreme Court Justice) may appoint no more than 15 deputy campaign treasurers. Any other candidate may appoint no more than three deputy campaign treasurers.
- Deputy campaign treasurers are appointed in the same manner as the campaign treasurer by filing Form DS-DE 9 with the filing officer.
- A candidate should select a treasurer with knowledge of bookkeeping or accounting procedures, as well as, basis computer skills.
- Candidates may serve as campaign treasurer.
- The qualifications for a deputy treasurer are the same as those for a campaign treasurer.
- A deputy treasurer may exercise the powers and duties of a campaign treasurer when authorized to do so by the candidate and the campaign treasurer.

2. Form DS-DE 9 (Section 106.021, F.S.):

- Must be on file with the filing officer prior to opening the campaign account.
- Is not effective until the campaign treasurer signs and is filed with the filing officer.
- Is not considered “filed” upon mailing.

- Must be on file with the filing officer prior to the candidate accepting any contributions or making any expenditures, authorizing another to accept contributions or make expenditures on the person's behalf, or obtaining signatures on DS-DE 104, Candidate Petition.

3. Duties and Responsibilities

No contribution or expenditure, including contributions or expenditures of a candidate or of the candidate's family, shall be directly or indirectly made or received in furtherance of the candidacy of any person for nomination or election to political office in the state except through the duly appointed campaign treasurer of the candidate, subject to the following exceptions:

- Independent expenditures.
- Reimbursements to a candidate or any other individual for expenses incurred in connection with the campaign or activities of the political committee by a check drawn upon the campaign account and reported pursuant to s. 106.07(4). The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section 106.07(4), F.S., together with the purpose of such payment; Expenditures made indirectly through a treasurer for goods or services, such as communications media placement or procurement services, campaign signs, insurance, or other expenditures that include multiple integral components as part of the expenditure and reported pursuant to Section 106.07(4)(a)13.; or
- Expenditures made directly by any political committee or political party regulated by Chapter 103, F.S., for obtaining time, space or services in or by any communications medium for the purpose of jointly endorsing three or more candidates, and any such expenditure shall not be considered a contribution or expenditure to or on behalf of any such candidate for the purposes of this chapter.

The campaign treasurer: (Sections 106.021, 106.06, 106.07, 106.19 and 106.265, F.S.)

- Shall keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate. Such accounts must be kept current within not more than 2 days after the date a contribution is received or an expenditure is made.
- Shall deposit all funds received by the end of the 5th business day into the campaign depository. All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount of each contribution.
- Shall keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and all withdrawals made from these accounts to the primary depository and all interest earned.
- Shall preserve all accounts for a number of years equal to the term of office to which the candidate seeks election.

- Shall file regular reports of all contributions received and expenditures made by or on behalf of such candidate.
- May be fined \$1,000 or more or be subjected to criminal penalties for failing to file a campaign report or filing an incomplete or inaccurate report.

Accounts, including separate interest-bearing accounts and certificates of deposit, kept by the campaign treasurer of a candidate may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida Election Commission.

4. Campaign Treasurer Replacement (Section 106.021(2), F.S.)

- Candidates may replace treasurers and deputy treasurers at any time.
- In case of death, resignation, or removal of a campaign treasurer, the candidate must appoint a successor utilizing the DS-DE 9 Form.
- A treasurer's resignation does not become effective until it is submitted to the candidate in writing and a copy of the letter of resignation is filed with the filing officer.
- A candidate's removal of a treasurer does not become effective until written notice of the removal is given to the treasurer and is filed with the filing officer.

5. Multiple Campaign Appointments (Section 106.021(1) (c), F.S.)

- An individual may be appointed and serve as campaign treasurer of a candidate and a political committee or two or more candidates and political committees.

D. Candidate Qualifying

1. Qualifying Period (Section 99.061, F.S.)

All countywide candidates (except county court judges) must file their qualifying papers no earlier than noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election. Qualifying papers are only accepted during the qualifying period at the Indian River County Supervisor of Elections Office any time during normal business hours (8:30 a.m. to 5:00 p.m.).

County court judges must file their qualifying papers no earlier than noon on the 120th day prior to the primary election, but no later than noon on the 116th day prior to the date of the primary election.

If qualifying papers are not received prior to noon on the last day of qualifying or are incomplete, the candidate shall not be qualified. Faxed copies of qualifying papers will not be accepted as qualifying documents.

2. Qualifying Officer (Section 99.061, F.S.)

All countywide candidates must file their qualifying papers in the Indian River County Supervisor of Elections office.

3. Qualifying Methods

Florida has three distinct methods for qualifying as a candidate:

- By the petition process.
- By paying a qualifying fee.
- By running as a write-in candidate.

4. Forms for Qualifying

- DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates.
- Letter acknowledging receipt of the Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9).
- DS-DE 83/84 Statement of Candidate. Candidates for judicial offices file the DS-DE 83 and DS-DE 84; all other candidates for countywide offices file the DS-DE 84.
- Loyalty Oath/Candidate's Oath depending on position that candidate is running for: (DS-DE 305CM, DS-DE 302NP, DS-DE 304SB, DS-DE 301SL)
- Loyalty Oath for judicial offices (DS-DE 302JU)
- Judicial Campaign Conduct Forums for Judicial Candidates Facing Opposition
- Full and Public Disclosure of Financial Interest (applicable Form 1 or Form 6).
- Petition Certification Form for Petition Process Qualifying.
- Qualifying Fee if candidate is qualifying by the fee method.

- Affirmation of Undue Burden (if applicable).
- Notification of Chapter 101.5612 F.S. Public Testing, Automatic Tabulating Equipment.
- Poll Watcher Information Sheet.
- Memorandum Usage and Removal of Political Campaign Advertisement (Section 106.1435 F.S.).
- Canvassing Board Schedule
- Indian River County Polling Locations
- Memorandum Political Signs outside the 150-foot No Solicitation Zone
- Receipt of Candidate Handbook for Indian River County, Florida.
- Memorandum Election Recount

5. Financial Disclosure forms

Form 6: Required for County Judges, Clerk of Circuit Court and Comptroller, Sheriffs, Tax Collectors, Property Appraisers, Supervisors of Elections, County Commissioners, District School Boards.

Form 1: Required for Special Districts.

6. Loyalty Oath/Candidate's Oath (Section 99.061((7)(a)(3)& (4))

The candidate's name will appear on the ballot exactly as it appears on the Loyalty Oath. Once the qualifying period is over, no changes can be made to the Loyalty Oath form.

7. Non-Compliance with Requirements for Qualifying (Section 99.061, F.S.)

The Supervisor of Elections is required to make a "reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying."

- A candidate will not be qualified unless all qualifying documents are complete and submitted prior to the end of the qualifying period.
- The candidate is ultimately responsible for completion and submission of all required qualifying documents and fees.

8. Guidelines for Determining When Residency Qualifications for Elected Office Must be Met

DE Reference Guide 0008 (Updated 10/2018)

City Commissioner: At the time of assuming office, unless provided otherwise by city charter or ordinance (see DE 94-04, DE 92-10)

County Commissioner: At the time of election (see DE 92-10, DE 94-04, AGO 74-293)

Constitutional County Officers, Clerk of the Court and Comptroller, Property Appraiser, Sheriff, Supervisor of Elections, and Tax Collector: At the time of assuming office (see DE 90-30, DE 92-10, DE 94-04)

Legislators: At the time of election (Ruiz v. Farias, 43 So. 3d, 124, 127)

School Board Member: At the time of qualifying (see DE 82-02, 94-04)

School Superintendent: At the time of assuming office (see DE-94-04)

Write-in Candidate: Refer to particular office listed above

Residency Questions: Any questions regarding residency requirements for officials not expressly stated in the Florida Election Code should be addressed to the Florida Attorney General's Office

E. Qualifying By Candidate Petition

A person seeking elected office may qualify to have his or her name placed on the ballot by means of the petitioning process.

Candidates must submit candidate petitions to the Supervisor of Elections office for verification prior to noon on the 28th day proceeding the first day of the qualifying period for the office sought.

During the petition collection period a candidate must obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least **one (1%) percent** of the total number of registered voters of the geographical area for the immediately preceding general election.

During the petition collection period a candidate for a **special district office** shall obtain 25 signatures of voters in the geographical area represented by the office sought.

Office Sought	Number of Petitions Required
Constitutional Officers	1134
County Commission	1134
School Board	1134
Soil & Water Conservation District	25
Hospital District	25
Mosquito Control District	25

DO NOT START COLLECTING SIGNATURES UNTIL THE APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY FORM HAS BEEN FILED WITH THE QUALIFYING OFFICER.

Payment for verifying petition signatures must be collected in advance (check or cash only)

1. Petition Forms (Section 99.095, F.S.)

Candidates qualifying by petition must use the DS-DE 104 Candidate Petition Form to gather voter signatures, as prescribed by the State of Florida, Division of Elections.

Candidates can enter the required information on the form prior to duplication of copies.

A political advertisement disclaimer is not required according to attorneys in the Division of Elections but if you choose to print one on your petitions it should read as follows:

"Political Advertisement paid for and approved by (Candidate's Name) (Party Affiliation) for (Office Sought)."

or

"Paid Political Advertisement, Sponsored and Paid for in-kind by (Name and address of person paying for advertisement), approved by (Candidate's Name) (Party Affiliation) for (Office Sought)."

2. Petition Forms Must Include (Section 99.095(2)(c), F.S.)

- Candidate name as it will appear on the ballot.
- Candidate party affiliation if required for the office sought or a statement of Non-Partisan.
- Name of office the candidate is seeking.
- If the candidate is running for an office that requires a group or district designation, the petition must include that designation and, **if it does not, the signatures are not valid.**
- A separate petition is required for each voter.

3. Voter Information Required for Valid Petition

Voters must include the following information on any petition they sign (Chapter 1S-2.045, Florida Administrative Code)

- Voter's name.
- Voter's residential street address including city and county.
- Voter's date of birth or registration number.
- Voter's original signature.
- Voter must sign the date the petition was signed.

4. Submitting Petition for Verification (Chapter 99.097, F.S.)

All signatures will be verified by Supervisor of Elections office personnel. Payment is due in advance of verification. The fee must be paid with a check or cash from the candidate's campaign account and made payable to the Supervisor of Elections.

- Candidates are required to pay a fee of \$0.10 per petition to the Supervisor of Elections for the cost of verifying candidate petitions.
- **Undue Burden Oath** - An "undue burden" oath, stating that a candidate is unable to pay the charges for verifying petitions without imposing an undue burden on the candidate's personal resources or on resources otherwise available to the candidate, may be signed and the verification fee will be waived. However, **F.S. 106.141(7)** states

that prior to disposing of funds, any candidate who filed an undue burden shall reimburse the state or local governmental entity, whichever is applicable, for such waived assessment fee.

- The Supervisor of Elections staff is only able to validate signatures on petitions signed by registered voters who appear on the Supervisor of Elections voter register books. Signatures will be matched to the voter record. Therefore, if a newly registered voter signs a petition and the petition is processed before the voter's name is entered into our voter files, the petition cannot be counted as valid.
- The law does not require the form of the name to be identical.
- Copies of signatures, faxed or otherwise are not valid.
- Candidates may inquire about the progress and count of their petition at any time.
- Petitions submitted to the Supervisor of Elections office for processing shall remain in the custody of the Supervisor of Elections.
- *If the voter lists an address on a candidate petition other than the voter's home address, the Supervisor of Elections shall treat the signature as if the voter had listed the address where the voter is registered. (Section 99.097(3)(c), F.S.)*

5. Certificate of Petition Qualifying (Section 99.095 (4), F.S.)

- Each petition must be submitted before noon of the 28th day proceeding the first day of the qualifying period for the office sought to the Supervisor of Elections of the county in which such petition was circulated. No later than the 7th day before the first day of the qualifying period, the supervisor shall certify the number of valid petitions. The supervisor will provide successful candidates with a "**Certificate of Petition Qualifying**."
- During qualifying week, candidates must submit to the Supervisor of Elections the Certificate of Petition Qualifying and complete required paperwork included in the qualifying packet.

