St. Lucie County Candidate Workshop

Presented by:
Gertrude Walker and Staff
St. Lucie County Supervisor of Elections
Our Mission

The Supervisor of Elections (SOE) has facilitated this workshop to provide local candidates, political committees and interested parties with information on the filing process and the tools to ensure compliance with Chapter 106 Florida Statutes and all other campaign finance law.
Candidate Responsibilities

It is the responsibility of the candidate to:

- Read, understand, and adhere to the requirements of Chapter 106 F.S.
- Meet the qualifications necessary for the office sought
- Meet the residency requirements of the office sought by the required date
- File the required documents with the appropriate filing officer timely

Detailed information regarding requirements for each office can be found in the Guide to Elected and Appointed Officials on the SLC Supervisor of Elections website.
Filing Officer's Responsibilities

- THE FILING OFFICER’S ROLE IS MINISTERIAL.
  - It is the responsibility of the filing officer to review the applicable filing documents and campaign finance reports to determine whether the required items have been properly filed and whether each item is complete on its face.

- The Filing Officer is NOT responsible for accuracy, content, or to provide legal advice.

Section 99.061(7)(c) F.S.
State ex rel Shevin v. Stone, 279 So. 2d 17 (Fl.1972)
SOE is the Filing Officer for…

- **County Court Judges** – Candidate must be resident at the time of assuming office
- **Constitutional Officers** – Candidate must be a resident at the time of assuming office
- **County Commissioners** – Candidate must be a resident at the time of the election – November 6, 2018
- **School Board Members** – Must be a resident at the time of qualifying (June 18, 2018 to June 22, 2018)
- **Special District Offices** – Must be a resident at the time of the election – November 6, 2018

*State Candidates must contact the Division of Elections*

**Municipal candidates must contact City Clerk’s office**

- DE 94-04 (March 3, 1994)
Florida Elections Commission (FEC)
The Enforcers

The Florida Elections Commission (FEC) is the administrative agency charged with enforcing Chapter 106 of Florida's Election Code.

• The purpose of the FEC is to ensure transparency in Florida's elections.

• Campaign Finance violations should be forwarded to the FEC as they are the enforcing agency, not the SOE.
Common Violations of Chapter 106

• There are almost 100 separate violations in Chapter 106, Florida Statutes. Some of the most common violations are as follows:
  – Accepting contributions or making expenditures prior to appointing a campaign treasurer and designating a campaign depository. §106.021(1)(a), F.S.
  – Failure of the treasurer of a candidate or political committee to file regular reports of all contributions received, and all expenditures made, by or on behalf of the candidate or political committee. §106.07(1), F.S.
  – Failure of a person to prominently mark all political advertisements with a proper political disclaimer. §106.143, F.S.
  – Accepting a contribution in excess of the contribution limit for each election. §106.19(1)(a), F.S.
Violations of Chapter 106

• Violations of Chapter 106 can result in:
  – Civil Penalties
  – Criminal Penalties
  – Removal from Office
Legal Advisory Opinions

Who May Request an Opinion?

- By law, the Division of Elections shall provide advisory opinions to a supervisor of elections, candidate, local officer having election related duties, political party, affiliated party committee, political committee, or other person or organization engaged in political activity, relating to any provisions or possible violations of Florida election laws the person or entity has taken or proposed to take.

Call the Division of Elections at (850) 245-6536 for additional information!
Candidate Filing Cycle

1. Filing to Become a Candidate
2. Financial Reporting Begins
3. Qualifying for Office Sought
4. THE ELECTION (S)
5. Disposing of Surplus Funds

PRIMARY ELECTION
August 28, 2018
Book Closing July 30, 2018

2018 GENERAL ELECTION
November 6, 2018
Book Closing October 9, 2018
Filing to Become a Candidate

- **DS-DE 9** – Appointment of Campaign Treasurer and Designation of Campaign Depository

  *AND*

  *(If not at the same time within 10 days of filing DS-DE 9)*

- **DS-DE 83** – Statement of Candidate for Judicial Office
  
  You have received, read, and understand the requirements of the Florida Code of Judicial Conduct

- **DS-DE 84** – Statement of Candidate
  
  You have access to, read, and understand Chapter 106, F.S. (Campaign Finance)

*Not considered “filed” upon mailing, only upon receipt by the filing officer.*

3/5/2018
Candidate and Campaign Treasurer or Deputy Treasurers must complete and sign DS-DE 9 forms.

Once the candidate submits the completed DS-DE 9 form, campaign financial reports are required to be completed.
DS-DE 9 – Appointment of Campaign Treasurer and Designation of Campaign Depository

• **MUST** be on file with the filing officer **prior to**:
  – Opening a **campaign account**
  – Accepting any campaign **contributions**
  – Making any campaign **expenditures**
  – Obtaining signatures on Candidate **Petitions** (DS-DE 104)
Special district candidates are not required to complete a DS-DE 9 if his or her *only expense* is the filing fee or petition verification fee.

However, if a special district candidate intends on accepting contributions or making campaign expenditures, he or she must then file a DS-DE 9 as required by law.
Campaign Treasurers and Deputy Treasurers

• A candidate may appoint himself/herself as campaign treasurer/deputy treasurer
  – Candidate must be designated as a treasurer in order to sign checks on a campaign account

• Deputy campaign treasurers may exercise any of the powers/duties of the campaign treasurer when authorized by campaign treasurer and candidate
  – A local candidate may appoint up to 3 deputy campaign treasurers
Resignation or Removal of Campaign Treasurer

– Written notice of the resignation or removal is required.

