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David H. Stafford
Supervisor of Elections



Welcome

Wednesday, October 25, 2023

Disclaimer

- This is an overview of portions of the Florida Election Code
- I am not a lawyer, and cannot dispense legal advice
- We want to help everyone comply with Florida's complex election laws, rules and regulations
- Candidates may request advisory opinions from the Florida Division of Elections (F.S. 106.23(2))
- Candidates and treasurers are ultimately responsible for following the law

Role of the Qualifying Officer

- The Supervisor of Elections is the Qualifying Officer for local offices, not state or federal
- Ministerial responsibility
 - Examines the face of the qualifying papers for completeness
 - Does not determine whether the contents are accurate
 - Candidates and treasurers attest to the accuracy of the contents



Resign to Run

- Current office holder is seeking another public office
 - If current term will overlap with term of another state, <u>district</u>, <u>county</u>, or <u>municipal</u> public office term being sought, officer must resign to run
 - Similar rules if qualifying for <u>federal</u> office
- Resignation is irrevocable
- Must submit at least 10 days before 1st day of qualifying
- Must be effective no later than the earlier of the following dates:
 - Date candidate would take office if elected
 - Date successor would take office



Resign to Run

- The Qualifying Officer is not responsible for enforcing the resign-to-run law.
 - Inform candidates of the law's requirements
 - Cannot refuse to qualify a candidate who has not complied
 - Cannot remove a candidate's name from the ballot; it takes court action to remedy
- Does not apply to political party offices nor persons serving without salary as members of an appointive board or authority



Resign to Run

- Recent Changes
 - Repealed requirement that resign-to-run vacancies are filled by election
 - Repealed provision that allowed county or city charter to determine procedures for filling resign-to-run vacancies
 - Resign-to-run vacancies are now treated as any other vacancy
 - 28 month timeframe is key for state and county offices (except legislators)

Local Offices up for Election

- County Court Judge,Groups 4 and 5
- Pensacola City Council,Districts 1, 3, 5 and 7
- County Commissioner,Districts 1, 3 and 5
- School Board Members,Districts 4 and 5

Local Offices up for Election

- Escambia Soil and WaterConservation District,Seats 1 5
- Santa Rosa Island Authority
- Emerald Coast Utilities Authority,Districts 1, 3 & 5
- Century Town Council,Seats 1 & 2
- Century Mayor

Constitutional Officers up for Election

- Supervisor of Elections
- Clerk of the Court
- Sheriff
- Property Appraiser
- Tax Collector

2024 Election Dates

Presidential Preference Primary

• March 19, 2024

Primary Election

August 20, 2024

General Election

November 5, 2024



A Candidate...

F.S. 97.021(7) and 106.011 (3)

- Seeks to qualify for nomination or election
 - By petition process
 - As a write-in candidate
- Receives contributions or makes expenditures
- Appoints a treasurer and designates a primary campaign account
- Files qualification papers and subscribes to a candidate's oath as required by law

Getting Started...

- File Appointment of Campaign Treasurer Form (DS-DE 9)
 - Local Candidates file with SOE; state/multicounty file with the Florida Division of Elections
 - Must be done *prior* to opening the campaign account
 - Allows a candidate to begin collecting or spending money and gathering petition signatures

Getting Started...

- File Statement of Candidate Form (DS-DE 84) within
 10 days after filing DS-DE 9 Form
 - Verifying the candidate's access to and understanding of F.S. Chapter 106 (Florida's campaign finance laws)
- Judicial Candidates must also file Form DS-DE 83
 - Verifying the candidate's knowledge of the requirements of the Florida Code of Judicial Conduct

Getting Started...

Special District Candidates

(SRIA, ECUA, Soil & Water)

- **IF** there are no contributions or expenses:
 - Not required to appoint a treasurer or designate a primary campaign depository (F.S. 99.061)
 - Can pay qualifying fee with personal funds
- Qualify by filing fee (during qualifying) of \$25.00 or through the petition process - 25 petitions (F.S. 99.095)

Campaign Treasurers

- Not required to be a registered voter
- Candidate may be treasurer or deputy treasurer
- Only treasurer/deputy treasurer signs campaign check
- Local candidate may not have more than 3 deputy treasurers
- If a treasurer resigns, they must notify the candidate and the qualifying officer in writing
- The candidate uses DS-DE 9 form to reappoint