6. Penalties for Falsifying Petitions (Section 104.185, F.S.)

- A person who knowingly signs a petition or petitions for a candidate, a minor political party, or an issue more than one time commits a misdemeanor of the first degree, punishable as provided F.S. 775.082 or s. 775.0823.
- A person who signs another person's name or a fictitious name to any petition to secure ballot position for a candidate, a minor political party, or an issue commits a misdemeanor of the first degree, punishable as provided in F.S. 775.082 or s. 775.083.

F. Qualifying By Fee

1. Qualification Fee (Section 99.092, F.S.)

The required fee is based upon the salary of the office the candidate is running for (based on salary authorized for such office as of July 1 immediately preceding the first day of qualifying) and will include a party assessment for partisan candidates. This fee can only be paid during the qualifying period.

- Qualifying fee must be paid by a check drawn on the candidate's campaign account made payable to the Indian River County Supervisor of Elections.
- Total qualifying fee is generally an election assessment of 6% of the annual salary for the office sought, and 4% of the annual salary for the office sought for non-partisan candidates.

2. Qualifying Fee Refund (Section 99.092(1), F.S.)

Qualifying fees can only be reimbursed if the candidate withdraws before the qualifying period ends.

G. Qualifying as a Write-In Candidate

1. Write-In Candidate Qualifying (Section 99.061(4)(a), F.S.)

- Write-in candidates **will not** be required to pay a qualifying fee (a filing fee, election assessment, or party assessment) or submit petitions.
- Write-in candidates must comply with all of the finance laws and submit the proper loyalty oath and financial disclosure at the time of qualifying.
- Write-in candidates must reside within the district represented by the office sought at the time of qualifying.
- Write-in candidates shall qualify for the general election only and their names will not appear on the ballot; however, a space for the write-in candidate's name to be written will be provided.
- All countywide candidates must file their qualifying papers no earlier than noon of the 71st day prior to the election, but not later than noon of the 67th day prior to the date of the election. Exception, County Court Judge candidates must file their qualifying papers no earlier than noon of the 120th day prior to the primary election, but not later than noon on the 116th day prior to the date of the primary election.
- For ballots to be tabulated for a write-in candidate, the candidate must have qualified with the proper filing officer.

H. Qualifying as a County Executive Committee Precinct or State Committeeman/Committeewoman

1. Persons seeking a publicly elected position on a political party executive committee shall: (Section 103.091(1),(3),(4)F.S.)
 - Check with local political party executive committee for their party requirement/rules.
 - Must file applicable Form 305CM (candidate oath) with local party executive committee and local Supervisor of Elections to be qualified to hold office.
 - Qualifies between noon on the 71st day prior to the primary election and noon on the 67th day prior to the date of the primary election.
 - Elected for a 4 year term each year a presidential election is held.
 - Follows Chapter 103 of the Election Code of the State of Florida.
 - Follows Party Rules for any other requirements.
2. If a candidate receives a contribution or makes an expenditure, they shall file a single finance report with the local Supervisor of Elections no later than 5:00 p.m. on the 4th day (Friday) before the Primary Election. (Section 106.0702F.S.)

III. CAMPAIGN FINANCE

A. Glossary of Terms

Campaign Fund Raiser: An affair held to raise funds to be used in a campaign for public office. (Section 106.011(1), F.S.)

Campaign Treasurer: An individual appointed by a candidate or political committee as provided for in Chapter 106, F.S. (Section 106.011(2), F.S.)

Candidate: A person to whom any of the following applies:

- A person who seeks to qualify for nomination or election by means of the petitioning process.
- A person who seeks to qualify for election as a write-in candidate.
- A person who receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bring about his or her nomination or election to, or retention in, public office.
- A person who appoints a treasurer and designates a primary depository; or
- A person who files qualification papers and subscribes to a candidate's oath as required by law.

This definition does not include any candidate for a political party executive office (Sections 97.021(4) and 106.011(16), F.S.)

Contribution: (See Section 106.011(5), F.S.)

Election: A primary election, special primary election, general election, special election, or municipal election held in this state for the purpose of nominating or electing candidates to public office, choosing delegates to the national nominating conventions of political parties, selecting a member of a political party executive committee, or submitting an issue to the electors for their approval or rejection (Section 106.011(7), F.S.)

Electioneering Communication: Communication that is publicly distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail or telephone and that (1) refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate; (2) is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and (3) is targeted to the relevant electorate in the geographic area the candidate would represent if elected. (Section 106.011(8), F.S.)

Expenditure: (See Section 106.011(10), F.S.)

Filing Officer: The person before whom a candidate qualifies or the agency or officer with whom a political committee or an electioneering communications organization registers. (Section 106.011(11), F.S.)

General Election: An election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law. (Section 97.021(16), F.S.)

Independent Expenditure: (See Section 106.011(12), F.S.)

In-Kind Contribution: In-kind contributions are anything of value made for the purpose of influencing the results of an election except money, personal services provided without compensation by individual volunteers, independent expenditures, as defined in Section 106.011(5), F.S., or endorsements of three or more candidates by political committees or political parties.

Judicial Office: Includes the office of Justice of the Supreme Court, judge of a district court of appeal, judge of a circuit court, and county court judge. A judicial office is a nonpartisan office and a candidate for election or retention thereto is prohibited from campaigning or qualifying for such an office based on party affiliation. (Section 105.011, F.S.)

Minor Political Party: Any group which on January 1 preceding a primary election does not have registered as members five percent of the total registered electors of the state. (Section 97.021(19), F.S.)

Nominal Value: Having a retail value of \$10 or less. (Section 97.021(21), F.S.)

Nonpartisan Office: An office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation. (Section 97.021(22), F.S.)

Office Account: A candidate elected to office or a candidate who will be elected to office by virtue of his or her being unopposed may transfer funds from the campaign account to an office account up to limits listed under Section 106.141(5), F.S. This fund must be used only for legitimate expenses in connection with the candidate's public office. (Section 106.141, F.S.)

Person: Means an individual or a corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term includes a political party, affiliated party committee, or political committee. (Section 106.011(14), F.S.)

Petty Cash: Cash spent in amounts of less than \$100 to be used only for office supplies, transportation expenses, and other necessities by the candidate. (Sections 106.07 and 106.12, F.S.)

Political Advertisement: (See Section 106.011(15), F.S.)

Primary Election: An election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county or district office. (Section 97.021(29), F.S.)

Public Office: A state, county, municipal, or school or other district office or position that is filled by vote of the electors. (Section 97.021(32), F.S.)

Special Election: Called for the purpose of voting on a party nominee to fill a vacancy in the national, state, county, or district office. (Section 97.021(34), F.S.)

Special Primary Election: A special nomination election designated by the Governor, called for the purpose of nominating a party nominee to be voted on in a general or special election. (Section 97.021(35), F.S.)

Statewide Office: Governor, Cabinet, and Supreme Court Justice.

Unopposed Candidate: A candidate for nomination or election to an office, who, after the last day on which any person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without opposition after such date as a result of any primary election or of withdrawal by other candidates seeking the same office. A candidate is not an unopposed candidate if there is a vacancy to be filled under Section 100.111(4), F.S., if there is a legal proceeding pending regarding the right to a ballot position for the office sought by the candidate, or if the candidate is seeking retention as a justice or judge. (Section 106.011(18), F.S.)

B. 2020 ELECTION DATES

Primary Election	August 18, 2020
General Election	November 3, 2020

1. QUALIFYING DATES for 2020

Federal, Judicial, State Attorney and Public Defender (Including Write-In Candidates)	Noon , April 20, 2020 – Noon , April 24, 2020
Statewide, Multi-County, County, and District (Including Write-In Candidates)	Noon , June 8, 2020 – Noon , June 12, 2020

2. FINANCE REPORTING

Finance reports are due **NO LATER THAN MIDNIGHT** on the due date. It is advisable not wait until the last minute to file a report as unforeseen incidents can happen and the midnight deadline could be missed.

In non-election years, 10 finance reports are due. In election years, finance reports increase to 20 reports due.

Finance reports are due on the **10th day** of each month after filing for local candidates and political committees filing with the Supervisor of Elections.

The number of finance reports due increases after the qualifying period. Financial reports are due on the **60th day** immediately preceding the primary election and **biweekly** on each Friday thereafter, through and including the **4th day** immediately preceding the General Election.

Additional finance reports are also due on the **25th**, and **11th** days before the Primary and General Election.

C. Campaign Contributions

1. A Contribution Is: (Section 106.011(5), F.S.)

- A gift, subscription, conveyance, deposit, loan, payment or distribution of money or anything of value, including contributions in-kind having an attributable monetary value in any form, made for the purpose of influencing the results of an election or making an electioneering communication.
- A transfer of funds between political committees, between electioneering communications organizations, or between any combination of these groups.
- The payment, by a person other than a candidate or political committee, of compensation for the personal services of another person which are rendered to a candidate or political committee without charge to the candidate or committee for such services.
- The transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit. The term includes interest earned on such account or certificate.

The exceptions are:

- Services provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate including, but not limited to, legal and accounting services.
- Editorial endorsements.

IMPORTANT

The law provides no exceptions for reporting contribution information, regardless of the size of the contribution (e.g., the reporting requirements would be the same for a 50 cent contribution as for a \$1000 contribution).

2. Unauthorized Contributions (Section 106.08(3), F.S.)

Any contribution received by a candidate with opposition in an election or by the campaign treasurer or deputy campaign treasurer of such a candidate on the day of that election or less than 5 days prior to the day of the election must be returned to the contributor or committee and may not be used or expended by or on behalf of the candidate.

3. Contribution Limits for Candidates (Sections 106.08 and 106.19, F.S.)

- Except for political parties or affiliated party committees, no person or political committee, may, in any election, make contributions in excess of the following amounts:
 1. To a candidate for statewide office or for retention as a justice of the Supreme Court, \$3,000. Candidates for the offices of Governor and Lieutenant Governor on the same ticket are considered a single candidate.
 2. To a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for a county court judge or circuit judge, \$1000.
- The above monetary limitations apply to each individual or entity with regard to any contributions received by personal or business check. A husband and wife may each give up to the above monetary limitations on two different checks only.
- Each contribution must be separate and the check must be signed by the contributor.
- The contribution limits do not apply to contributions made by a state or county executive committee of a political party or affiliated party committee regulated by Chapter 103.
- There is no limit to the amount a candidate can contribute to his or her own campaign.
- The contribution limits apply to each election. The primary and general elections are separate elections so long as the candidate is not an unopposed candidate as defined in s.106.011. If the candidate is unopposed, the primary and general election is considered to be one election for contribution limitations. However, for the purpose of contribution limits with respect to candidates for retention as a justice or judge, there is only one election, which is the general election.
- A candidate may not accept contributions from a county executive committee of a political party whose contributions in the aggregate exceed \$50,000, or from the national or state executive committees of a political party, including any subordinate committee of such political party or affiliated party committees, whose contributions in the aggregate exceed \$50,000.
- A candidate for statewide office may not accept contributions from national, state, or county executive committees of a political party, including any subordinate committee of the political party, or affiliated party committees, which contributions in the aggregate exceed \$250,000.

- Candidates, political committees, and political parties may not solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good.
- A candidate may not accept contributions after the date he or she withdraws his or her candidacy, is defeated, becomes unopposed, or is elected.

4. Anonymous Contributions (Division of Elections Opinion 89-02)

When a candidate receives an anonymous contribution it must be reported on the candidate's campaign treasurer's report as an anonymous contribution. A letter should be submitted to the filing officer explaining the circumstances surrounding the acceptance of the anonymous contribution.

The candidate cannot spend the anonymous contribution, but at the end of the campaign can donate the amount to an appropriate entity under Section 106.141, F.S.

5. In-Kind Contributions

In-kind contributions are anything of value made for the purpose of influencing the results of an election.

The exceptions are:

- Money.
- Personal services provided without compensation by individual volunteers.
- Independent expenditures, as defined in Section 106.011(12)(a), F.S.; or
- Endorsements of three or more candidates by political committees or political parties.