– The resignation or removal is not effective until a copy is filed with the filing officer.
Primary Campaign Depository

A candidate must designate a primary campaign depository with a Florida authorized

- Bank
- Savings and loan association
- Credit Union

Must be separate from personal or other accounts

Designating a campaign depository does not mean physically opening your account, merely naming the financial institution
Account Record-Keeping
F.S. 106.06

- Keep detailed accounts of contributions/expenditures
  - Account must be kept current within not more than 2 days after date of contribution/expenditure

- Deposit all funds received by the end of 5th business day
  - Bank slip must contain name of each contributor and the amount of each contribution (F.S. 106.05)

- Keep detailed accounts of all deposits and withdrawals

- Preserve all account documents equal to the term of office

- Can be fined for incomplete, late, or inaccurate reports
Inspection of Records
F.S. 106.06

• Accounts kept by the campaign treasurer may be inspected under reasonable circumstances
  – Before
  – During
  – After

• the election by any authorized representative of the DOE or the FEC
DS-DE 84 Statement of Candidate  
F.S. 106.023

Must be filed with the filing officer within **10 days after filing**  
Form DS-DE 9

This form states that the candidate has read and understands the requirements of Chapter 106, F.S. (Campaign Finance)

Judicial Candidates **must also file**  
DS-DE 83 (Statement of Judicial Candidate)
Candidate A has decided to run for office. He has contacted the media and announced that he is running for School Board. During the press conference, he states that he has placed signs throughout the community and has already received numerous contributions towards his campaign.

He has not filed a DS-DE 9.

Would this be considered a violation of Chapter 106 statutes?
Financial Reporting - Contributions
F.S. 106.011(5)

- 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
Financial Reporting – Contributions
F.S. 106.011(5)

- The payment, by any 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 for such services.

- The transfer of funds by a campaign treasurer or deputy treasurer between a primary depository and a separate interest-bearing account or CD and the term includes interest earned on such account or certificate.
Contributions – Exceptions

F.S. 106.011(5)

Exceptions are:

- Services provided without compensation by individuals volunteering their time to a candidate or political committee
- Editorial endorsements

IMPORTANT: The law provides no exceptions for reporting contribution information, regardless of the size of the contribution

The reporting requirements are the same for a 1¢ contribution as for a $1,000 contribution
Reporting Contributions
F.S. 106.07

Each report must contain:

Full name, address, occupation, amount and date of each person making a contribution

Provide principal type of business conducted for corporations

Principal type of business or occupation not required if:
• The contribution is $100 or less
• From a relative provided the relationship is reported
Anonymous Contributions

• Must be reported as anonymous contribution

• A letter should be submitted to the filing officer explaining the circumstances surrounding acceptance of an 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.
Reporting Contributions -
Protected Addresses
F.S 119.07

• Some contributors to your campaign (such as law enforcement personnel) may have an Exemption from Public Records, “Protected Address” on file with the SOE

• These contributors’ addresses will automatically be redacted and print out with “Protected Address” on the campaign report
  – All other contributions must contain the full address

• Addresses must not be vague or contain “unknown”

• May use a business address (or P.O. Box) in lieu of a home address
Reporting Contributions – 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.
In-Kind Contributions
F.S. 106.055

- Anything of value made for the purpose of influencing the results of an election
- Exceptions are:
  - Money
  - Personal services provided without compensation by volunteers
  - Independent expenditures as defined in Section 106.011(5), F.S.; or
  - Endorsements of 3 or more candidates by PC’s or political parties
- Any person who makes an in-kind contribution shall place a fair market value on the contribution

*In-kind contributions are subject to contribution limits*
Loans – F.S. 106.08 & 106.075

• Loans are considered contributions and are subject to contributions limits
  – **Exception** – loans made by a candidate to his or her own campaign are *not* subject to contribution limits

• Must be reported on the campaign treasurer’s report

• A candidate making a loan to his or her campaign may be reimbursed for the loan at any time the campaign account has sufficient funds
  – All personal loans exceeding $500 in value, made to a candidate and used for campaign purposes and made in the twelve months preceding his or her election to office, must be reported on Forms DS-DE 73 and 73A, Campaign Loans Report, and filed with the filing officer within ten days after being elected to office.
Fund Raisers – F.S. 106.025

- All monies and contributions received from campaign fund raisers 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.
Debit and Credit Card Contributions

A candidate may accept contributions via:

- Credit card
- Debit card
- Money order
- Pay Pal

Categorize as a “check” for reporting purposes and show full name and address of contributor on report.

DIVISION OF ELECTIONS OPINION 00-03 - February 8, 2000
Contribution Limits - F.S. 106.08

Contribution Limits:

$1,000 for a candidate:

- Retention as a Judge of a District Court of Appeal
- A candidate for legislative office
- A candidate for multi-county office
- A candidate for county office
- A candidate for county court judge or circuit judge
- OR in any election conducted on less than a countywide basis

The Primary and General Elections are separate elections except for candidates seeking retention as a judge
A candidate **may not** accept an aggregate (combined) cash contribution or contribution by means of a cashier’s check from the same contributor in excess of $50 per election.

- Note: Money orders and traveler’s checks are not considered “cash”
Exceptions to Limits – F.S. 106.08

• The contribution limits on the previous slide 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.
  – The contribution limit for the above mentioned entities can not exceed in aggregate of $50,000.