Campaign Treasurers

- Keep detailed accounts current within 2 days of contributions and expenditures
- File regular reports of all contributions and expenditures
- Preserve the records for the number of years equal to the term of the office sought F.S. 106.06
- All funds received shall be deposited in campaign depository
 - By end of the 5th business day following the receipt of a contribution (Saturdays, Sundays, and legal holidays excluded) F.S. 106.05

Online Reporting System

- All campaign reports must be filed electronically
- A letter with instructions, password, PINs and a candidate identification number for the online filing system will be mailed
- All contributions and expenditures must be reported within the correct reporting period
- The candidate will "submit" the report
- The report is made public after initial review by SOE office, eliminating the need for paper copies

Online Reporting System

- Financial information may be entered at any time but not submitted until the report is complete
- Strongly encourage entering data regularly, rather than just before deadline
- The deadline to submit a campaign report is before midnight on the due date
- Elections staff will be available to assist during regular business hours, but not after hours

Campaign Treasurer's Reports

- Campaign Reports are filed quarterly
- On the 60th day preceding the primary election
- Biweekly on each Friday through and including the 4th day immediately preceding the general election
- Additional reports are due on the 25th and 11th days before the primary and general elections
- See handbook for schedule of reporting dates



Campaign Treasurer's Reports

- After qualifying, unopposed candidates only file TR report within 90 days after becoming unopposed
- Reports are due before midnight on the due date
- Fines are paid from the candidate's *personal funds* if reports are not filed on time
- If a report is deemed *incomplete*, the treasurer will be notified and must file an amended report
- Failure to file the report constitutes a violation of Chapter 106

Campaign Treasurer's Reports

- Actions that will result in a referral to the Florida Elections Commission by our office:
 - Repeated late filing of campaign reports
 - Failure to file a report after notice
 - Failure to pay a fine imposed
- Any person may file complaints with the Florida Elections Commission for alleged violations

2023/24 Monthly Calendar of Reporting Dates

Campaign Reporting Requirements for Local Candidates and Committees

Cover Period	Report Code	Due Date
01/01/23 - 01/31/23	2023 M1	02/10/23
02/01/23 - 02/28/23	2023 M2	03/10/23
03/01/23 - 03/31/23	2023 M3	04/12/23
04/01/23 - 04/30/23	2023 M4	05/10/23
05/01/23 - 05/31/23	2023 M5	06/12/23
06/01/23 - 06/30/23	2023 M6	07/10/23
07/01/23 - 09/30/23	2023 Q3	10/10/23
10/01/23 - 12/31/23	2023 Q4	01/10/24
01/01/24 - 03/31/24	2024 Q1	04/10/24

Contribution Limitations

- The contribution limit for local candidates is \$1,000 per contributor per election
 - The primary and general are separate elections
- A candidate's contributions to the campaign are UNLIMITED
 - Does not apply to a spouse or other family
 - Does not apply to cash contributions (\$50 limit)

Contribution Limitations

- Contributions must be deposited in the campaign account within 5 business days of receipt, excluding Saturday, Sunday and legal holidays
- Contribution must be returned to the contributor if:
 - Received by a candidate/treasurer with opposition on the day of the election or less than 5 days before the election

Contribution Limitations

- The contribution limit for cash or cashier's check is an aggregate of \$50 for each election cycle
 - Primary = \$50; General = \$50
 - Includes the candidate's own cash
 - Does not include checks (personal, business and traveler's) and money orders up to \$1000
 - Must be deposited into campaign account
 - Pay very close attention to tracking cash contributions
- A person may not contribute through or in the name of another



Reporting Contributions

All Contributions must be reported including the following information:

- Date the contribution was received.
- Name and complete address of the contributor
- Amount of the contribution
 - Contributions over \$100 the specific occupation of the contributor must be listed
 - Business Contributor the principal type of business activity must be listed



Reporting Contributions

- Do not list your occupation as "candidate"
- Anonymous contributions
 - List as an "anonymous" contribution on the report
 - Send a letter to the qualifying officer regarding the circumstances (Division of Elections Opinion 89-02)
 - Do not spend the anonymous contribution
 - At the end of the campaign, donate the amount to an appropriate entity under F.S. 106.141