Any person who makes an in-kind contribution shall, at the time of making the contribution, place a fair market value on the contribution. In-kind contributions are subject to contribution limitations. Travel conveyed upon private aircraft shall be valued at the actual cost of per person commercial air travel for the same or a substantially similar route. (Section 106.055, F.S.)

EXAMPLES

Mr. Brown hosts a party at his home to introduce you to his neighbors. The cost of the food/refreshments is \$389. That amount must be reported as an "in kind" contribution.

Ms. Jackson, the publisher of a weekly newspaper, donates space for a political advertisement on your behalf in her paper. The cost of the advertisement is \$125. That amount must be reported as an "in-kind" contribution and the ad must include the following disclaimer: "Paid Political Advertisement. Paid for In-Kind by Ms. Jackson. Approved by (name of candidate)."

Ms. Jones, who printed your campaign signs, decided not to charge you for those signs because it is a way for her to support your campaign. The cost of the signs was \$75. That amount must be reported as an "in kind" contribution.

*****NOTICE ***** In-kind contributions are subject to contribution limits

6. Cash Contributions

A person may not make an aggregate cash contribution or contribution by means of a cashier's check to the same candidate or committee in excess of \$50.00 per election.

A person may not accept an aggregate cash contribution or contribution by means of a cashier's check from the same contributor in excess of \$50 per election.

7. Debit and Credit Card Contributions (Divisions of Elections Opinions 94-02 and 00-03)

A candidate may accept contributions via a credit card, debit card, or money order. These contributions are categorized as a "check" for reporting purposes.

Any candidate for statewide office or any political committee created to support or oppose any candidate for statewide office or to support or oppose any statewide issue may obtain, and use in making travel-related campaign expenditures, credit cards. (Section 106.125, F.S.)

8. Deadlines for Accepting Contributions

Candidates may receive contributions from the day the DS-DE 9 is filed until 5 days prior to Election Day.

9. Loans (Sections 106.07 and 106.075, F.S.)

- Loans are considered contributions and are subject to contribution limitations.
- However, loans made by a candidate to his own campaign are not subject to contribution limitations.
- A candidate who makes a loan to his or her campaign and reports the loan as required by s. 106.07 may be reimbursed for the loan at any time the campaign account has sufficient funds to repay the loan and satisfy its other obligations.
- A person who is elected to office must report all loans, exceeding \$500 in value, made to him or her and used for campaign purposes, and made in the 12 months preceding his or her election to office, on **Forms DS-DE 73 and 73A, Campaign Loans Report**, and filed with the filing officer within ten days after being elected to office. **Loan reports filed with the Division of Elections must be filed using the Electronic Filing System (EFS).**
- Any person who makes a contribution to an individual to pay all or part of a loan incurred, in the 12 months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in s. 106.08(1).
- Loans to or from each person or political committee must be reported together with the full names, addresses, and occupations, and principal places of business, if any, of the lenders and endorsers, if any, and the date and amount of each loan on the campaign treasurer's report.

10. Foreign Contributions

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at www.fec.gov.

11. Contribution Reporting (Section 106.025, 106.05, 106.06, F.S.)

- Campaign treasurers shall keep detailed accounts current within **not more than 2 days** after the date of receiving a contribution.
- All contributions received for a candidate shall be deposited **no later than the end of the 5th business day** following the receipt of the contribution (Saturdays, Sundays, and legal holidays are excluded).
- All money and contributions received with respect to a campaign fund raiser are deemed campaign contributions and shall be accounted for and subject to the same restrictions.
- All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.
- The campaign treasurer shall keep detailed accounts of all deposits made in any separate interest-bearing account or certificate of deposit and of all interest earned.
- Each contribution reported shall include the contributor's full name, address, occupation (if the contribution exceeds \$100), and for business contributions, a clear description of the type of business conducted by the business.

12. Preservation of Accounts (Section 106.06, F.S.)

Accounts kept by the campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of the office to which the candidate seeks election.

13. Inspections

- Accounts kept by the campaign treasurer of a candidate, including separate interest-bearing accounts and certificates of deposit, may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida Election Commission. The right of inspection may be enforced by appropriate writ issued by any court of competent jurisdiction. (Section 106.06, F.S.)
- Records maintained by the campaign depository shall be subject to inspection by an agent of the Division of Elections or the Florida Elections Commission at any time during normal banking hours, and such depository shall furnish certified copies of any

such records to the Division of Elections or Florida Elections Commission upon request. (Section 106.07, F.S.)

- It is the duty of the Division of Elections to make, from time to time, audits and field investigations with respect to reports and statements filed under the provisions of Chapter 106, F.S., and with respect to alleged failures to file any report or statement required under the provisions of Chapter 106, F.S. (Section 106.22(6), F.S.)
- It is the duty of the Division of Elections to conduct random audits with respect to reports and statements filed under Chapter 106, F.S., and with respect to alleged failure to file any reports and statements required under Chapter 106, F.S. (Section 106.22(10), F.S.)

14. Violations

Any candidate, campaign manager, campaign treasurer, or deputy treasurer of any candidate, agent or person acting on behalf of any candidate, or other person who knowingly and willfully commits one of the following is guilty of a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, F.S.:

- Accepts a contribution in excess of the limits prescribed by Section 106.08, F.S.
- Fails to report any contribution required to be reported by Chapter 106, F.S.
- Falsely reports or deliberately fails to include any information required by Chapter 106, F.S.; or
- Makes or authorizes any expenditure in violation of Section 106.11(4), F.S., or any other expenditure prohibited by Chapter 106, F.S.

Any person who knowingly and willfully makes or accepts two or more contributions in violation of subsection (1) or subsection (5) of Section 106.08, F.S., commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

D. Campaign Expenditures

1. Campaign Expenditure (Section 106.011(10)(a), F.S.)

An expenditure is a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit, or gift of money or anything of value made for the purpose of influencing the results of an election or making an electioneering communication. Expenditures related to potential candidate polls as provided in s. 106.17 are not contributions or expenditures.

A candidate **shall**:

- Pay all campaign expenditures by a check drawn on the campaign account (except petty cash).
- Pay the qualifying fee by a check drawn on the campaign account.
- Pay for all expenses authorized or incurred for the purchase of goods or services upon final delivery and acceptance of the goods or services. (Review Section 106.11(4), F.S.)
- Pay for public utilities such as telephone, electric, gas, water and like services when the bill is received. Utility companies providing services to candidates must charge a deposit sufficient to meet all anticipated charges during a billing period.

IMPORTANT: No candidate, campaign manager, treasurer, deputy treasurer, or any person acting on behalf of the foregoing, shall authorize any expenses, unless there are sufficient funds on deposit in the primary depository account of the candidate to pay the full amount of the authorized expense, to honor all other checks drawn on such account, which checks are outstanding, and to meet all expenses previously authorized but not yet paid.

Sufficient funds means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained and not that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

2. Checks

Only a campaign treasurer or deputy campaign treasurer is allowed to sign checks drawn on the campaign account. The campaign treasurer or deputy campaign treasurer who signs a check shall be responsible for the completeness and accuracy of the information on the check and for ensuring it is an authorized expenditure. **Candidates are prohibited from signing campaign checks unless they appointed themselves campaign treasurer or deputy treasurer.**

A candidate or other individual may be reimbursed for expenses incurred in connection with the campaign by a check drawn on the campaign account and reported pursuant to Section 106.07(4), F.S. The full name and address of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to Section 106.07(4), F.S., together with the purpose of such payment.

3. Living Expenses (Section 106.1405, F.S.)

A candidate or the spouse of a candidate may not use campaign funds to defray normal living expenses for the candidate or the candidate's immediate family other than expenses actually incurred during the campaign for transportation, meals and lodging.

4. Credit Cards (Section 106.125, F.S.)

Candidates for **statewide office (Governor, Cabinet, and Supreme Court Justice)** may obtain a credit card under the following conditions:

- For use in making travel-related campaign expenditures to include transportation, lodging, meals, and other travel expenses incurred.
- It must be obtained from the same bank designated as the primary campaign depository.
- It must be in the name of the candidate and reflect that it is a campaign account.
- A copy of the agreement or contract between the candidate and bank, along with a list of all persons authorized to use the card, must be filed with the Division of Elections **prior** to being used.
- The credit card must expire no later than midnight of the last day of the month of the general election.
- Each statement received from the issuer of the credit card must be paid upon receipt.
- Candidates for countywide offices are **not** permitted to use credit cards for the purchase of goods and services for the campaign.
- Receipts for each credit card purchase shall be retained by the treasurer with the records for the campaign account.

5. Debit Cards (Section 106.11, F.S.)

Debit cards may be used in lieu of campaign checks and are considered bank checks if:

- Obtained from the same bank as the primary campaign depository.
- Issued in the name of the treasurer, deputy treasurer, or authorized user.
- States "*Name of the campaign account of the candidate or political committee*".
- No more than three are issued.
- The person using the card does not receive cash as part of, or independent of, any transaction for goods or services.

All debit card receipts must contain: (Section 106.11, F.S.)

- Last four digits of the debit card number.
- Exact amount of expenditure.
- Name of payee.
- Signature of campaign treasurer, deputy treasurer, or authorized user.
- Exact purpose of expenditure.

Any of the above listed information, if not included on the receipt, may be handwritten on, or attached to, the receipt by the authorized user before submitting to the campaign treasurer. The debit card user shall be responsible for the completeness and accuracy of the information and for insuring that such expenditure is authorized.

6. Expense Reporting (Section 106.025, 106.06, 106.07 F.S.)

The campaign treasurer of each candidate shall keep detailed accounts, current within **not more than 2 days** after the date of making an expenditure.

All expenditures made with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account shall be deemed to be campaign expenditures to be accounted for and subject to the same restrictions as other campaign expenditures. The full name of each person to whom the candidate or other individual made payment for which reimbursement was made by check drawn upon the campaign account shall be reported pursuant to s. 106.07(4), together with the purpose of such payment. Receipts for reimbursement for authorized expenditures shall be retained by the treasurer along with the records for the campaign account.

The campaign treasurer shall keep detailed accounts of all withdrawals made from any separate interest-bearing account or certificate of deposit to the primary depository and of all interest earned.

7. Advertising (Sections 106.025 and 106.143, F.S.)

Any political advertisement, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate:

- Must be approved in advance by the candidate.
- Must expressly state that the content of the advertisement was approved by the candidate.
- Must state who paid for the advertisement.
- The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each advertisement submitted for publication, display, broadcast, or other distribution

8. Petty Cash Funds (Sections 106.07 and 106.12, F.S. and Division of Elections Opinion 06-10)

A campaign treasurer may provide a petty cash fund for the candidate. To establish a petty cash fund, the campaign treasurer must write a check drawn on the primary campaign account. Petty cash may only be used for office supplies, transportation expenses, and other necessities.

Limits on Petty Cash Fund Amounts

From the day a candidate appoints his or her campaign treasurer until the last day a candidate can qualify for office, the campaign treasurer may withdraw from the campaign account for the purpose of providing a petty cash fund for the candidate:

- \$500 per calendar quarter.

After qualifying is over and until the election in which the candidate is eliminated or elected to office or the time in which the candidate becomes unopposed the treasurer may withdraw:

- \$500 per week for all statewide (Governor, Cabinet, and Supreme Court Justice) candidates.
- **\$100 per week for all other candidates.**

A candidate **must**:

- Report the total amount withdrawn and the total amount spent for petty cash in each reporting period.
- Keep complete records of petty cash although each expenditure does not have to be reported individually.
- Not mix cash contribution with petty cash.
- Not use petty cash for the purchase of time, space, or services from any communications media.

9. Independent Expenditure (Sections 106.011(5), 106.071 and 106.143, F.S.)

An independent expenditure means an expenditure made by a person for the purpose of **expressly advocating** the election or defeat of a candidate or the approval or rejection of an issue, which expenditure is not controlled by, coordinated with, or made upon consultation with, any candidate, political committee, or agent of such candidate or committee. An expenditure for such purpose by a person having a contract with the candidate, political committee, or agent of such candidate or committee in a given election period is not an independent expenditure.

Expressly advocates means any communication which uses phrases including, but not limited to: “vote for,” “elect,” “support,” “cast your ballot for,” “Smith for Congress,” “vote against,” “defeat,” “oppose,” and “reject.”