• OR to amounts contributed by a candidate to his or her own campaign

(Executive Party Positions Only - Except for the $50 cash contribution limit, no other contribution limits exists)
Returning Unauthorized Contributions
F.S. 106.08

- Contributions **must** be returned to the contributor if:
  - Candidate received a contribution in excess of the lawful limit(s)
  - Candidate with opposition received a contribution on the date of that election or 5 days BEFORE the date of that election
  - A candidate receives a contribution once he or she is elected, defeated, becomes unopposed or withdraws his or her candidacy

- If the contribution has not been deposited into the campaign account, report as contribution returned using DS-DE 2

- **Federal law prohibits** contributions from foreign nationals unless the foreign national possesses a green card
  - Additional information can be obtained by contacting the Federal Election Commission at 1-800-424-9530 or their website at [http://www.fec.gov](http://www.fec.gov)
Contributions Returned

DS-DE 2

“Before Being Deposited In the Campaign Account”
Candidate Changing Designated Office
F.S. 106.021

• If a candidate changes the designated office for which he or she is a candidate:
  – Must notify all contributors in writing of intent to seek a different office and include DS-DE 86, Request for Return of Contribution and offer to return pro rata, upon request, the contributions given by the donor within 30 days of the notification
  – May use the contribution if the donor does not request the contribution be returned within the 30-day period; 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.;
  – The amount of the prior contribution for the original office counts toward the contribution limit for the new office
Request For Return Of Contribution

DS-DE 86

Formula for Pro Rata Share

Amount in Campaign Account on date of change of designation
- (minus) amount obligated for goods or services ÷ total contributed to campaign
x amount of the individual contribution
SCENARIO 2

Candidate B is running for County Commissioner. He has opposition in the election. He accepted a cash contribution of $1,000.00 two days prior to the election.

Is this a violation of Chapter 106?
Reporting Expenditures
F.S. 106.011

• An expenditure is a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer or deputy treasurer between a primary depository and a separate interest-bearing account or CD
Reporting Expenditures
F.S. 106.11

IMPORTANT: No candidate, campaign manager, treasurer or deputy treasurer shall authorize any expenses:

- Unless there are sufficient funds on deposit in the primary depository account to pay the full amount of the expenditure
- Sufficient funds to honor all other checks drawn on the account and all expenses previously authorized but not yet paid
Living Expenses – F.S. 106.1405

• A candidate or the spouse of a candidate **may not** use campaign funds to defray the cost of normal living expenses.

• A candidate may use campaign funds for expenses incurred during the campaign for transportation, meals and lodging during travel in the course of a campaign.
Reporting Expenditures
F.S. 106.07

Each report must contain:

• Full name, address of each person to whom an expenditure has been made and amount of expenditure
• Primary purpose of expenditure for goods and services
• Total amount withdrawn and the total spent for petty cash
• Amount, nature and financial institution of any separate interest-bearing accounts or CDs
• Total sum of expenditures during the reporting period
Campaign Checks - F.S. 106.11

- Campaign checks must contain at a minimum the following information:
- No verbatim wording is necessary; must contain the name of the candidate or committee within it
- 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 the expenditure
- The name of payee
Debit Cards - F.S. 106.11

• Debit cards may be used in lieu of campaign checks and must be issued in the name of the treasurer, deputy treasurer, be from same bank as designated primary depository and state: “Name of Candidate or Political Committee”

• Debit card receipts must contain specific information
  – a. The last four digits of the debit card number
  – b. The exact amount of the expenditure
  – c. The name of the payee
  – d. The signature of the campaign treasurer or deputy treasurer
  – e. The exact purpose for which the expenditure is authorized

• The person using the card cannot receive cash!
Campaign treasurer or deputy treasurer for a candidate or a political committee can write a check drawn on the primary campaign account to provide for a petty cash fund.

Petty cash may only be used for office supplies, transportation expenses and other necessities.
Petty Cash Funds - F.S. 106.12

A candidate must:

• Spend petty cash in amounts of less than $100 for office supplies, transportation expenses, and other necessities.
  – Petty cash can not be spent for the purchase of time, space, or services from any communications media

• Report total amount withdrawn/spent for petty cash per report period

• Keep complete records of petty cash although each expenditure does not have to be reported individually

• Do NOT mix cash contributions with petty cash
Limits on Petty Cash Fund Amounts
F.S. 106.12

From the date a candidate appoints his/her campaign treasurer until the last day of qualifying for the office:
• Petty Cash withdrawal maximum is $500 per calendar quarter

After qualifying is over and until the election:
• Petty Cash withdrawal maximum is $100 per week for local candidates
SCENARIO 3

Candidate C has had success on the campaign trail and received an influx of contributions. She decides to utilize her campaign account to pay the mortgage on her house. She remembers that all expenditures must be reported and adds the transaction to her campaign finance reports as required by law.

Is this a violation of Chapter 106 statutes?
Campaign Finance Reports  
F.S. 106.0705

- Financial reports must be submitted electronically via the Voter Focus program to the SLC Supervisor of Elections utilizing a confidential pin as an electronic signature
- The Voter Focus program Log In is located on the SOE website
- After data entry is complete and report submitted, the system creates the report in the form required with received date and time stamp
- Submitted reports will appear on SOE website for public to view
Campaign Finance Reports

• Use “How to File Financial Reports Online” as a step-by-step guide on how to use the Candidate Reporting System

• The handbook is available on the SOE Website - www.slcelections.com under “Candidates” and “Political Committees”

How to File Financial Reports Online
A HANDBOOK FOR CANDIDATES & COMMITTEES
Reports for Local Candidates/Political Committees are due

- On the 10th day of each month after filing for office
- 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
- With additional reports due on the 25th and 11th days before the Primary and General Elections
Per F.S. 106.07(5), “The candidate and his or her campaign treasurer, in the case of a candidate, or the political committee chair and campaign treasurer of the committee, in the case of a political committee, shall certify as to the correctness of each report; and each person so certifying shall bear the responsibility for the accuracy and veracity of each report.”
Waiver of Report
F.S. 106.07

• If no contributions or expenditures are made in any reporting period, the filing of the required report for that period is waived and the candidate must file a Waiver of Report.