In-Kind Contributions

- **Definition:** a contribution of goods or services provided to the candidate for which money would have otherwise been paid
- Exception for volunteer services (see F.S. 106.011(5))
- A description of the item or services and the fair market value must be reported to the candidate by the contributor and counted as an aggregate amount towards the \$1,000 contribution limit

Reporting Expenditures

All expenditures must be reported by:

- Date, purpose and amount
- Name and <u>complete</u> address of the payee (includes street addresses for U.S. Post Offices)
- No expenditures shall be made or authorized without sufficient funds on deposit in the campaign account
- Payment shall be made upon receipt and acceptance of goods or services

Expenditures - Petty Cash

- Report the amount withdrawn and spent during each reporting period
- Not required to be reported individually (must keep complete records; can't mix with cash contributions)
- Withdraw only \$500/quarter until the end of qualifying; only \$100/week after qualifying
- Spent in amounts less than \$100 for office supplies, transportation expenses and other necessities
- May not be used for the purchase of time, space, or services from a communication media

Miscellaneous Information

- Campaign Checks must contain the name of the campaign account of the candidate
- PayPal May accept contribution via PayPal
 - Report as a check
 - The entire amount as a contribution
 - The transaction fee as an expenditure
 - The date of receipt when money enters the bank account; **not** the date of contribution
- Credit Cards are restricted to statewide candidates



Debit Card Information

Debit Cards may be used

- Obtain from the same bank as primary depository
- Limit 3 treasurer, deputy treasurer or another user
- Must contain name of the candidate or committee
- Receipts must include:
 - Last 4 digits of card number
 - Exact amount of expenditure
 - Name of payee
 - Authorized signature
 - Exact purpose of expenditure

Prohibited Acts

To Further Their Candidacy, A Candidate May Not:

- Pay or give anything of value to speak
- Use a state-owned aircraft or motor vehicle
- Solicit or accept a contribution in a government owned building (unless rented for a campaign event)
- Use the services of any state, county, municipal, district officer or employee of the state during working hours

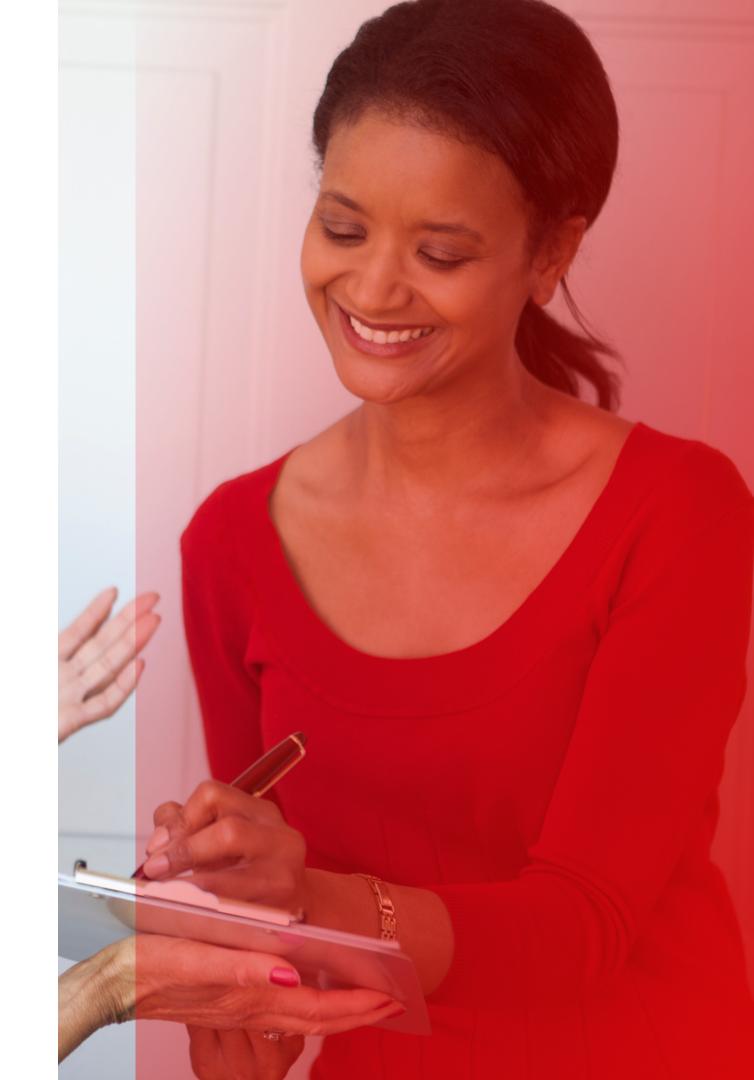
Prohibited Acts

A Candidate May Not:

- Solicit contributions from any religious, charitable, civic or other causes or organizations established primarily for the public good
- Make contributions, in exchange for political support, to any group listed above
- With actual malice, make any false statement about an opposing candidate

The Petition Process

- Collect petition signatures after filing the Appointment of Campaign Treasurer Form (DS-DE 9)
- Fee to verify the petition signatures
 - 10¢ per petition
 - Paid in advance or at time of submitting petitions
 - Affidavit of undue burden
- It is the candidate's responsibility to produce the petitions
 - Format on Division of Elections website and in candidate handbook





The Petition Process

- The format of the petition may not be changed
 - Can include the petition in a larger advertisement
 - If so, must include a political disclaimer
- Altering size of petitions (maintain proportions)
 - Reduced to no less than 3" x 5"
 - Enlarged to no more than 8 1/2" x 11"
 - If two per page, cut apart before submitting for verification

Petition Information

- If paying someone to collect petitions
 - Cannot file undue burden affidavit
 - Must pay the petition verification fee (10¢ per petition)
- Obtain the signatures of at least 1% of the total number of registered voters in the geographical area of candidacy
- Special district candidates require signatures of 25 registered voters in the area represented

Petitions for City of Pensacola

- Must have at least 5% of the total number of registered electors in the district, as shown by the compilation of the most recent general election of the city, per city charter.
- If petition requirement is met city candidates are still required to pay the 1% Election Assessment (F.S. 99.093)

Collecting Petitions in a Government Building

- May collect signatures in any public place including government-owned buildings
- Florida Statutes 106.15(4)
 - Prohibition applies to soliciting or knowingly accepting contributions inside a government building
- Check local ordinances for exceptions
- Florida Statutes 104.31(2)
 - Prohibits employees from participating in a political campaign for an elective office while on duty/working

Highlights of Political Disclaimers

- Any political advertisement that is paid for and that is published, displayed, or circulated before, or on the day of, any election must contain specific language
- Must be included on tickets or advertising for campaign fund raisers (was exempt at one time, but no longer)
- Refer to Candidate Handbook and Chapter 106 for specific examples - cannot deviate or use a hybrid



Examples of Disclaimers

- "Political advertisement paid for and approved by (name of candidate), (party affiliation if partisan office), for (office sought)"
- "Paid by (name of candidate), (party affiliation if partisan office), for (office sought)"

The disclaimer language alternatives provided above must be vertbatim, per F.S. 106.143



Examples of Disclaimers

- The word "for" must be used in the body of advertisements between the name of the candidate and the office sought, so incumbency is not implied (exception for incumbents)
- Political advertisements made as In-kind contributions from a political party must state:
 - "Paid political advertisement paid for by in-kind by (name of political party). Approved by (name of candidate, party affiliation, and office sought in the political advertisement)."

- Items designed to be worn by a person, have no disclaimer requirements
- Items designated to be worn by a person, there is no requirement to use the word "for" between candidate name and office sought
- Novelty Items having a value of \$10 or less, which support, but do not oppose a candidate or issue, are not required to have a political disclaimer

- Bumper Stickers are excluded from the provision relating to the use of the word "for"
 - Political disclaimer is required F.S.106.143(6)
- Paid link on a website:
 - Provided the message/advertisement is no more than 200 characters in length and the link directs the user to another website that complies with the requirements in section 106.143 (1) of Florida Statute.