If the independent expenditure is, in the aggregate, in the amount of **\$5,000 or more**, the person must file periodic reports of such expenditures in the same manner, at the same time, subject to the same penalties, and with the same officer as a political committee supporting or opposing such candidate or issue.

Political advertisements paid for by an independent expenditure must contain the following statement: *“Paid political advertisement paid for by (name and address of person paying for the advertisement) independently of any (candidate or committee).”* This disclaimer does not apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

However, an expenditure for the purpose of **expressly advocating** the election or defeat of a candidate which is made by the national, state, or county executive committee of a political party, including any subordinate committee of a national, state, or county committee of a political party, or by any political committee, or any other person, **is not considered an independent expenditure if the committee or person:**

- Communicates with the candidate, the candidate’s campaign, or an agent of the candidate acting on behalf of the candidate, including a pollster, media consultant, advertising agency, vendor, advisor, or staff member concerning the preparation of, use of, or payment for, the specific expenditure or advertising campaign at issue.
- Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to a general or particular understanding with the candidate, the candidate’s campaign, a political committee supporting the candidate, or an agent of the candidate relating to the specific expenditure or advertising campaign at issue.
- Makes a payment for the dissemination, distribution, or republication, in whole or in part, of a broadcast or a written, graphic, or other form of campaign material prepared by the candidate, the candidate’s campaign, or an agent of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member.
- Makes a payment based on information about the candidate’s plans, projects, or needs communicated to a member of the committee or person by the candidate or any agent of the candidate, provided the committee or person uses the information in any way, in whole or in part, either directly or indirectly, to design, prepare, or pay for the specific expenditure or advertising campaign at issue.
- After the last day of qualifying for statewide or legislative office, there is a consultation about the candidate’s plans, projects, or needs in connection with the candidate’s pursuit of election to office and the information is used in any way to plan, create, design, or prepare an independent expenditure or advertising campaign with:
 - An officer, director, employee or agent of a national, state or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or

- A person whose professional services have been retained by a national, state or county executive committee of a political party that has made or intends to make expenditures in connection with or contributions to the candidate; or
- After the last day of qualifying for statewide or legislative office, retains the professional services of any person also providing those services to the candidate in connection with the candidate's pursuit of election to office; or
- Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

10. Electioneering Communication (Sections 106.011(4) and (18), F.S.)

Electioneering communication means any communication that is publically distributed by a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, or telephone that:

- Refers to or depicts a clearly identified candidate for office without expressly advocating the election or defeat of a candidate but that is susceptible of no reasonable interpretation other than an appeal to vote for or against a specific candidate.
- Is made within 30 days before a primary or special primary election or 60 days before any other election for the office sought by the candidate; and
- Is targeted to the relevant electorate in the geographic area the candidate would represent if elected.

The term "electioneering communication" does not include:

- A communication disseminated through a means of communication other than a television station, radio station, cable television system, satellite system, newspaper, magazine, direct mail, telephone, or statement or depiction by an organization, in existence before the time during which a candidate named or depicted qualifies for that election, made in that organization's newsletter, which newsletter is distributed only to members of that organization.
- A communication in a news story, commentary, or editorial distributed through the facilities of a radio station, television station, cable television system, or satellite system, unless the facilities are owned or controlled by a political party, political committee, or candidate. A news story distributed through the facilities owned or controlled by a political party, political committee, or candidate may nevertheless be exempt if it represents a bona fide news account communicated through a licensed broadcasting facility and the communication is part of a general pattern of campaign-related news accounts that give reasonably equal coverage to all opposing candidates in the area.
- A communication that constitutes a public debate or forum that includes at least two opposing candidates for an office or one advocate and one opponent of an issue, or that solely promotes such debate or forum and is made by or on behalf of the person sponsoring the debate or forum, provided that

- a. The staging organization is either:

A charitable organization that does not make other electioneering communications and does not otherwise support or oppose any political candidate or political party; or

A newspaper, radio station, television station, or other recognized news medium; and

- b. The staging organization does not structure the debate to promote or advance one candidate or issue position over another.
- c. An expenditure made for, or in furtherance of, an electioneering communication shall not be considered a contribution to or on behalf of any candidate.
- d. An electioneering communication does not constitute an independent expenditure and is not subject to the limitations applicable to independent expenditures.

Note: Review s. 106.03 for complete electioneering communications organization information.

E. Campaign Treasurer Reports

1. Reporting Contributions and Expenditures (Section 106.07, F.S.)

Each campaign treasurer designated by a candidate shall file regular reports of all contributions received and all expenditures made by or on behalf of such candidate.

The candidate and his or her campaign treasurer shall certify as to the correctness of each report. Each person so certifying shall bear the responsibility for the accuracy and veracity of each report. Any campaign treasurer or candidate who willfully certifies the correctness of any report while knowing that such report is incorrect, false or incomplete commits a misdemeanor of the first degree.

2. Where to File (Section 106.07(2), F.S.)

Reports are filed with the officer before whom the candidate qualifies. Candidates who qualify with the Indian River County Supervisor of Elections must file campaign treasurer's reports with the Indian River County Supervisor of Elections. Candidates must submit these reports electronically, through the Indian River County Supervisor of Elections electronic filing system not later than Midnight (Eastern Standard Time) of the day designated as the due date.

Candidates who qualify with the IRC Supervisor of Elections must file campaign financial reports using the Candidate Reporting software provided by the Supervisor of Elections office.

Candidates can access the software on the internet or may come to the SOE office and use the computer provided for candidate access.

3. When to File (Sections 106.07, 106.0705 and 106.141, F.S.)

Each campaign treasurer designated by a candidate or political committee pursuant to s. 106.021 shall file regular reports of all contributions received, and all expenditures made, by or on behalf of such candidate or political committee. Except for the third calendar quarter immediately preceding a general election, reports shall be filed on the 10th day following the end of each calendar month from the time the campaign treasurer is appointed, except that, if the 10th day occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next business day that is not a Saturday, Sunday, or legal holiday.

Primary Election – Must file reports on the 60th day immediately preceding the primary election (Friday) and continuing bi-weekly through the Friday before the General Election with an additional report due on the 25th and the 11th days before each election.

Candidates are required to file a Termination Report within 90 days after the election in which the candidate is either elected or defeated. The Termination Report shall contain all previously unreported expenditures and shall reflect disposition of funds as required by Section 106.141, F.S.

Following the last day of qualifying for office, any unopposed candidate need only file a Termination report within 90 days after the date the candidate became unopposed. The Termination Report shall contain all previously unreported expenditures and shall reflect disposition of funds as required by Section 106.141, F.S.

4. Reporting Contributions

Each report must contain: (Sections 106.07(4) and s. 112.312, F.S.)

- Full name, address, specific occupation, amount, and date of each person making a contribution. Reports must provide as clear a description as practicable of the principal type of business conducted for corporations contributing. **The principal type of business or the occupations are not required if the contribution is \$100 or less, or from a relative provided the relationship is reported.**
- Name, address, amount, and date of each political committee from which the reporting committee or the candidate received, or to which the reporting committee or candidate made, any transfer of funds, together with the amounts and dates of all transfers.
- Full name, address, specific occupation, principal place of business of the lender and endorser, date and amount of each loan.
- Statement of each contribution, rebate, refund, or other receipts not listed in 1 through 3 above.

IMPORTANT

Contributions from joint accounts – when a candidate receives a contribution in the form of a check drawn on a joint account, signed by only one of the joint owners, the owner signing the check is considered the contributor.

5. Returning Contributions (Section 106.08, F.S.)

Contributions **must be returned** to the contributor **if**:

- A candidate receives a contribution in excess of the limitations provided by law.
- A candidate with opposition in an election receives a contribution on the day of that election or less than 5 days prior to the date of that election.
- A candidate receives a contribution once he or she is elected, defeated, becomes unopposed or withdraws his candidacy.

If the contribution to be returned has not been deposited into the campaign account, report the contribution as a contribution returned using form DS-DE 02.

If the contribution has been deposited into the campaign account:

- Report the contribution; and
- Write a check from the campaign account to the contributor for the amount of the contribution and report this on the itemized expenditure report. Under “purpose of expenditure” explain the reason for returning the contribution. The candidate may also wish to submit a written explanation to the filing officer.

6. Reporting Expenditures (Section 106.07, F.S.)

Each report must contain:

- Full name and address of each person to whom expenditures have been made along with the amount, date, and clear purpose of the expenditure. Name, address, and office sought by each candidate on whose behalf such expenditure was made.
- Full name and address of each person to whom an expenditure for personal services, salary or reimbursed authorized expenses was made along with the amount, date and clear purpose of the expenditure.
- Total amount withdrawn from the total spent from the petty cash fund. Each expenditure from the petty cash fund need not be individually reported but complete records of petty cash expenditures must be kept.
- **Credit cards may be used by statewide (Governor, Cabinet and Supreme Court Justice) candidates only** – expenditures made by credit card must be itemized. (See Division of Election Opinion 05-07)
- Amount and nature of debts and obligations owed by or to the candidate, which relate to the conduct of any political campaign.
- The amount and nature of any separate interest-bearing accounts or certificates of deposit. Identification of the financial institution in which such accounts or certificates of deposit are located must be identified.
- The primary purposes of an expenditure made indirectly through a campaign treasurer for goods and services such as communications media placement or procurement services, campaign signs, insurance, and other expenditures that include multiple components as part of the expenditure. The primary purpose of an expenditure shall be that purpose, including integral and directly related components, that comprises 80 percent of such expenditure.
- Total sum of expenditures during the reporting period.

7. Special Requirements for Judicial Candidates (Sections 105.08(2) and 106.141, F.S.)

A candidate for retention as a Justice of the Supreme Court or a Judge of a District Court of Appeal who has not received any contributions or made any expenditures, may file a sworn statement on **Form DS-DE 96, Affidavit of Intention** at the time of qualifying that he or she does not anticipate receiving contributions or making expenditures in connection with his or her candidacy for retention to office.

Such candidate must file a final report within 90 days following the general election for which the candidate's name appeared on the ballot for retention. The candidate may use **Form DS-DE 97, Affidavit of Compliance** for this purpose.

A candidate for retention to judicial office who, after filing Form DS-DE 96 receives any contributions or makes any expenditures in connection with his or her candidacy for retention must immediately file a statement to that effect with the qualifying officer and must begin filing reports as an opposed candidate pursuant to Section 106.07, F.S.

8. Late Reports (Section 106.07(2), F.S.)

Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, F.S.

Any report deemed incomplete by the Supervisor of Elections office will be accepted on a conditional basis and the campaign treasurer will be notified by the elections office of why the report is deemed to be incomplete.

The Supervisor of Elections office may notify the campaign treasurer of the incomplete report by:

- Certified mail or by another method using a common carrier that provides a proof of delivery of the notice explaining why the report is incomplete and giving 7 days from receipt of the notice to file an amendment to the report providing all information necessary to complete the report.
- Notice is deemed complete upon proof of delivery of a written notice to the mailing or street address of the campaign treasurer or registered agent of record with the filing officer.

9. Late Report Fines (Section 106.07(8), F.S.)

Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair or registered agent of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day.

The fine is \$50 per day for the first 3 days, and, thereafter, \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater.

However, for the reports immediately preceding each special primary election, special election, primary election and general election, the fine is \$500 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late reports (i.e. 4th day reports).

The fine for late Termination Reports shall be \$50 per day for each late day, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

The Supervisor of Elections will determine the amount of the fine due based upon when the report is actually received by the Supervisor of Elections.

Fines shall be made payable to the Indian River County Supervisor of Elections office, within 20 days after receipt of the notice of payment due, unless an appeal is made to the Florida Elections Commission. Notice is deemed complete upon proof of delivery of written notice to the mailing or street address on record with the filing officer.

Fines are **not** considered an allowable campaign expenditure and must be paid from **personal funds of the candidate**.

An officer or member of a **political committee** shall **not be personally liable for such fine**.

Any candidate may appeal or dispute a fine based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date to the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part.