• A Waiver of Report is required even if the designated bank account has not yet been opened.
Incomplete Reports
F.S. 106.07

- Incomplete reports must be accepted on a conditional basis

- The filing officer notifies the campaign treasurer as to why the report is deemed incomplete

- The Campaign treasurer must file an addendum within 7 days of notification

- The addendum must include all necessary information to complete the report
Late Reports
F.S 106.07

A campaign financial report is not deemed filed until the report is filed via the Supervisor of Elections website with an electronic signature by the due date and time.

Report Due Dates can be found:
- On SLC Supervisor of Elections Website
- On Division of Elections Website
- Included in all Candidate Packets
- Shown in the Candidate Reporting System
- Countdown to deadline date in the Reporting system

Late reports are subject to a fine!!
Calculation of Fines
F.S. 106.07

Campaign Treasurer’s Reports
$50 per day for the first 3 days late, and thereafter, $500 for each day late, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the report.

Reports Immediately Preceding Primary or General Election
$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the report.

Termination Report
$50 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

3/5/2018
Payment of Fines
F.S. 106.07

Fine enforcement is **not** at the discretion of the SOE

- **Candidates** - *Campaign funds may not be used to pay fines, must be paid with personal funds!*

- **Political Committees/ECO’s** - *Committee funds may be used, but are not required to be used, to pay fines*

Fines must be paid within 20 days of notice from the qualifying officer

An appeal can be filed with the FEC based on *unusual circumstances*, however notice must be provided to the qualifying officer within 20 days

3/5/2018
SCENARIO 4

Candidate D has received numerous contributions for the report due immediately preceding the 2018 primary election. However, her only treasurer went on vacation and did not submit a report until 5 days after the due date.

Will Candidate D incur a late fine?

3/5/2018
2018 QUALIFYING PERIODS

Noon, April 30 – Noon, May 4, 2018
Qualifying for all judicial, state attorney & public defender candidates
SOE will begin accepting paperwork on April 16, 2018

Noon, June 18 – Noon, June 22, 2018
Qualifying for all statewide, multi-county, county, and district candidates
SOE will begin accepting paperwork on June 4, 2018

Must be in line prior to noon on the last day of qualifying for qualifying paperwork to be accepted!!

**Please go to the booth in the back to set up an appointment today**

3/5/2018
Important Information to Know
Before Qualifying

Resign-to-Run Law
F.S. 99.012

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 resignation must be submitted at least 10 days prior to the first day of qualifying.
Important Information to Know
Before Qualifying

Resign-to-Run Law

Questions regarding the Resign-to-Run?

– Chapter 2 – SOE Qualifying Handbook

– Contact the DOE General Counsel’s office at 850-245-6536 or email questions to generalcounsel@dos.myflorida.com

– Speak with your county attorney
Important Information to Know Before Qualifying

The Hatch Act

Federal Hatch Act for State, County or Municipal Employees restricts political activity if:

The employee’s entire salary is completely funded from Federal dollars (loans or grants)

The employee is precluded from being a candidate for public office in a partisan election.

**Other laws and the employing agency’s personnel policies may further restrict the ability of a state, county, or municipal employee to participate as a candidate

Advisory opinions may be made by e-mail to:

hatchact@osc.gov

3/5/2018
Important Information to Know
Before Qualifying

Changing Parties for Partisan Offices

F.S. 99.021

• A person seeking to qualify as a political party candidate:

  May not have been a registered member of any other political party for 365 days before the beginning of qualifying preceding the general election (June 18, 2017)
Qualifying Methods
F.S. 99.061

Pay Qualifying Fee
-or-
Petition Process
-or-
As Write-In Candidate
Qualifying through Fee Payment
F.S. 99.061

The qualifying fee is based on the salary of the position sought, as of July 1st immediately preceding the first day of qualifying

- The fee can only be paid during the qualifying period
- The fee must be drawn on the campaign account
- Cashier check, personal checks and money orders are not acceptable (Exception for Special District Candidates can pay the qualifying fee with a personal check)

- **Partisan** – 6% of Salary of office sought
- **Non-Partisan & NPA** – 4% of Salary of office sought
- **Municipal Candidates** - $25.00 & 1% of Salary of office sought
Properly Executed Qualifying Check
F.S. 99.061

• Dated
• Numerical amount
• Written amount
• **MUST** be signed by duly appointed treasurer or deputy treasurer
• Drawn on campaign account
• Paid to the order of SLC Supervisor of Elections OR appropriate filing officer
Return of Qualifying Fee
F.S. 99.092

- Candidate Withdraws
  Must withdraw in writing prior to the last date to qualify

- Deceased Candidate
  If the candidate dies prior to the election, candidate’s beneficiary is entitled to return of qualifying fee

- Candidate Fails to Qualify
  Return check with letter indicating that person did not qualify
Qualifying via Petition Method
F.S. 99.095

• Candidate may qualify to have his/her name placed on the ballot by the petition process
• Not required to pay the qualifying fee or party assessment
• Absent a local ordinance, candidates may collect petitions in any public place including a government-owned building
  – Private Property – depends on owner of property unless it is a quasi-public area (case law.)
Qualifying via Petition Method

• St. Lucie County candidates must collect petitions equal to 1% of the registered voters in the preceding General Election which amounts to **1,944 valid petitions**.