- If the message is placed or distributed on an unpaid profile or account:
 - Available to the public without charge or on a social networking website
 - The source of the message or advertisement is patently clear from the content or format of the message or advertisement

- May prominently display a statement indicating that the website or account is an official website or account of the candidate or political committee and is approved by the candidate or political committee
- A website or account may not be marked as official without prior approval by the candidate or political committee
 - See F.S. 106.143 for complete list of exceptions

Exceptions for Political Disclaimers

- If the message is distributed as a text message or other "brief" message:
 - No more than 200 characters in length
 - Requires the recipient to sign up/opt in to receive

Note:

- Only an incumbent for the office may use the word "re-elect"
- Non-incumbents must use the word "for" between the name of the candidate and the office sought

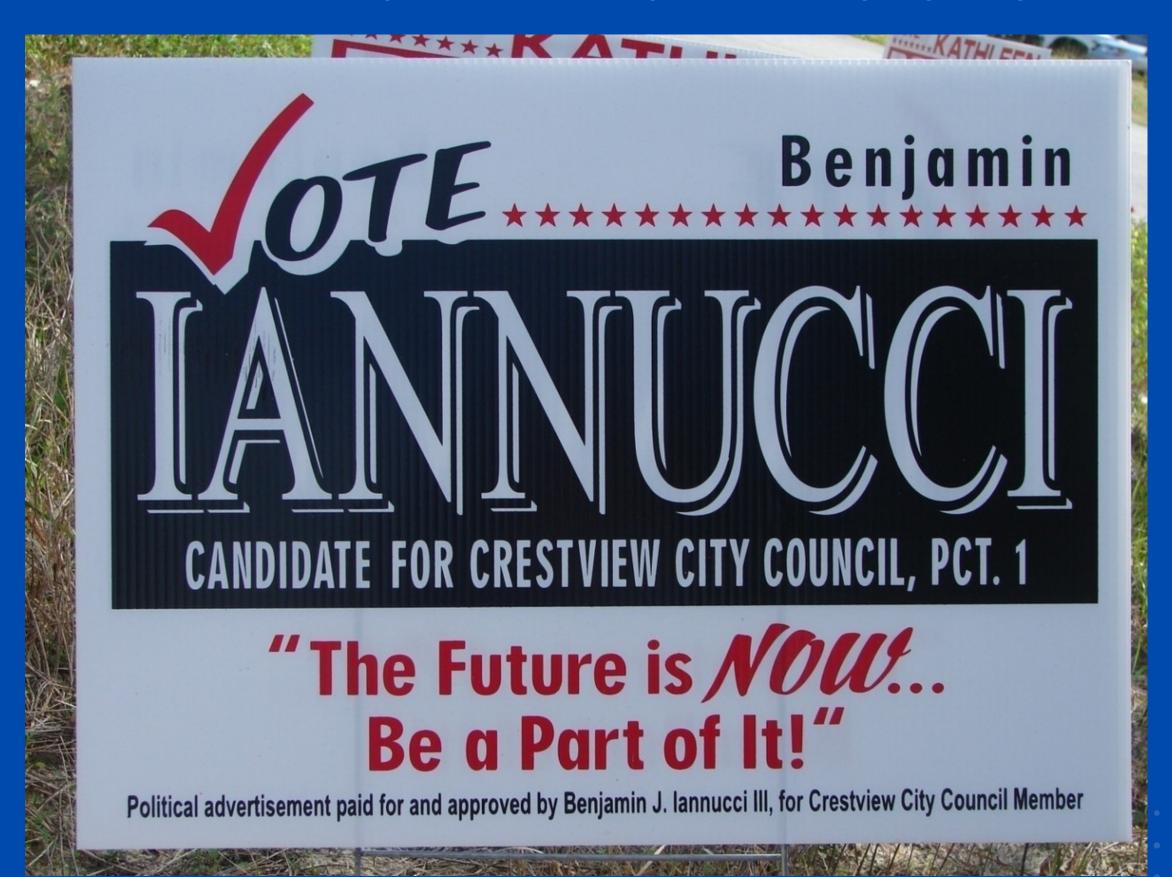
Samples of Campaign Signs

Example of Acceptable Campaign Sign

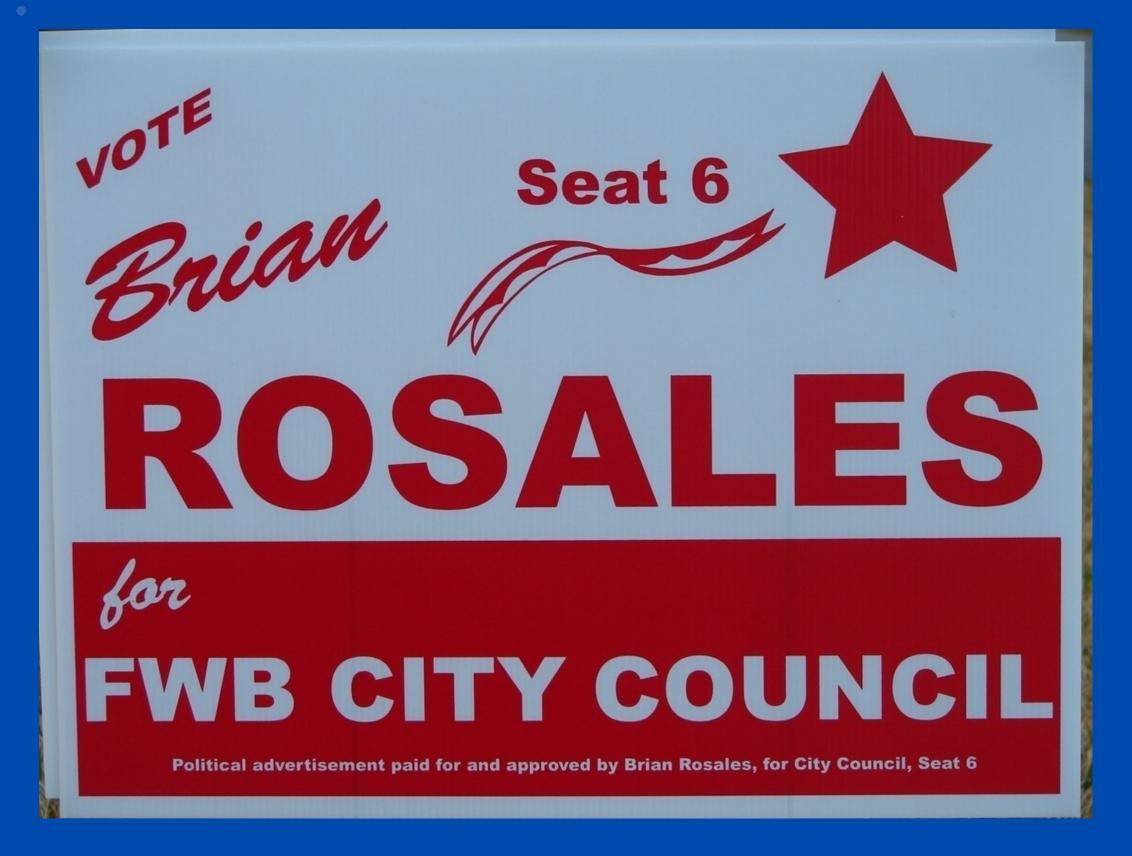


Notice the word "for" between candidate's name and the office he's seeking. Also the disclaimer is correct.

Another example of an acceptable campaign sign



Acceptable Sign



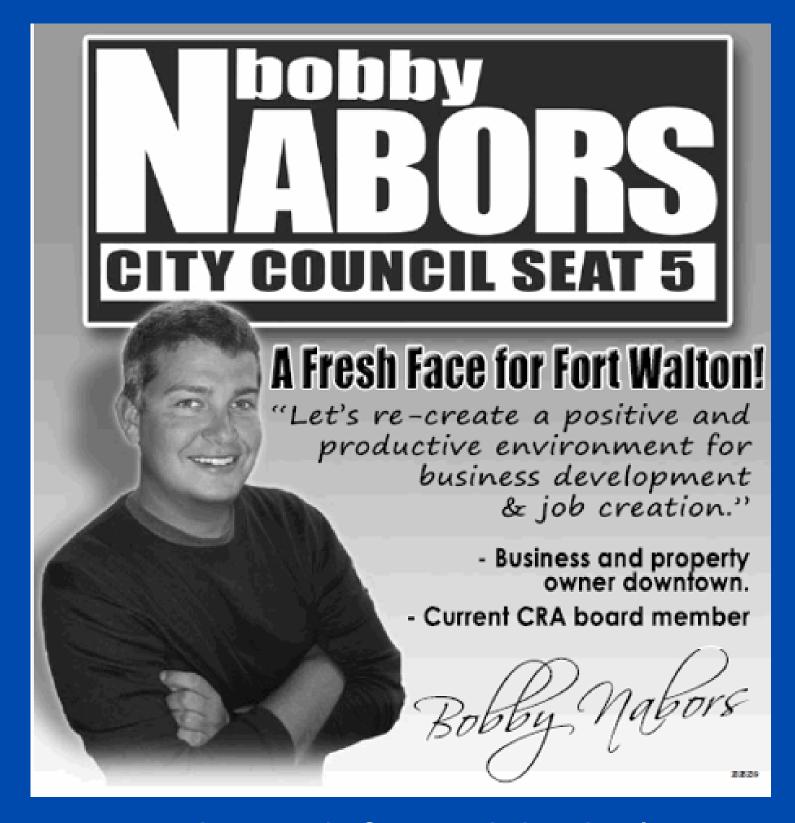
All required information is on this sign. Notice there is no party affiliation listed because this is a non-partisan office.