10. Termination Reports (Section 106.11(5), F.S.)

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, he or she may **only** expend funds from the campaign account to:

- Purchase “thank you” advertising for up to 75 days after he or she withdraws, becomes unopposed, is eliminated, or elected to office.
- Pay for items which were obligated before he or she withdrew, became unopposed, was eliminated, or elected to office.
- Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
- Dispose of surplus funds as provided in Section 106.11(5), F.S.).

11. Using Campaign Funds after Election

Campaign funds may be used after Election Night AS LONG AS the candidate obligates the funds BEFORE election night. Otherwise, the candidate would have to use their own funds (to throw a victory party, for instance).

12. Prior to Disposing of Surplus Funds (Section 106.141, F.S.)

A candidate may be reimbursed by the campaign for any previously reported contributions by the candidate to the campaign, in full or in part.

Any candidate who filed an oath stating that he or she was unable to pay the fee for verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her shall reimburse the state or local government entity, whichever is applicable, for such waived fee. Prior to disposing of any funds under the surplus provisions contained in Section 106.141(4), F.S. if there are insufficient funds in the account to pay the full amount of the fee, the remaining funds shall be disbursed in the above manner until no funds remain.

13. Disposing of Surplus Funds (Section 106.141, F.S.)

Once a candidate withdraws, becomes unopposed, is eliminated, or elected to office, the candidate must dispose of the funds on deposit in his or her campaign account and file a campaign treasurer's report (termination report) reflecting the disposition of funds.

A candidate required to dispose of surplus funds must, at the option of the candidate, dispose of such funds within 90 days by any of the following means, or a combination thereof:

- Return pro rata to each contributor the funds that have not been spent or obligated.
- Donate the funds that have not been spent or obligated to a charitable organization or organizations that meet the qualification of Section 501(c)(3) of the Internal Revenue Code.
- Give not more than \$25,000 of the funds that have not been spent or obligated to the political party of which such candidate is a member. Give the funds that have not been spent or obligated.
 - a. Any candidate required to dispose of funds pursuant to this section who has received contributions pursuant to the Florida Election Campaign Financing Act shall, after all monetary commitments pursuant to s. 106.11(5)(b) and (c) have been met, return all surplus campaign funds to the General Revenue Fund.
 - b. In the case of a candidate for office of a political subdivision, to such political subdivision, to be deposited in the general fund thereof.
- Transfer funds to an office account. Refer to 106.141

The termination report must include:

- The name and address of each person or unit of government to whom any of the funds were distributed and the amounts thereof;
- The name and address of each person to whom the expenditure was made together with the amount and purpose; and
- The amount of such funds transferred to an office account together with the name and address of the bank in which the office account is located.

If a refund check is received after all surplus funds have been disposed of, the check may be endorsed by the candidate and the refund disposed of pursuant to Section 106.141, F.S. An amended termination report must be filed with the filing officer.

All reports must be signed by the candidate and the campaign treasurer and certified as true and correct.

14. Money from Separate Interest-Bearing Account or Certificate of Deposit (Section 106.141, F.S.)

A campaign treasurer of any candidate who withdraws, becomes unopposed, or is eliminated, or elected to office, and who has funds on deposit in any interest-bearing account or certificate of deposit, must within 7 days, transfer such funds and accumulated interest earned thereon to the primary campaign account for disposal. However, when funds are in an account in which penalties will apply for withdrawal within the 7 day period, the campaign treasurer must transfer such funds and accumulated interest earned thereon as soon as the funds can be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his or her candidacy, or is elected, or eliminated, whichever comes first.

15. Campaign Loans Report (Section 106.075, F.S.)

A person elected to office must report all loans, exceeding \$500 in value, made to him or her and used for campaign purposes, and made in the 12 months preceding his or her election to office, to the filing officer. The report must be made on **Forms DS-DE 73 and 73A, Campaign Loans Report** within 10 days after being elected to office. Loan reports filed with the Division of Elections must be filed using the EFS.

Any person who makes a contribution to an individual to pay all or part of a loan incurred in the 12 months preceding the election, to be used for the individual's campaign, may not contribute more than the amount which is allowed in Section 106.08(1), F.S.

16. Campaign Fund Raiser (Sections 106.011(1) and 106.025, F.S.)

A campaign fund raiser is any affair held to raise funds to be used in a campaign for public office. Campaign fund raisers may not be held until the person becomes a candidate.

17. Contributions from Fund Raisers (Section 106.025, F.S.)

All money and contributions received with respect to a campaign fund raiser are campaign contributions. All contributions are subject to the contribution limits contained in Section 106.08, F.S., and are to be accounted for and reported as any other contribution.

18. Expenditures for Fund Raisers (Section 106.025, F.S.)

All expenditures with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account of the candidate are campaign expenditures.

All expenditures must be accounted for and are subject to the same restrictions as other campaign expenditures.

All expenditures made with respect to a campaign fund raiser shall be deemed to be in-kind campaign contributions when paid by individuals on behalf of the candidate and are subject to the same reporting requirements and restrictions, as other campaign contributions.

19. Tickets (Section 106.025(1) (c), F.S.)

Any tickets or advertising for a campaign fund raiser shall:

- Contain the disclaimers and other information required of political advertising.
- Any tickets for advertising for a campaign fundraiser must comply with the requirements of S.106.143.
- Comply with all other provisions of Chapter 106, F.S.

20. Campaign Reporting – Indian River County

A Candidate Financial Reporting System is available to all candidates for entering contributions and expenditures required for financial reporting. This system allows candidates to enter, print and view contribution information easily from the convenience of their home computer.

After the entry of data for a report is complete, you can “Create Final Report for Review”. Please note: This report is NOT LEGALLY FILED until it is electronically signed by the Candidate/Committee and Treasurer using their respective electronic PIN. Once the elections office has received the report, the data will be published on our website in order to allow the public to view the information. This must be done on or before the due date of the report or the candidate, political committee, or political party executive committee is subject to a fine. An automated confirmation e-mail is sent to the candidate upon acceptance/rejection of submitted reports. The candidate must provide an e-mail address and the system option must be checked “on”.

Our web service also offers candidates the opportunity to post biographical information and a photo on our website, subject to approval of the text by the Supervisor of Elections. This will give candidates additional exposure through the Indian River County Supervisor of Elections website.

Using our system is very easy and there is no cost to you. You will use a Candidate ID Number and a Password to log in to the Candidate Financial Reporting System found on our website at www.voteindianriver.com. Under Candidate Information you will go to Candidate Log-On for Reporting.

Please contact qualifying officer for your log-in information.

Getting Started

- Access the Supervisor of Elections website – www.voteindianriver.com.
- Click on “**Candidates**” found on the left column of the screen.
- Click on “**Candidate Log-In**” found on main column on the screen.
- Click on “**Candidate/Committee Log-In**” found in the center of the screen.
- Input the Numeric Candidate ID number and Password assigned to you by the elections office.
- Click the Login button.
- The system will present you with a list of reporting dates. Select the appropriate reporting period. The current reporting period will be highlighted in green.

On the right side of your screen will be the following options: Import Entries, Enter Contributions, Enter Transfers, Enter Expenditures, Enter Distributions, Prepare Totals, and Submit Waiver:

Import Entries: You may import your candidate financial information through compatible programs.

Enter Contributions: Enter any contributions you receive here.

Enter Expenditures: Enter your expenditures here.

Enter Transfers: Enter the new “Transfer” type transactions or import them. This new transaction will be printed on form DS-DE 94.

Enter Distributions: Enter the new “Distribution” type transactions or import them. This new transaction will be printed on form DS-DE 14a.

Prepare Totals: You can see a draft copy of your report prior to submitting. You do not have to prepare totals before you submit.

Create Waiver: You can submit a waiver for any reporting period that has **no** contributions or **no** expenditures. (This includes bank charges.)

Candidates do not have to PRINT the pdf – it will be produced at the same time the report is PREPARED or SUBMITTED. A new “green” block appears at the top of the page indicating that the pdf has been produced, offering a View/Print button to go directly to it. If the candidate does not View/Print – all is well as the pdf has already been produced.

The date and time of a SUBMITTED report is now printed below the confirmation number (including “Eastern” to indicate Eastern Time zone).

Contributions

Adding a Contribution:

- To enter Contributions click on the “Enter Contributions” option.
- Click on either one of the “Add Contribution” links. (Note: [Return to Report List](#) will take you back to the list of reports.)
- Complete the form with all required information and select the “Add Contribution” button. When finished adding, click the “Back to Transaction” button to return to the reporting dates.

Editing or Deleting Contributions:

- To make a change to a contribution after adding, select “Enter Contribution” at the **report list**. Choose the **Edit** link at the left of that item you want to change.
- To delete a contribution, select the **Delete** link located to the left of that item.

Expenditures

Adding Expenditures:

- Click on either one of the “Add Expenditure” links. (Note: [Return to Report List](#) will take you back to the list of reports.)
- Complete the form with all required information.
- Under “Expenditure Type” arrow down and choose the correct type.
- Select the “Add Expenditure” button to add each item to the report list. When you are done choose “Back to Transactions” button to return to the report list.
- If you have a question, click on the “Campaign Treasurer Handbook” at the bottom right.

Petty Cash

- To use petty cash you will enter it as an expenditure on your report as “Petty Cash Withdrawn”.
- The expense will not show on your report until you spend the cash.
- Every time you spend petty cash, place it on your report as an expenditure and choose the expenditure type as “Petty Cash Spent”.
- You must keep accurate records of your petty cash so your final termination report will balance.

Editing or Deleting Expenditures

To make a change to an expenditure you have added, select “Enter Expenditure” at the “Report List” then select the “Edit” link at the left of the expenditure item.

- To delete an expenditure, select the “Delete” link located to the left of that item.

Prepare Totals/Preview Report

“Prepare Totals” is an option. You are encouraged to check your totals utilizing this option. This allows you to preview the report prior to submitting.

- To preview your report, click on “Prepare Totals,” the wording will change to “Preview Report”.
- Click on “Preview Report”. Click on “View/Download the Report”.
- The report will appear and have the word “DRAFT” written across the report.
- We **cannot accept** a report that has “DRAFT” written on it.

YOU DO NOT HAVE TO “PREPARE TOTALS” TO SUBMIT YOUR REPORT.

Submitting the Report

- When you are ready to “SUBMIT” your report to the elections office, click on the “Create Final Report For Review”. It will tell you that the report has been created for you final review with the time and date; and will tell you to scroll down to see the report.
- Report will state that this report has not yet been submitted to the Supervisor of Elections. To “SUBMIT” the report, assign both PINS as described below.
- Follow the instructions on this page by assigning the PIN(s) to submit the report to the Supervisor of Elections.
- You can look at the “SUBMITTED” report. The DRAFT watermarks are gone and your confirmation number is displayed in the OFFICE USE ONLY box along with the date and time you submitted the report.
- After submitting the report, the options change on the report screen to “View Contributions” – “View Expenditures” – “Print” – “Amend”.
- After printing the report, close out the printing window and you will be back at the “reporting Date” screen

- At the top of the page is the “Log Out” button. You must remember to log out.
- Once the elections office receives the electronic report, it will be released to appear on the website.

Campaign Treasurer’s Report Summary

- Each report contains: Report Summary, Itemized Contributions, and Itemized Expenditures.

Amended Reports

- An amended report can only be created after you have submitted and filed your original report.
- The options will change once you submit your report and the program will allow you to create an “Amended Report”.
- Go to the reporting date you wish to amend and click on “Amend”. The onscreen instructions will appear, select the next button which will generate an amended report.
- You will be brought back to the yellow “Reporting Date” screen. Scroll down to the reporting period you created the amended report from. Look directly below that report to find one exactly like it, except it has the word “Amended” under the reporting dates.
- Click on the “Amended Report”.
- Choose “Contributions” or “Expenditures”.
- Choose “Add” or “Amend Item From Original Report”.
- Submit your amended report using electronic signature.

Entering Biographical Data

- Space has been provided for a photograph and biographical data for each candidate on the Supervisor of Elections website.
- This can be viewed by the public along with your financial reports.
- Log on the elections website at: www.voteindianriver.com.
- Click on the blue button “Candidate Information” on the left column of the website.