• Municipal Elections: Varies based on the office sought

• For Candidates who will qualify with the Division of Elections, please refer to the Division’s website under Qualifying Information
Required Petition Form

- DS-DE 104 (Eff. 09/11) Candidate Petition is the required statutory form and no other forms will be accepted.
- Signatures on petitions that are not on the current DS-DE 104 form are not valid.
- Candidates are responsible for reproducing petitions.
- Forms cannot be altered – except for size:
  - No smaller than 3” x 5”, no larger than 8.5” x 11”
  - Per Rule 1S-2.045 Florida Administrative Code
Qualifying via Petition Method
DS-DE 104 Candidate Petition

CANDIDATE PETITION

Notes: All information on this form becomes a public record upon receipt by the Supervisor of Elections. It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes] If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.

I, ____________________________________________________________, the undersigned, a registered voter in said state and county, petition to have the name of ____________________________________________________________ placed on the Primary/General Election Ballot as a [check/comlete box, as applicable] [ ] Nonpartisan [ ] No party affiliation [ ] __________________________ Party candidate for the office of ________________________________

(insert title of office and include district, circuit, group, seat number, if applicable)

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<th>Date of Birth (MM/DD/YY)</th>
<th>Voter Registration Number</th>
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<th>Signature of Voter</th>
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INFORMATION ON PETITION **MUST MATCH** INFORMATION LISTED ON THE **DS-DE 9** OR THE PETITION IS INVALID.

PLEASE REFER TO THE PETITION HANDBOOK ON THE DIVISION OF ELECTIONS WEBSITE FOR ADDITIONAL INFORMATION ON PETITION REQUIREMENTS.

3/5/2018
Petition Common Mistakes

4 COMMON MISTAKES THAT WILL MAKE THE PETITION FORM INVALID

(Sample)

1. The party affiliation designation on the petition does not match the current DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository form. For example;
   a. The voter’s party affiliation information is listed in error
   b. The candidate is nonpartisan but the nonpartisan box is not checked

2. The title listed for office sought on the petition does not match the title listed on the current DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository form.

3. The candidate did not use the current form or altered, modified, or removed legal verbiage listed on the form. Omission may occur during the initial copying process.

4. The candidate submitted a copy instead of the original signature petition form.

These mistakes can be avoided by following proper petition procedure!! Please contact SLC Supervisor of Elections office if you have any questions.
Qualifying via Petition Method

• Petition must contain:
  – Name of candidate
  – Office
  – Party designation (if applicable) – MUST MATCH DS-DE 9
  – Group or District #

• Valid petitions:
  – Person signing must be registered in St. Lucie Co. (for County Cand.)
  – Birthdate or voter registration number
  – Voter’s ink signature and date petition signed by voter
  – Complete physical street address
    • Must identify city
    • Zip code not mandatory

Candidates must submit petitions with the original INK signature – electronic copies will NOT be accepted!!
Qualifying via Petition Method

- It is the **candidate’s responsibility** to track the status of the amount of valid petitions that are processed by the SOE.

- **Candidate petition totals will be available on the SOE website for review**

- The deadline for submitting candidate petitions is **noon** of the 28th day preceding the first day of the qualifying period for the office sought. For 2018, these deadlines are:
  - **April 2, 2018 at noon** – Federal, Judicial, State Attorney and Public Defender candidates
  - **May 21, 2018 at noon** – State, Multicounty, County and District candidates
Qualifying via Petition Method

• Individuals who are dropping off petitions should wait for a receipt indicating the number of petitions received.
• Verification fee is 10¢ per petition
• Verification fee must be paid in full prior to verification
• All petitions turned in will be verified by election staff
• Fee must be paid by the candidate, by any of 3 ways:
  – Campaign check or petty cash
  – Candidate uses personal funds and reports it as an in-kind contribution or is reimbursed by the campaign; or,
  – Third party pays and is reimbursed by the campaign

**Please pay by campaign check as the office does not keep change**
Qualifying via Petition Method

Affidavit of Undue Burden

F.S. 99.097(4)

Candidate may file Affidavit of Undue Burden if unable to pay the fee for verification of signatures without imposing an undue burden on his/her personal resources.
Important Petition Guidelines

- Candidates can now access the SOE website to check on petition totals for St. Lucie County.

- No candidate will be allowed to wait at the counter for results of their petition verification, or to interact with staff who are in the process of verifying petitions.

- Petition adjudication will not be completed at the front counter – a public records request must be made.

- All candidates submitting petitions on the last day will receive notification 3-5 days later.

Petitions are processed in the order received

**THERE ARE NO EXCEPTIONS!!**
Qualifying as a Write-In Candidate

• Not required to pay a qualifying fee or submit petitions

• Must comply with campaign finance laws

• Residency requirements are based on the office sought

• Qualifies for a General Election only

• Candidate’s name will not appear on the ballot
Qualifying Forms - Candidate Oath

- Candidate Oath Form (varies based on office sought)
  - Name as it is to appear on the ballot
  - Office
  - Party Affiliation (if applicable)
  - Candidate’s signature
  - Must be properly notarized

**Candidate Oath forms were updated on 1/2/18**
Current forms can be found on the Division of Elections website
http://dos.myflorida.com/elections