Acceptable Sign



The word "for" is not included because the candidate was the incumbent.

This is an example of an unacceptable campaign sign.



Missing the word "for" and the disclaimer.

This sign was corrected by placing a sticker that showed the correct political disclaimer.



Notice the word "for" is not included because she was the incumbent.

Unacceptable Sign



No disclaimer is listed on this brochure.

Television Broadcasts

- 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
- Or, must file a written statement with the qualifying officer setting forth the reasons for not doing so per F.S. 106.165



Telephone Solicitation

- Must identify persons/orgs sponsoring call
- If "expressly advocates" for or against a candidate, requires prior written authorization by the candidate, filed with qualifying officer
- Filing and disclosure requirements for a "registered agent" for businesses who make paid political calls (DS-DE 100) unless already lawfully registered to do business in Florida

Qualifying

One Week period when candidates are required by law, to file:

- Candidate Oath
- Personal Financial Disclosure Form
- If did not meet the petition requirement, pay the qualifying fee in order to have their name placed on the ballot; qualifying fee must come from campaign account, not personal check (exception for certain special district candidates)

Deadlines are very strict!

2024 Qualifying Dates

Judicial Offices

- Begins at Noon, April 22
- Ends at Noon, April 26
- The first date to accept qualifying forms is April 8
- Papers submitted during the 14-day period will be processed at Noon, April 22

2024 Qualifying Dates

Other Local Offices

- Begins at Noon, June 10
- Ends at Noon, June 14
- The first date to accept qualifying forms is May 27
- Papers submitted during the 14-day period will be processed at Noon, June 10

Qualifying Form - Important for Partisan Offices:

- Recent Changes to Statement of Party
 - Candidates for partisan office must affirm that they have been registered in the party whose nomination they are seeking during the 365 days before qualifying begins
 - NPA candidates for partisan office must affirm that they have **NOT** been registered in **ANY** political party during the 365 days before qualifying begins
 - Deadline for 2024 election has already passed

CANDIDATE OATH STATE AND LOCAL PARTISAN OFFICE WITH PARTY AFFILIATION

WITH PARTY AFFILIATION				
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Candidate Oath				
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Statement of Party				
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S-DE 301A (Rev/2023)			Rule 1	S-2.0001, F.A.C.

Miscellaneous Campaign Information

- File Form DS-DE 9 Appointment of Campaign
 Treasurer *before* you open your campaign account
- Qualifying:
 - Waiting until the last minute to file carries risk
 - Be sure every line, blank or field is complete
 - Incomplete forms *may* jeopardize your candidacy
- Campaign Loans to own campaign:
 - Report the loan as required by F.S. 106.07
 - Reimbursement for the loan can occur at any time the campaign has sufficient funds

After the Campaign...

- Termination report:
 - Filed within 90 days of withdrawing, becoming unopposed, elected or eliminated
- Disposal of funds on deposit in campaign account (pursuant to F.S. 106.141)
- If elected, report all personal loans used for campaign purposes, exceeding \$500 received within the 12 months preceding election to office, within 10 days of being elected

After the Campaign...