- Click on “Candidate Log-In For Reporting”.
- Log on with your ID number and Password.
- Select the “Edit Candidate Bio Information/Upload Photo” from the report list screen.
- In the space provided under “Candidate Biographical Information” type information regarding your candidacy, you are limited to 5,000 characters, such as: education, experience, short statement (please, no derogatory statements against your opponent.)
- Select the “Update” button when finished. This will upload your information to the elections office email. Your information will be approved by administration and posted to the website.

Uploading a Photo

- In the “Upload this File” field, use the “Browse” button to locate the photo you wish to upload.
- Select the “Upload Photo” button to upload the photo to the elections office email.
- After your picture is received it will be uploaded to the elections website.
- Remember to Log Out.

IV. POLITICAL ADVERTISEMENTS

1. Political Advertisements (Section 106.143, F.S.)

A political advertisement is a paid expression in any communications media, whether radio, television, newspaper, magazine, periodical, campaign literature, direct mail, or display or by means other than the spoken word in direct conversation, which expressly advocates the election or defeat of a candidate or the approval or rejection of an issue.

2. Candidate Disclaimers

Any political advertisement that is paid for **by a candidate**, except a write-in candidate, and that is published, displayed, or circulated before, or on the day of, any election must **prominently** state:

1. *“Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought).” Or*
2. *“Paid by (name of candidate), (party affiliation), for (office sought).”*

Any political advertisement that is paid for by a write-in candidate and that is published, displayed, or circulated before, or on the day of, any election must prominently state:

1. *“Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought); or*
2. *“Paid by (name of candidate), write-in candidate, (office sought).”*

This paragraph does not apply to campaign messages designed to be worn by a person.

Important: The disclaimer language provided above should be verbatim as quoted in s. 106.143, F.S. Variations are prohibited by law.

Any political advertisement of a **candidate running for partisan office** shall express the name of the political party of which the candidate is seeking nomination or is the nominee.

If the candidate for partisan office is running as a candidate with no party affiliation, any advertisement of the candidate must state that the candidate has no party affiliation. A candidate who is registered in a political party may run as a candidate with “no party affiliation” without changing his or her registration.

It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports the candidate, unless the person or organization has given specific approval in writing to the candidate to make the representation. However, this subsection does not apply to:

Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.

Publication by a party committee advocating the candidacy of its nominees.

The candidate shall provide a **written statement of authorization** to the newspaper, radio station, television station, or other medium for each advertisement submitted for publication, display, broadcast, or other distribution.

Candidates running for **non-partisan** office should not put a reference to party affiliation in the disclaimer.

Political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall **not** use the word “re-elect.”

Advertisement for non-incumbents must include the word “**for**” between the candidate’s name and the office for which the candidate is running to avoid the implication of incumbency. However, this does not apply to bumper stickers or items designed to be worn by a person and novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

3. Examples of Advertisements with Disclaimers

A. Non-incumbent, partisan candidate running for partisan office:

ELECT
JUDY DOMINGO
For State Representative
District 9


Political advertisement paid for and approved by Judy Domingo,
Republican, for State Representative

B. Incumbent, partisan candidate running for partisan office:

RE-ELECT
Mike Sharkey
Sheriff

Political advertisement paid for and approved by Mike Sharkey,
Democrat, for Sheriff


C. Non-incumbent, no party affiliation candidate running for partisan office:




ELECT
Wess Farosi
For State Senate

Political advertisement paid for and approved by Wess Farosi,
No Party Affiliation, For State Senate

D. Non-incumbent candidate running for nonpartisan office:

	ELECT John Jones For School Board
Political advertisement paid for and approved by John Jones for School Board	

E. Incumbent candidate running for nonpartisan office:

	RE-ELECT Jane Doe School Board
Political advertisement paid for and approved by Jane Doe for School Board	


Required:

The word “**for**” must be used in the body of such advertisement between the name of the candidate and the office sought. This does not apply to bumper stickers or items designed to be worn by a person.

Prohibited:

The word “**re-elect**” may not be used if the candidate is not the incumbent for the office sought.

Example:

	Elect A. Newguy for County Commission District 5
Political Advertisement paid for and approved by A. Newguy, Green Party of Florida, for County Commission	

Note: A candidate running for an office that has a district, group, or seat number does not have to indicate the district, group, or seat number in the political advertisement or disclaimer.

4. Independent Campaign Advertisement Disclaimer

Any other political advertisement published, displayed, or circulated before, or on the day of, any election must prominently:


- a. Be marked “*paid political advertisement*” or with the abbreviation “*pd. pol. adv.*”
- b. State the name and address of the persons paying for the advertisement.
- c. State whether the advertisement and the cost of production is paid for or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or
- d. State who provided or paid for the advertisement and cost of production, if different from the source of sponsorship. (This does not apply if the source of the sponsorship is patently clean from the content or format of the political advertisement.)

5. Endorsements in Political Advertisements

It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this paragraph does not apply to editorial endorsement by any newspaper, radio or television station, or other recognized news medium; and publication by a party committee advocating the candidacy of its nominees.

Example:

A. Political advertisement for a candidate representing that an organization supports him, paid for in-kind by the organization, with specific approval from the organization in writing:

<p style="text-align: center;">Elect</p> <p style="text-align: center;"></p> <p style="text-align: center;">Joe Cool</p> <p style="text-align: center;">For County Commission, District 1 Democrat</p> <p style="text-align: center;"><u>Supported by Pup P. Dog Foundation</u></p> <p style="text-align: center;">Pd. Pol. Adv. Sponsored and paid for in-kind by Pup P. Dog Foundation, Zero Street, Jupiter, FL 32323 Approved by Joe Cool, Democrat, For County Commission</p>	<p style="text-align: center;">Pup P. Dog Foundation</p> <p>July 15, 2006 Dear Sir or Madam:</p> <p>Please let this letter serve as our approval of the political advertisement supporting Joe Cool for County Commission, District 1.</p> <p>The content of this advertisement was reviewed and approved in advance.</p> <p>Sincerely, <i>Mr. Canine</i></p>
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6. Independent Expenditure Disclaimers

Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement. This paragraph does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.

Example:

B. Independent expenditure political advertisement supporting a partisan candidate running for a partisan office:



<p style="text-align: center;">Birds of a Feather Association Supports</p> <p style="text-align: center;">Tweety Bird For Public Defender, Fourth Circuit Democrat</p> <p style="text-align: center;">Paid Political Advertisement paid for by the Birds of a Feather Association 444 Robin Lane, Jacksonville, FL 32433 independently of any candidate. This advertisement was not approved by any candidate</p>	<p style="text-align: center;">Bird of a Feather Assoc.</p> <p>July 15, 2006</p> <p>Dear Sir or Madam:</p> <p>The enclosed advertisement is an independent expenditure by the Birds of a Feather Association in support of Tweety Bird for Public Defender, Fourth Circuit.</p> <p>This advertisement was not approved by any candidate.</p> <p>Sincerely, <i>Gold Finch</i></p>
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7. Disclaimers for Other than Independent Expenditures

Any political advertisement, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. This paragraph does not apply to messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.

Example:

A. Political advertisement, not an independent expenditure, offered on behalf of a nonpartisan candidate:

 <p style="text-align: center;">POT O'GOLD ORGANIZATION Supports the Re-Election of Goldie Green Nassau County Judge</p> <p style="text-align: center;">Pd. Pol. Adv. By Pot O' Gold Organization 111 Jewel Street, Tallahassee, FL 32333 Content approved in advance by Goldie Green, For Nassau County Judge</p>	<p>July 15, 2006</p> <p>Dear Sir or Madam:</p> <p>Please let this letter serve as my approval of the political advertisement by the Pot O'Gold Organization supporting my candidacy for Nassau County Judge.</p> <p>Sincerely, <i>Goldie Green</i></p> 
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8. Disclaimers on Novelty Items

None of the requirements of Section 106.143, Florida Statutes, apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

Examples:



Pens/Pencils



Golf Balls



Balloons

9. Language Other Than English

Any political advertisement which is published, displayed, or produced in a language other than English may provide the information required by Section 106.143, Florida Statutes, in the language used in the advertisement.

10. Electioneering Communication Disclaimers

Any electioneering communication shall prominently state *“Paid electioneering communication paid for by ...(Name and address of person paying for the communication)...”* Any person who fails to include the disclaimer in any electioneering communication that is required to contain such disclaimer commits a misdemeanor of the first degree, punishable as provided in section 775.082 or 775.083, F.S.

11. Billboard Political Disclaimer Example

Billboards



12. Items Designed to be Worn Disclaimer Examples

Items designed to be worn by a person:



NOTE: Political disclaimers are not required on campaign messages used by a candidate and the candidate's supporters if those messages are designed to be worn by a person.

13. Disclaimers do not Apply to the Following:

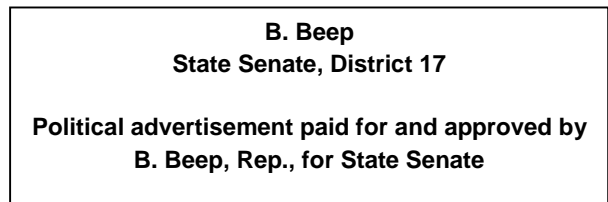
Disclaimers do not apply to any campaign message or political advertisement used by a candidate and the candidate's supporters or by a political committee if the message or advertisement is:

- Placed as a paid link on an Internet website, provided the message or advertisement is no more than 200 characters in length and the link directs the user to another Internet website that complies with subsection (1) of Section 106.143, F.S.
- Placed as a graphic or picture link where compliance with the disclaimer requirements is not reasonably practical due to the size of the graphic or picture link and the link directs the user to another Internet website that complies with subsection (1) of Section 106.143, F.S.
- Placed at no cost on an Internet website for which there is no cost to post content for public users.
- Placed or distributed on an unpaid profile or account which is available to the public without charge or on a social networking Internet website, as long as the source of the message or advertisement is patently clear from the content or format of the message or advertisement. A website or account may not be marked as official without prior approval by the candidate or political committee.
- Distributed as a text message or other message via Short Message Service, provided the message is no more than 200 characters in length or requires the recipient to sign up or opt in to receive it.

- Connected with or included in any software application or accompanying function, provided that the user signs up, opts in, downloads, or otherwise accesses the application from or through a website that complies with subsection (1) of Section 106.143, F.S.
- Sent by a third-party user from or through a campaign or committee’s website, provided the website complies with subsection (1) of Section 106.143, F.S.
- Contained in or distributed through any other technology-related item, service, or device for which compliance with subsection (1) of Section 106.143, F.S., is not reasonably practical due to the size or nature of such item, service, or device as available, or the means of displaying the message or advertisement makes compliance with subsection (1) of Section 106.143, F.S. impracticable.

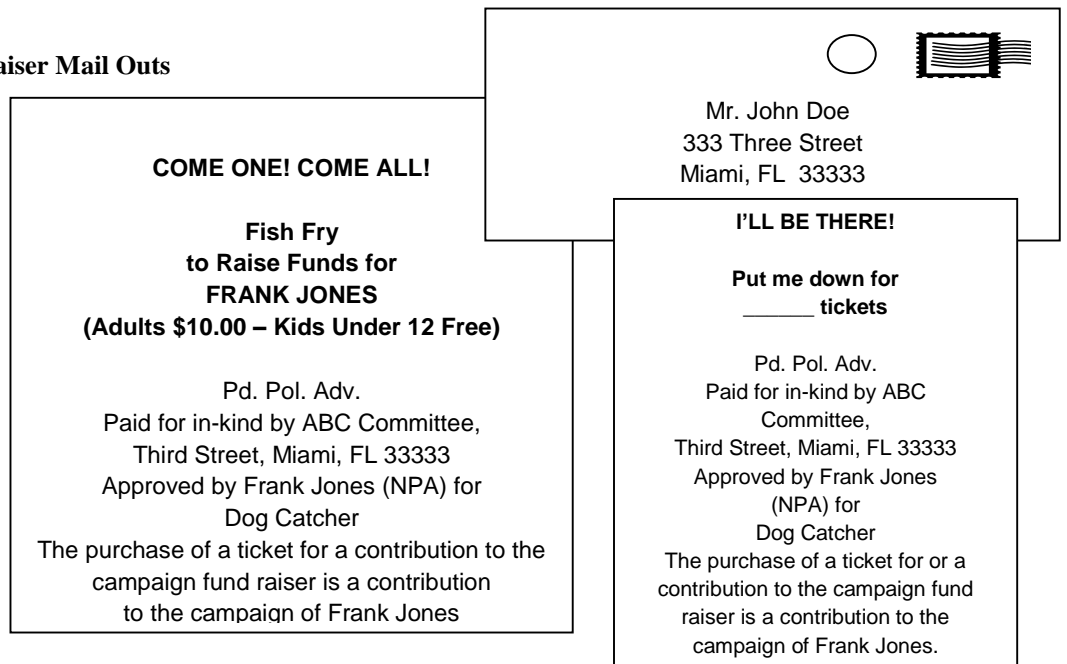
14. Bumper Sticker Disclaimer Example

Bumper stickers:



NOTE: On bumper stickers, there is no requirement to use the word “for” between the candidate’s name and the office being sought.