3/5/2018
<table>
<thead>
<tr>
<th>Form Number</th>
<th>Description</th>
<th>Date</th>
<th>PDF Link</th>
</tr>
</thead>
<tbody>
<tr>
<td>DS-DE 301SL</td>
<td>Candidate Oath - State and Local Partisan Office</td>
<td>1/2/2018</td>
<td>(/media/698697/dsde301sl.pdf)</td>
</tr>
<tr>
<td>DS-DE 302NP</td>
<td>Candidate Oath - Nonpartisan Office</td>
<td>1/2/2018</td>
<td>(/media/698691/dsde302np.pdf)</td>
</tr>
<tr>
<td>DS-DE 303JU</td>
<td>Candidate Oath - Judicial Office</td>
<td>1/2/2018</td>
<td>(/media/698692/dsde303ju.pdf)</td>
</tr>
<tr>
<td>DS-DE 304SB</td>
<td>Candidate Oath - School Board Nonpartisan Office</td>
<td>1/2/2018</td>
<td>(/media/698693/dsde304sb.pdf)</td>
</tr>
</tbody>
</table>

**NEW OATH FORMS**

**CURRENT FORMS MUST BE UTILIZED TO QUALIFY FOR OFFICE!!**
Qualifying Forms – Affidavit for Use of Nickname on Ballot

• A candidate may add their nickname to the Oath of Candidate along with one’s surname when the nickname is one by which the person is generally known or one that the person has used as part of his or her legal name.
  – For example: if John Jones is generally known as Bo Jones, permissible designations are John “Bo” Jones, John (Bo) Jones, Bo Jones or John Jones
• **May not use titles such as Dr., Reverend, Colonel, etc. unless two or more people have the same name.**

• **However**, if the candidate plans to designate a nickname on the candidate oath form **other than** a generally recognized shortened version of the legal name, notify the appropriate qualifying officer well in advance of qualifying to complete required affidavit.
Qualifying Forms - Financial Disclosure

Provides citizens a way to monitor potential conflicts of interest and keeps them informed on an annual basis. Also serves as a deterrent to public officials considering activity that may result in a conflict.

Form 6 - Full & Public Disclosure of Financial Interests

Are required for County Judges, Clerks of Court, Sheriffs, Tax Collectors, Property Appraisers, Supervisors of Elections, County Commissioners, members of District School Boards

Form 1 - Statement of Financial Interests

Are required for persons elected to office in any political subdivision (such as municipalities, counties and special districts) and any person appointed to fill a vacancy in such office, unless required to file a Form 6
Information Provided at Qualifying

• Public Test Notification (L&A)
• Poll Watcher Information
• Political Advertisement Notification
  • Sign requirements will be provided for Fort Pierce, Port St. Lucie and St. Lucie County. Each jurisdiction has specific requirements
• Canvassing Board Dates
Make an Appointment Today

- Pre-qualifying Appointments will be scheduled at all 3 Supervisor of Elections locations:
  - Walton Road Location - Monday
  - St. Lucie West Location - Tuesday
  - Fort Pierce Location - Wednesday – Friday

***Contact Judith Durogene, Candidate Coordinator, at 772-462-1504 to schedule an appointment.***
There was an accident on US-1 and Candidate E arrived at the SOE office at 12:05 pm on the last day of qualifying to submit the required documentation.

Will Candidate E qualify for office?
A political advertisement is a *paid* expression in a communications media:

- radio, television
- newspaper, campaign literature, mail
- 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
Disclaimers must be **verbatim** per Section 106.143 F.S. which gives multiple examples based on the office sought and who paid for the advertisement:

- Advertisement provided **In-Kind** must indicate so.
- Advertisement paid for by a **write-in** candidate must prominently state candidate is a write-in candidate.

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.
Political Advertisement Disclaimers

• 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 political advertisement of the candidate must state that the candidate has no party affiliation.

• A political advertisement of a candidate running for **nonpartisan** office may not state the candidate’s political party affiliation.
  
  – A candidate for nonpartisan office is **PROHIBITED** from campaigning based on party affiliation.
Any political advertisement which is published, displayed, or produced in a language other than English may provide the disclaimer in the language used in the advertisement.
Political Advertisement

Disclaimers for Incumbents

• The word “re-elect” may only be used for incumbents for the office sought.

• All non-incumbent candidates must use the word “for” in the body of any advertisement between the name of the candidate and the office sought in order that incumbency is NOT implied (Section 106.143(6) F.S.)
When a Disclaimer is not Required

F.S. 106.143

- Novelty items worth less than $10 (not in opposition of a candidate)
- Items designed to be worn by a person
- A message placed as a paid link on a social networking website (maximum 200 characters)
- Placed on an Internet website where there is no cost to post for public users
- Distributed as a text message if not more than 200 characters

Refer to 106.143(10) F.S. for the complete list of exceptions to disclaimer requirement
When a Disclaimer is not Required

F.S. 106.143

Political Disclaimer requirement does not apply to editorial endorsement advocating the candidacy of its nominees by any:

• newspaper
• radio
• television station
• other recognized news medium
• or publication by a party committee

Refer to 106.143(4)(a) F.S.
Usage and Removal of Political Campaign Advertisements
F.S. 106.1435

• Per F.S. 106.1435:
  – No Political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed or located on or above any state or county road right-of-way.
  – Each candidate shall make a good faith effort to remove all of his or her political advertisements within 30 days after having withdrawn, been eliminated or elected.
  – Each respective municipality may have established sign ordinances by which candidates, political parties and electioneering communications organizations must govern themselves.
Electioneering Communication Organizations (ECOs)
F.S. 106.011(9)

- ECO – any group (not a political party, Affiliated Political Committee, or Political Committee), whose election related activities are limited to making expenditures for electioneering communications or accepting contributions for purpose of making electioneering communications and whose activities would not require them to register as a political party or PC.