- Removal of political campaign advertisements within 30 days of withdrawal, becoming unopposed, being elected or eliminated
- Do not accept any further contributions (no "debt retirement" contributions allowed)
- Candidates who qualified by the petition process are not required to reimburse the state for the election assessment
- Those who filed an affidavit of undue burden must reimburse for signature verification, if funds remain



Disposition of Surplus Funds

- Pay for items which were obligated
- Purchase "thank you" advertising for up to 75 days
- Pay for expenditures necessary to close the campaign office and to prepare final campaign reports
- Return pro rata to each contributor the funds that have not been spent or obligated





Disposition of Surplus Funds

- Donate surplus funds to a charitable organization
 - Meet the qualifications of a 501(c)(3)
- Give not more than \$25,000 surplus funds to the candidate's affiliated political party
- An elected or unopposed candidate may transfer funds to an Office Account pursuant to F.S. 106.141 (5)
- Cannot hold funds over for next campaign (only applies to state offices)

Office Accounts

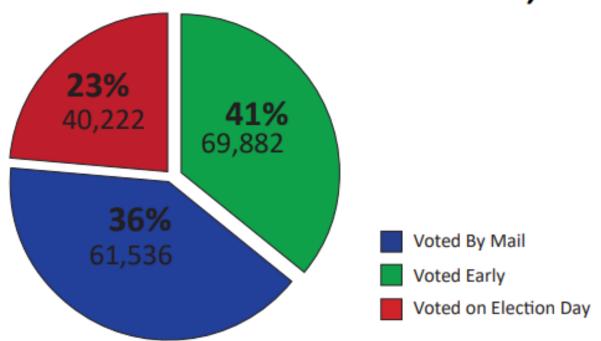
- Used only for legitimate expenses
 - Examples include: travel and expenses incurred in operation of the office, membership in certain organizations, and holiday cards and newsletters
- Maximum allowable amount is \$5,000 times the number of years in the term of office. Total \$3,000 limitation for judges
- Reports are due on the 10th day following the end of the quarter until all funds are gone

Upon leaving office:

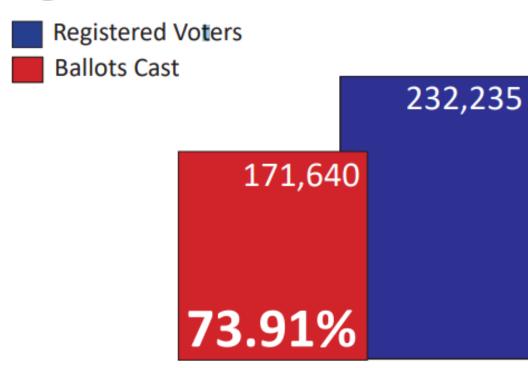
- Must give the remaining funds to a 501 (c)(3) organization or applicable government general revenue fund
- May use funds to pay for CPA or attorney for preparation of *final* report

Voter Statistics: 2020 and 2022

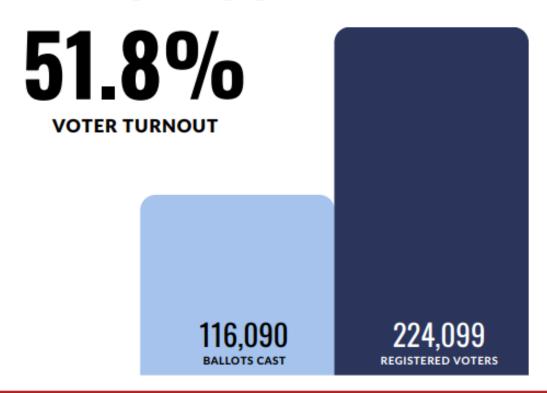
Voting Method Total Ballots Cast: 171,640



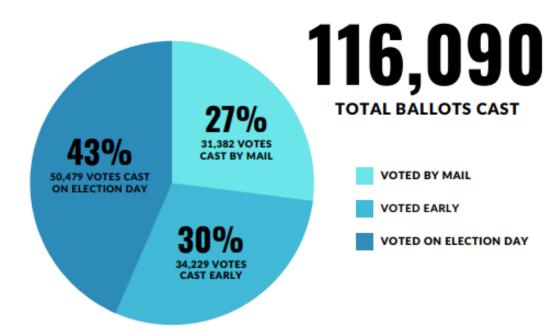
Registered Voters and Turnout



REGISTERED VOTERS AND TURNOUT







Good luck with your campaign!

And Remember...

If you have any questions, we are only a click or a phone call away!

Phone: (850) 595-3900

E-mail: qualify@escambiavotes.gov

or soe@escambiavotes.gov

Visit us:

Escambia Votes.gov

213 Palafox Place, 2nd Floor, Pensacola