15. Fund Raiser Mail Outs



16. Miscellaneous Advertisements (Section 106.1437, F.S.)

Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section does not apply to an editorial endorsement. A miscellaneous advertisement is not considered to be a contribution to or on behalf of a candidate, and does not constitute an independent expenditure. Such expenditures are not subject to the limitations applicable to independent expenditures.

Example of an advertisement to influence the vote of a public official:

To River Heights County Commissioners

Vote AGAINST increasing our property tax rate.

Sponsored by River Heights Homeowner Association

Political advertisements made as in-kind contributions from a political party must prominently state: “Paid political advertisement paid for by in-kind by (name of political party) approved by (name of person, party affiliation, and office sought in the political advertisement)”.

A political advertisement of a candidate running for nonpartisan office may not state the candidate’s political party affiliation. This section does not prohibit a political advertisement from stating the candidate’s partisan-related experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.

17. Closed Captioning and Descriptive Narrative for Television Broadcasts (Section 106.165, F.S.)

Each candidate, political party, and political committee must use closed captioning and descriptive narrative in all television broadcasts regulated by the Federal Communications Commission that are on behalf of, or sponsored by, a candidate, political party, or political committee or must file a written statement with the qualifying officer setting forth the reasons for not doing so. Failure to file this statement with the qualifying officer constitutes a violation of the Florida Election Code and is under the jurisdiction of the Florida Election Commission.

18. Telephone Solicitation (Section 106.147, F.S.)

Disclosure requirements:

- a. Any **electioneering communication** telephone call or telephone call supporting or opposing a candidate must identify the persons or organizations sponsoring the call by stating either: *"paid for by _____ (insert name of persons or organizations sponsoring the call)"* or *"paid for on behalf of _____ (insert name of persons or organizations authorizing call)."*
This does not apply to any telephone call in which both the individual making the call is not being paid and the individuals participating in the call know each other prior to the call.
- b. Any telephone call conducted for the purpose of polling respondents concerning a candidate that is a part of a series of like telephone calls that consists of fewer than 1,000 completed calls and averages more than two minutes in duration is presumed to be a political poll and not subject to the provisions of the above paragraph.

Prohibitions

- a. No telephone call shall state or imply that the caller represents any person or organization unless the person or organization so represented has given specific approval in writing to make such representation.
- b. No telephone call shall state or imply that the caller represents a nonexistent person or organization.

Written Authorization Requirements

Any telephone call, not conducted by independent expenditure, which expressly advocates for or against a candidate, requires prior written authorization by the candidate. A copy of such written authorization must be placed on file with the qualifying officer by the candidate prior to the time the calls commence.

Penalties

Any person who willfully violates any provision of this section commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or Section 775.083, F.S.

The term "person" includes any candidate; any officer of any political committee, committee of continuous existence, or political party executive committee; any officer, partner, attorney, or other representative of a corporation, partnership, or other business entity; and any agent or other person acting on behalf of any candidate, political committee, committee of continuous existence, political party executive committee, or corporation, partnership, or other business entity.

19. Telephone Solicitation, Registered Agent

Disclosure Requirements

- a. Any person or organization that conducts any business in this state which consists of making paid telephone calls supporting or opposing any candidate or elected public official must, prior to conducting such business, have and continuously maintain, for at least 180 days following the cessation of such business activities in the state, a registered agent for the purpose of any service of process, notice, or demand required or authorized by law and must file with the Division of Elections a notice of such registered agent. Such registered agent must be an individual who is a resident of this state, a domestic corporation, or a foreign corporation authorized to do business in this state. However, this section does not apply to any person or organization already lawfully registered to conduct business in this state.
- b. Conducting business in this state as specified in the preceding paragraph includes both placing telephone calls from a location in this state and placing telephone calls from a location outside this state to individuals located in this state.
- c. **Form DS-DE 100, Telephone Solicitation, Resident Agent Notice** shall be filed with the Division of Elections and, at a minimum, must elicit all of the following information:
 - The name, address, and telephone number of the registered agent.
 - The name, address, and telephone number of the person or organization conducting business in this state as specified.

The Division of Elections must be notified immediately of any changes in the information required in a. above.

Violations (Section 106.1475, F.S.)

Any person or organization that violates this section commits a misdemeanor of the first degree, punishable as provided in section 775.082 or section 775.083, F.S.

20. Campaign Signs

Usage and Removal of Political Campaign Advertisements (Section 106.1435, F.S.)

Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after (a) withdrawal of his or her candidacy; (b) having been eliminated as a candidate; (c) being elected to office.

A candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in chapter 479. The provisions herein do not apply to political campaign and advertisements placed on motor vehicle or to campaign message designed to be worn by persons.

If political campaign advertisements are not removed within the specified period, the political subdivision or government entity has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the political subdivision.

Pursuant to chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed or located on or above any state or county road right-of-way.

Municipalities may impose additional or more stringent requirements on the usage and removal of political campaign advertisements.

Any advertisement, other than a political advertisement, independent expenditure, or electioneering communication, on billboards, bumper stickers, radio, or television, or in a newspaper, a magazine, or a periodical, intended to influence public policy or the vote of a public official, shall clearly designate the sponsor of such advertisement by including a clearly readable statement of sponsorship. If the advertisement is broadcast on television, the advertisement shall also contain a verbal statement of sponsorship. This section shall not apply to an editorial endorsement.

The Florida Statutes do not currently contain size limitations on political signs. However, many municipalities have enacted restrictions both on sign size and placement.

Candidates are advised to educate all campaign workers of the regulations for political sign placement.

Each respective municipality and also the County have established sign ordinances by which each candidate, political party, and electioneering communications organization must govern themselves.

On Election Day, anyone lodging a sign-related complaint to the SOE (outside of the 150' no solicitation zone) will be directed to the code enforcement unit assigned to the specific voting location.

All three early voting sites in IRC are housed in a government owned facility. The SOE will not be responsible for any campaign signs left or posted outside the 150' no-solicitation zone.

21. SOE Memorandum

MEMORANDUM

TO: Indian River County Candidates, Political Parties, Electioneering Communications Organizations,
Political Organizations & Elections Workers

FROM: Leslie Rossway Swan

RE: Political Signs Outside the 150-Foot No Solicitation Zone

DATE: June 19, 2019

The State of Florida has passed new legislation which expands the no-solicitation zone around polling places/rooms and early voting sites from 100 to 150 feet.

On Election Day, the Deputy hired by the Supervisor of Elections is responsible for enforcing the no-solicitation zone. No person, political committee, or other group or organization may solicit voters within 150 feet of the entrance to any polling place. Activities outside of the no-solicitation zone are under the jurisdiction of code enforcement.

The code enforcement contact numbers are as follows:

City of Fellsmere	646-6315
Indian River County:	226-1762
Indian River Shores	231-1771
Town of Orchid:	581-2770
City of Sebastian	388-4436
City of Vero Beach	978-4551

V. VOTE-BY-MAIL BALLOTS/MAIL BALLOTS

1. Who Can Vote by Mail?

If you are a qualified and registered voter of Indian River County, you are entitled to vote by mail.

2. Requesting a Vote-by-Mail Ballot (Section 101.62, F.S.)

A vote-by-mail ballot may be requested for a specific election or for all elections through the end of (two) regularly scheduled general election years. (Example: A person who requested a vote-by-mail ballot for all elections in 2019, would receive vote-by-mail ballots through the 2022 general election year.

The request can be made in person or in writing. The Supervisor may accept a written, website request or telephonic request for a vote-by-mail ballot from the elector, or, if directly instructed by the elector, a member of the elector's immediate family, or the elector's legal guardian.

Such request may be considered canceled when any first-class mail sent by the supervisor to the elector is returned as undeliverable.

Important
Only the voter, a designated member of his or her immediate family, or a legal guardian can request a vote-by-mail ballot for the voter. Immediate family means the voter's spouse or the parent, child, grandparent, or sibling of the voter or of the voter's spouse or legal guardian.

The person making the vote-by-mail request must disclose:

- The name of the elector for whom the ballot is requested.
- The elector's address.
- The elector's date of birth.
- The requester's name.
- The requester's address.
- The requester's driver's license number, if available.
- The requester's relationship to the elector.
- The requester's signature (written requests only).

3. Requirements for Certain First Time Voters

Persons who register by mail, have never voted in Florida, and have never been issued a FL Driver's License, FL Identification card or Social Security number and who are voting for the first time by mail, must provide a copy of a current, valid photo ID or other prescribed document with the voter's name and address at the time of returning the voted ballot.

4. Obtaining a Vote-by-Mail Ballot

The initial mailing of vote-by-mail ballots requested by uniformed and overseas citizens shall occur no later than 45 days before each election to each absent uniformed services voter and to each overseas voter who has requested a vote-by-mail ballot. The supervisor shall provide an vote-by-mail ballot to each elector by whom a request for that ballot has been made by one of the following means:

- By non-forwardable, return-if-undeliverable mail to the elector's current mailing address on file with the supervisor, or any other address the elector specifies in the request:
- If a vote-by-mail ballot is requested to be mailed to an address other than the voter's registration address, then the request must be made in writing by the voter to include the voter's signature. Uniformed service and overseas voters are exempt from this requirement.
- The Supervisor is prohibited from delivering a vote-by-mail ballot to a voter or a voter's immediate family member on Election Day unless there is an emergency to the extent the voter will not be able to go to their polling place on Election Day. If a vote-by-mail ballot is delivered, the elector or his or her designee shall execute an affidavit affirming to the facts which allow for delivery of the vote-by-mail ballot.
- Any person who accepts pecuniary (money/payment) or other benefits in exchange for distributing, ordering, requesting, collecting, delivering or otherwise physically possessing more than 2 vote-by-mail ballots per election in addition to his/her own or a ballot belonging to an immediate family member, is an election violation and is a misdemeanor of the first degree.

New legislation mandates that the SOE shall send the **initial** mail-out of domestic vote-by-mail ballots between the 40th and 33rd days prior to each election to those voters who have requested a vote-by-mail ballot. Vote-by-mail ballots **cannot** be forwarded by the U.S. Post Office. Be sure the Elections Office has the correct mailing address.

Note
<p>A request for a vote-by-mail ballot to be mailed to a voter must be received no later than 5 p.m. on the tenth day before the election by the supervisor of elections. The supervisor of elections shall mail vote-by-mail ballots to voters requesting ballots by such deadline no later than 8 days before the election.</p> <p>On Election Day or up to nine days prior to an election, a qualified voter may designate in writing a person to pick up the ballot for the elector; however, the person designated may not pick up more than two (2) vote-by-mail ballots per election, other than the designee's own ballot, except that additional ballots may be picked for members of the designee's immediate family. The designee shall provide to the supervisor the written authorization by the elector and a picture identification of the designee and must complete an affidavit.</p>

A VOTED VOTE-BY-MAIL BALLOT CANNOT BE ACCEPTED AT A POLLING PLACE.

If a voter requests and receives a vote-by-mail ballot and later decides to vote at the polls, the voter should take their vote-by-mail ballot with them to be cancelled at their polling place.

5. Returning a Vote-by-Mail Ballot

Vote-by-mail ballots may be mailed or delivered to the office of the Supervisor of Elections. Voted vote-by-mail ballots must be received by 7:00 p.m. Election Day at the Indian River County Supervisor of Elections office.