- ECOs are limited to being involved with “electioneering communications” – ECOs may not “expressly advocate.”
Television Broadcasts
F.S. 106.165

Each candidate, political party and political committee must use **closed captioning and descriptive narrative** in all television broadcasts regulated by the FCC.

Or they must file a written statement with the qualifying officer setting forth the reasons for not doing so.

Failure to file this statement with the appropriate qualifying officer constitutes a violation of the Florida Election Code.
Telephone Solicitation
F.S. 106.147
Disclosure Requirements

• Any telephone call shall identify the persons or organization sponsoring the call by stating either:
  – “Paid for by…..(name of persons or organizations sponsoring the call)”
  – “Paid for on behalf of…..(name of persons or organizations authorizing call)”
  • Does not apply if the person making the call is not being paid and the person participating in the call know each other prior to the call

• No telephone call shall state or imply that the caller represents any person or organization unless given specific approval in writing by the represented party

3/5/2018
Prohibited Acts
F.S. 106.15

Speaking at Public Meetings
Candidates may not pay money or give anything of value for speaking at a political meeting to further their candidacy
Prohibited Solicitation
F.S. 106.08

Candidates may not solicit contributions from or make contributions in exchange for political support to any:

– Religious
– Charitable
– Civic
– Other organizations established primarily for the public good
Malicious Statements
F.S. 104.271

• Malicious statements from an opposing candidate in an election may result in a **felony of the third degree** and after conviction such candidate shall be disqualified to hold office.

• If an aggrieved candidate files a complaint with the Florida Elections Commission, a civil penalty of up to $5,000 may be assessed.
Judicial Candidates
F.S. 105.071

Limitations on Political Activity for Judicial Candidates

A candidate for judicial office shall not:
• Campaign as a member of any political party
• Publicly represent or advertise herself / himself as a political party member
• Participate in any partisan political party activities except to:
  - register to vote as a member of any political party
  - vote in any party primary contest
Judicial Candidates

Judicial candidates shall not:

- Endorse any candidate
- Make or accept contributions to/of political party funds
- Accept or retain a place on any political party committee
- Make contributions to (person, group, or organization) for its endorsement to judicial office
- Agree to pay all or part of an advertisement sponsored by any person, group, or organization where the candidate may be endorsed for judicial office
SCENARIO 6

Candidate F is running for School Board. He has utilized his campaign funds to purchase the sign listed below.

Vote For Candidate F for St. Lucie County School Board!

“Political advertisement paid for and approved by Candidate F, Green Party, for School Board”

Do you see a violation?

3/5/2018
Request for Acquisition of Registered Voter Information
Data Services Available

• **Lists:** 15¢ per page + $10 processing fee
  Includes: Voter Name, residence and mailing address
  Available in: Precinct Alphabetical, Straight Alphabetical, Walking (Street) or Household Order

• **Labels:** 30¢ per page + $10 processing fee
  Includes: Voter or Household Name and Mailing Address Labels (2 across, 1” x 4”)
  Available in: Precinct Alphabetical, Straight Alphabetical, Street Order or Household Order

**ELECTRONIC FILES THAT ARE EMAILED ARE PROVIDED AT NO CHARGE**
Data Services

Text Files include all available information on a voter’s record, such as the voter’s name, address, date of birth, gender, party, precinct and district information.

When ordering a Text File, please be sure to have someone who is familiar with converting the raw data into an Excel or Access Database.

The SOE office does not offer any customized programming or data manipulation. Data is to be manipulated by the candidate or someone on their data service team.
Placement of Orders

- Orders may be placed either in person, writing, fax or email by those authorized on behalf of the Candidate. Orders not approved by a proper authority will not be processed. The Data Center will make a best effort attempt to notify the requestor should a request be denied.

- Orders are processed on a first come, first served basis with a standard response time of 3-5 business days, depending upon workload.
Payment

• All orders are to be paid for in full at the time of order pickup

• Method of payment for candidates must be by campaign check

• Cash will not be accepted for any order

• Any invoices left unpaid, or checks returned due to insufficient funds, will be submitted to the County Attorney for collection
Requesting Mailing Lists

Before filling out a Registered Voter Information Request Form:

• Call our office as we can help you decide what your objective is with the list you request. Your budget may be a consideration.

• What are you going to do with this list?
  – Walk a neighborhood house-by-house?
  – Send a flyer to each registered voter?
  – Send a flyer to each registered voter by household?
Available Data Formats

Any candidate may request voter information by the following sort categories: (comes in EXCEL format)

- Alpha by Name
- Alpha by Precinct
- Alpha by Residence  (also known as a “Walk List”)
- Alpha by Household  (also known as a “Walk List”)

The information can be from all registered voters in St. Lucie County broken down by:

- a specific district
- in a specific age range
- according to gender, race, party
- according to previous voting history
Comma-Delimited Text Files

- Ease of data manipulation (sorting)
- File contains everything on a voter’s record
- Ability to create your own mailing labels
- Files can be given to a printing house
- Phone numbers are included
- Up to 20 elections can be added to a text file
Vote by Mail Ballot Information Requests

- Vote by Mail (Absentee) Ballot request information is confidential and exempt from public disclosure under Section 101.62(3) F.S.

- Except to the following persons or entities who may obtain and use it for political purposes only:
  - Canvassing board
  - Election Official
  - Political party or official thereof
  - Candidate who has filed qualification papers and is opposed in an upcoming election
  - Registered political committee
Questions about Data?

Sherrie Williams
Voter Registration Administrator

Phone: (772) 462-5633
Email: swilliams@slcelections.com
The Election and Beyond
POLL WATCHERS

During Early Voting and on Election Day candidates, political committees, and political parties can have Poll Watchers to observe the election process.

• **What does a Poll Watcher do?** - A poll watcher observes the election process to see if any violation of election laws occurs. If a violation occurs, the poll watcher is to refer the violation to the clerk of the election board. Every candidate and political party may have one poll watcher in each early voting site or polling room at any one time.

• **Deadline to Submit Designation:**
  - Early Voting Deadline - No later than noon at least 14 days before early voting begins
  - Election Day Deadline - No later than noon of the 2nd Tuesday before the election

_Must Utilize Required Designation Form - DS-DE 125_
### POLL WATCHER DESIGNATION FORM

**DS-DE 125**

**Available on DOE website:**
https://www.slcelections.com/Portals/StLucie/dsde125.pdf

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**Designation of Poll Watchers**

<table>
<thead>
<tr>
<th>Section</th>
<th>Details</th>
</tr>
</thead>
</table>
| 1. Election | **Election Date:** [ ]
| 2. Category of Authorized Persons | **Complete Only One of the Boxes Below:**
| 3. Candidate/Challenger Designee | [ ]

---

**Section 3: Candidate/Challenger Designee**

I request that the listed person(s) below (none of whom is a candidate or a sherriff, deputy sherriff, police officer or other law enforcement officer), who are qualified and registered voters of the county in which they will serve, be approved as poll watchers at the locations indicated below.

- **Name:** [ ]
- **Address:** [ ]
- **Email address:** [ ]
- **Phone:** [ ]

**Date Submitted:** [ ]

**Note:** This form becomes a public record when submitted to the Supervisor of Elections.

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**Section 4: List of Designated Poll Watchers**

<table>
<thead>
<tr>
<th>Name</th>
<th>Date of Birth</th>
<th>Residential Address</th>
<th>Phone</th>
<th>Official Use Only</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**Polling Place / Early Voting Site:** Either write “All locations” or specify location.

**Note:** This form becomes a public record when submitted to the Supervisor of Elections.

---

**Election Day Deadline:** No later than noon of the 2nd Tuesday before the election.
POLL WATCHER

WHO CANNOT BE A POLL WATCHER?

- A candidate, sheriff, deputy sheriff, police officer, or any law enforcement officer is not allowed to serve as a poll watcher.

POLL WATCHER CANNOT:

- Interfere with or impede the conduct of any election.
- Be located closer to the official’s table or the voting booths than is reasonably necessary to perform their function.
- Speak to or otherwise interact with the voter.
Per Florida Statutes 102.31 (4)(a);
No person, political committee, or other group or organization may solicit voters inside the polling place or within 100 feet of the entrance to any polling place during Early Voting or on Election Day.
Before the opening of the polling place or early voting site, the clerk or supervisor shall designate the no-solicitation zone and mark the boundaries.
Election results totals for Early Voting and Absentee are released 30 minutes after the polls close.

- As results from the Precincts are received, results immediately refresh on our website at: www.slcelections.com
Prior to Disposing of Surplus Funds

F.S. 106.11

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

• Purchase “thank you” advertising for up to 75 days

• Pay for items which were obligated

• Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports
Prior To Disposing of Surplus Funds
F.S. 106.141,106.11

• If a candidate filed an Affidavit of Undue Burden (was unable to pay the petition verification fee) they must **reimburse** any waived petition verification fee to the state or local government.

• Any candidate required to dispose of funds may, before such disposition, be **reimbursed by the campaign**, in full or in part, for any reported:
  – Contributions to campaign by the candidate
  – Loans to the campaign by the candidate
Disposing of Surplus Funds
F.S.106.141

- 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 501(c)(3) organization.
- Give not more than $25,000 of the funds that have not been spent or obligated to the affiliated party committee or political party of which such candidate is a member.
- Transfer some funds to an office account and file quarterly reports until all funds are gone.
  - Five thousand dollars multiplied by the number of years in office for which elected for a candidate for county office or for a candidate for any election on less than a countywide basis;
  - Three thousand dollars, for a candidate for county court judge or circuit judge.
Political Organizations
Disposition of Funds

- Disposition of funds upon termination of the organization for Political Committees and Electioneering Communication Organizations must be disposed of as documented in the Statement of Organization form. (s. 106.03, F.S.)
Termination Reports

A termination report **must** be filed within **90 days** of withdrawing as a candidate, becoming unopposed, elected, or eliminated.
Amended Termination Report

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.
Candidate G has won the Election! He decides that he is going to take his entire family to Hawaii on a much needed break with the surplus funds from his campaign.

Is this a violation?
Important Contact Information

- Gertrude Walker, Supervisor of Elections: 772 462-1501
- Judith Durogene, Candidate Coordinator: 772 462-1504
- Tiffany Burrell, Petition Coordinator: 772 462-1140
- Sherrie Williams, Registration Manager: 772 462-5633
- Division of Elections, Office of General Counsel:
  - Call - 850 245-6536
  - Fax - 850 245-6127
  - Email - DOS.GeneralCounsel@DOS.MyFlorida.com
REMEMBER

You, as the candidate are responsible for all aspects of your campaign!!

Use resources available to you:

- Candidate & Campaign Treasurer Handbook
- Supervisor of Elections Website: www.slc.elections.com
- Division of Elections Website: http://dos.myflorida.com/elections/
THANK YOU
&
GOOD LUCK

Disclaimer: This Candidate Workshop is to serve as a tool to provide important information to candidates. It is in no way a substitute for a candidate reading and understanding Florida Election Laws.