The envelope containing the voted vote-by-mail ballot will be reviewed upon receipt to verify that the voter's certificate has been completed and that the signature matches the voter's signature on file.

A vote-by-mail ballot voter who failed to sign the outside envelope (affidavit) on their return vote-by-mail ballot envelope is allowed to complete an affidavit and provide a copy of their current picture/signature ID by 5:00 p.m. on the second day after the election to the supervisor so the documents can be matched with their vote-by-mail ballot and the ballot can be opened and counted.

A vote-by-mail ballot voter who had a signature difference on their ballot when compared to the signature on their voter record is allowed to complete an affidavit and provide a copy of their current picture/signature ID by 5:00 p.m. on the second day after the election to the supervisor so the document can be matched with their vote-by-mail ballot and the ballot can be opened and counted.

All signature updates for vote-by-mail ballot consideration must be received prior to the ballot being received at the SOE office.

Voters may turn in a voted vote-by-mail ballot to any early voting site during early voting hours.

Processing of vote-by-mail ballots may begin at 7:00 a.m. on the 22nd day preceding the election. However, tabulation of election results will not begin until 7:00 p.m. on Election Night.

Any review or challenge of vote-by-mail ballots received must be done prior to the start of vote-by-mail ballot processing.

VI. REQUESTING VOTER DATA

1. Voter Lists

Candidates for public office may request voter lists from the Supervisor of Elections office for use during the campaign.

Candidates must complete a “Registered Voter Information Request Form”. The voter list is available via email, CD or paper printout.

Email or CD format \$15.00

Paper Printout – \$0.15 per page

Payment is required in advance.



Registered Voter Information Request Form

Indian River County Supervisor of Elections
4375 43rd Avenue, Vero Beach, FL 32967
Phone (772) 266-3440 | Fax (772) 770-5367
VoteIndianRiver.com

Your Vote Is Your Voice...Speak Up!

Sort Order	Data Delivery Preference
<input type="checkbox"/> Alpha by Name	Digital Media \$15.00
<input type="checkbox"/> Alpha by Precinct	<input type="checkbox"/> CD <input type="checkbox"/> Email
<input type="checkbox"/> Alpha by Residence (walking list)	<i>*If file is too large, data can only be saved on a CD</i>
<input type="checkbox"/> Household	Paper Printout \$ 0.15 per page
	<input type="checkbox"/> Paper Printout

Payment of cash or check accepted. Make checks payable to "Supervisor of Elections"

Please select all that apply:

<input type="checkbox"/> All registered voters in Indian River County				
<input type="checkbox"/> All registered voters in District: (Mosquito, Soil & Water Conservation, etc.)				
<input type="checkbox"/> Voters in Precinct(s):				
Age range:				
Party:	<input type="checkbox"/> All	<input type="checkbox"/> Republican	<input type="checkbox"/> Democrat	<input type="checkbox"/> No Party <input type="checkbox"/> Other(s)
Gender:	<input type="checkbox"/> All	<input type="checkbox"/> Males	<input type="checkbox"/> Females	
Race:	<input type="checkbox"/> All	<input type="checkbox"/> American Indian/ Alaskan Native	<input type="checkbox"/> Asian/ Pacific Islander	
	<input type="checkbox"/> Hispanic	<input type="checkbox"/> Black, non-Hispanic	<input type="checkbox"/> White, non-Hispanic	

Requester's Name: _____
Signature: _____
Address: _____
City, State, Zip: _____
Cell Phone: _____
Home Phone: _____
Email: _____

Special Instructions:

Save file in Excel ☐ YES ☐ NO

Note: Data files on CDs and emails are in comma delimited ASCII format unless specified. First row contains headers. For ease of interpretation, data shall be imported into a suitable database program such as Microsoft Access or Excel. The Supervisor of Elections cannot provide technical support beyond this information.

2. Vote-by-Mail Ballot Request Information (Section 101.62(3))

Vote-by-mail ballot request information is confidential and exempt from the provisions of s. 119.07(1) and shall be made available to or reproduced only for the voter requesting the ballot, a canvassing board, an election official, a political party or official thereof, a candidate who has filed qualification papers and is opposed in an upcoming election, and registered political committees for political purposes only.



Vote-By-Mail Ballot Request Form

Indian River County Supervisor of Elections
4375 43rd Avenue, Vero Beach, FL 32967
Phone (772) 226-3440 | Fax (772) 770-5367
VoteIndianRiver.com

Voter's Name: _____

Voter's Registration Number or Date of Birth: _____

Indian River County Residential Address

Street: _____

City: _____ State: Florida Zip: _____

Email: _____ Phone: _____

☐ Please change my legal address on my voter Registration Record to the above residence address (check box if applicable).

Ballot(s) Requested for:	<input type="checkbox"/> Special Municipal Election 2/26/2019	<input type="checkbox"/> Primary Election 8/25/2020
	<input type="checkbox"/> Municipal Election 11/5/2019	<input type="checkbox"/> General Election 11/3/2020
	<input type="checkbox"/> Presidential Preference Primary (PPP) Election 3/17/2020	<input type="checkbox"/> All Elections through 2022

**A vote-by-mail ballot request must be received by the Supervisor of Elections no later than 5:00 p.m. on the sixth day before the election. F.S. 101.62 (2)*

Ballot Mailing Address (if different than residential address)

**Florida law prohibits vote-by-mail ballots from being forwarded by the post office. F.S. 101.62 (4)(c)(1)*

Street: _____

City: _____ State: _____ Zip: _____

Use the Ballot Mailing Address for the following election(s):

<input type="checkbox"/> Special Election 2/26/2019	<input type="checkbox"/> PPP Election 03/17/2020	<input type="checkbox"/> General Election 11/3/2020
<input type="checkbox"/> Municipal Election 11/5/2019	<input type="checkbox"/> Primary Election 8/25/2020	<input type="checkbox"/> All Elections through 2022

Signature of voter/ requester: _____ Date: _____

Requester's Information

**Only an immediate family member or legal guardian may request a vote-by-mail ballot for a voter. F.S. 101.62(1)(b)*

Name: _____

Street: _____

City: _____ State: _____ Zip: _____

Relationship to the voter: _____

Free Access Notice: To check the status of your vote-by-mail ballot, visit VoteIndianRiver.com.

VII. Poll Watchers

1. Watchers at the Polls (Section 101.131, F.S.)

- Each political party and each candidate may have **ONE** watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time.
- Each party, each political committee, and each candidate requesting to have poll watchers shall designate, in writing, the poll watchers' names, assigned precincts and hours of duty, prior to **noon of the second Tuesday preceding the election**, for poll watchers for each polling room on Election Day. Designations of poll watchers for early voting areas shall be submitted in writing to the Supervisor of Elections **prior to noon 14 days** before early voting begins. Poll watchers for each polling room on Election Day shall be approved by the Supervisor of Elections on or before the Tuesday before the election. Poll watchers for early voting areas shall be approved by the Supervisor of Elections no later than 7 days before early voting begins.
- Each approved poll watcher is required to wear a badge provided by the Supervisor of Elections office. Poll watcher badges are available for pick-up at the Supervisor of Elections office 7 days prior to the beginning of early voting or Election Day, whichever is applicable. In addition to the badge, each poll watcher is required to provide identification at the polling location.
- The Supervisor of Elections will furnish the officials at each polling place with a list of approved poll watchers.
- A poll watcher must be a qualified and a registered elector in Indian River County. No candidate, or sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher.
- The poll watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of an election.
- No poll watcher shall be permitted to come closer to the official's table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room or early voting area to watch and observe the conduct of electors and officials. Poll watchers may **only** direct questions to the Clerk.
- Poll watchers cannot wear campaign buttons, t-shirts, or anything identifying a campaign or political party affiliation.

POLL WATCHERS MAY NOT INTERACT WITH VOTERS.

POLL WATCHERS SHALL NOT OBSTRUCT THE ORDERLY CONDUCT OF THE ELECTION.

VIII. ETHICAL CONDUCT

1. Prohibited Acts

- **Speak at Political Meetings** (Section 106.15(1), F.S.)

No person shall pay money or give anything of value for the privilege of speaking at a political meeting in the furtherance of his or her candidacy, nor shall anyone speaking for such a person pay money or give anything of value for such privilege.

- **Using State-Owned Aircraft or Motor Vehicle** (Section 106.15(2), F.S.)

No candidate, in the furtherance of his or her candidacy for nomination or election to public office in any election, shall use any state-owned aircraft or motor vehicle, as provided in Chapter 287, F.S., solely for the purpose of furthering his or her candidacy. However, in the event a candidate uses any state-owned aircraft or motor vehicle to conduct official state business and while on such trip performs any function in the furtherance of his or her candidacy for nomination or election to public office in any election, the candidate shall prorate the expenses incurred and reimburse the appropriate agency for any trip not exclusively for state business and shall pay either a prorated share of all fixed and variable expenses related to the ownership, operation, and use of such aircraft or one-half of the total fixed and variable expenses related to the ownership, operation, and use of such aircraft, whichever is greater. The reimbursement shall be made from the campaign account of the candidate.

- **Using Services of State, Municipal, or District Officers or Employees** (Section 106.15(3), F.S.)

A candidate may not, in the furtherance of his or her candidacy for nomination or election to public office in any election, use the services of any state, county, municipal, or district officer or employee of the state during working hours.

- **Making Contributions in the Name of Another** (Section 106.08(5), F.S.)

A person may not make any contribution through or in the name of another, directly or indirectly, in any election.

- **Solicitation from Religious, Charitable and Civic Organizations** (Sections 106.08(5), F.S., and Division of Elections Opinion 4-03)

Candidates may **not**:

- Solicit contributions from any religious, charitable, civic, or other cause or organization established primarily for the public good.
- Make contributions, in exchange for political support, to any religious, charitable, civic, or other cause or organizations established primarily for the public good.

It is **not** a violation:

- To make gifts of money in lieu of flowers in memory of a deceased person.
- For a candidate to continue membership in, or make regular donations from personal or business funds to, religious, political party, civic, or charitable groups of which the candidate is a member or to which the candidate has been a regular donor for more than six months.
- For a candidate to purchase, with campaign funds, tickets, admission to events, or advertisements from religious, civic, political party, or charitable groups.
- **Accepting Contributions in a Government-Owned Building** (Section 106.15(4), F.S.)

No person shall make and no person shall solicit or knowingly accept any political contribution in a building owned by a governmental entity. “Accept” means to receive a contribution by personal hand delivery from a contributor or the contributor’s agent. This prohibition does not apply when a government-owned building or any portion thereof is rented for the specific purpose of holding a campaign fund raiser.

- **Making Malicious Statements** (Section 104.271, F.S.)

A candidate may not, with actual malice, make any false statement about an opposing candidate.

- **Certifying a False Report** (Sections 106.07(5) and 106.19, F.S.)

Any candidate, campaign manager, campaign treasurer, or deputy treasurer who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree.

2. Limitations on Political Activity for Judicial Candidates (Section 105.071, F.S. and Division of Elections Opinion 78-34)

A candidate for judicial office shall **not**:

- Participate in any partisan political party activities, except that such candidate may register to vote as a member of any political party and may vote in any party primary for candidates for nomination of the party in which he or she is registered to vote.
- Campaign as a member of any political party.
- Publicly represent or advertise herself or himself as a member of any political party.
- Endorse any candidate.
- Make political speeches other than in the candidate’s own behalf.

- Make contributions to political party funds.
- Solicit contributions for any political party.
- Accept contributions from any political party.
- Accept or retain a place on any political party committee.
- Make any contribution to any person, group, or organization for its endorsement to judicial office.
- Agree to pay all or any part of an advertisement sponsored by any person, group, or organization wherein the candidate may be endorsed for judicial office by any such person, group, or organization.

A candidate for judicial office or retention therein who violates the provisions of this section is liable for a civil fine of up to \$1,000 to be determined by the Florida Elections Commission.

A candidate for judicial office may attend and speak on his or her own behalf at political party meetings and other functions. However, care must be exercised to insure compliance with Chapter 105, F.S., and the Code of Judicial Conduct.