2020 Municipal Elections Candidate Guide

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Pasco County
www.PascoVotes.gov
MEMORANDUM

TO: All Candidates and Campaign Treasurers

FROM: Brian E. Corley

SUBJECT: 2020 Municipal Elections Candidate Guide

This guide has been prepared in order that candidates and their campaign treasurers might more easily familiarize themselves with their duties and responsibilities under the Florida Election Code. It is also my belief that this guide will inform and educate candidates and their campaign staff with the procedures and services of the Supervisor of Elections’ office.

Know that it is my intent that this guide be a valuable reference to you in your campaign. However, questions will arise that have not been addressed in this booklet. Please call my office at any time if you have additional questions or need clarification.

Also, please know that should any conflict of information arise between this guide and the Florida Statutes, the Florida Election Code will prevail. My staff and I stand ready to assist in any way that we are permitted by Florida law.
1. **What is the election date for the municipal election?**

Per law, Municipal Election Day is the second Tuesday in April. In 2020, municipal elections will be held on April 14, 2020.

2. **What is a candidate?**

A candidate is defined in [Section 97.021(5), Florida Statutes](https://www.flsenate.gov/Session/Legislation/Statutes/2017/97), as any person to whom any one or more of the following applies:

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

3. **When and where do I file my qualifying papers?**

Each municipality has its own charter which governs the requirements of becoming a candidate. Prospective candidates should verify with their respective city clerk well in advance of the February date for candidate qualifying as to these requirements.

Qualifying papers for city council members, commissioners, and mayors are filed with the city clerk of your respective municipality. Qualifying begins on the second Tuesday in February, at 12:00 noon, and runs through the third Tuesday in February, at 12:00 noon. [Section 99.061(8), Florida Statutes](https://www.flsenate.gov/Session/Legislation/Statutes/2017/99), states that qualifying papers may be submitted to the qualifying officer up to 14 days prior to the qualifying period. However, the papers will not be processed and filed until the qualifying period actually begins. All papers submitted before the qualifying period are still subject to any and all requirements prescribed in [99.061(7)(a), Florida Statutes](https://www.flsenate.gov/Session/Legislation/Statutes/2017/99). The 14 days prior to qualifying begins on January 28, 2020. (Forms are available on-line at [https://dos.myflorida.com/elections/forms-publications/forms/](https://dos.myflorida.com/elections/forms-publications/forms/))

**The qualifying dates for 2020 are Noon, February 11, 2020, to Noon, February 18, 2020.**

If petitions are required by your municipality for qualifying, they must be verified by the Supervisor of Elections and submitted to the city clerk by 12:00 noon on the last day of qualifying.

**Note:** You become an “announced” or “pre-filed” candidate once the Appointment of Campaign Treasurer and Statement of Candidate forms are submitted to your city clerk. You become a “qualified” candidate once ALL required forms and fees are submitted to the city clerk during the established qualifying period. **DO NOTHING** … until you file the appointment of campaign treasurer with the city clerk, **including** the opening of a campaign account or collecting of petitions, etc.
4. **AM I REQUIRED TO RESIGN FROM MY CURRENT OFFICE IN ORDER TO RUN FOR A MUNICIPAL POSITION?**

Depends. Pursuant to 99.012(3), *Florida Statutes*, no officer may qualify as a candidate for another public office (whether state, district, county, or municipal) 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 **ten days** prior to the first day of qualifying for the office. (Saturday, February 1, 2020) The resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or
2. The date the officer’s successor is required to take office.

**Section 99.012(4), Florida Statutes**, states a person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to this chapter 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.

Additionally, 99.012(6) and (7), *Florida Statutes*, states 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 holding federal office.

Additional information regarding resign-to-run is available on the Division of Elections’ website under *Laws & Rules/Advisory Opinions*.

5. **WHAT MUST I FILE WHEN I QUALIFY?**

You are required to file: (Forms available on-line at https://dos.myflorida.com/elections/forms-publications/forms/)

- Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9)
- Statement of Candidate (DS-DE 84)
- Candidate Oath – Nonpartisan Office (DS-DE 25)
- Statement of Financial Interests 2019 (CE Form 1)
- Verified petitions (signatures of registered electors of your municipality, if your municipality requires petitions) along with the Candidate Petition Certification from the Supervisor of Elections
  - Use the Candidate Petition Form prescribed by the Division of Elections (DS-DE 104) unless your city’s charter requires a different form
- Qualifying Fee, if required by your respective municipality, **must be paid** with a properly executed check drawn upon the candidate’s campaign account
- Election Assessment (1% of the annual salary of the office sought), if required by your respective municipality, **must be paid** with a properly executed check drawn upon the candidate’s campaign account

When you qualify, your Appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9) and Statement of Candidate (Form DS-DE 84) may already be on file in the city clerk’s office.
Pursuant to 99.093, Florida Statutes, each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment that shall be an amount equal to one percent (1%) of the annual salary of the office sought.

If the election assessment imposes a financial hardship on your personal resources, an exemption may be filed with the city clerk. All assessments collected during qualifying shall be forwarded by the city clerk to the Florida Elections Commission for deposit in the Elections Commission Trust Fund within 30 days after the close of qualifying by the qualifying officer.

Prior to filing your candidate petitions (voter registration information and signatures of registered electors residing within the city limits of your respective municipality) with the city clerk, they must be verified by the Pasco County Supervisor of Elections. There is a charge of ten (10) cents per name for verifying signatures with the voter's registration record. This fee MUST be paid with a campaign check. Cash will not be accepted in compliance with Florida law. Therefore, you must have previously filed, in the city clerk's office, the aforementioned Appointment of Campaign Treasurer and Designation of Campaign Depository, and actually opened a campaign bank account. Counter checks are accepted by the elections' office. An undue burden affidavit may be filed if a candidate is unable to pay the verification fee.

NOTE: If you are running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which you are running, the signatures obtained on the petition will not be counted.

6. **IF MY QUALIFYING PAPERS ARE FILED WITH AN ERROR(S) OR OMISSION(S), WILL I BE CONSIDERED DISQUALIFIED?**

Pursuant to 99.061(7)(b), Florida Statutes, if the filing officer receives qualifying papers prior to the last day of qualifying, that do not include all items required, the filing officer shall 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, NOON, February 18, 2020.

7. **AFTER FILING AS A CANDIDATE, MAY I LATER CHANGE THE WAY MY NAME IS TO APPEAR ON THE BALLOT?**

Pursuant to 99.061(7)(b), Florida Statutes, a candidate's name as it is to appear on the ballot may NOT be changed after the end of qualifying. DO NOT misspell your name!

8. **WHEN MAY I BEGIN ACCEPTING CONTRIBUTIONS AND MAKING EXPENDITURES IN FURTHERANCE OF MY CANDIDACY?**

Before you accept any contributions (even a contribution from yourself) or make any expenditures, you must appoint a campaign treasurer and designate a campaign depository and file this information (Form DS-DE 9) with your city clerk.
You may do this any time before or during the qualifying dates, but it must be done **BEFORE YOU OPEN YOUR BANK ACCOUNT OR GATHER PETITIONS!**

As soon as this information is filed with the city clerk, you may begin accepting campaign contributions and expending campaign funds in furtherance of your candidacy.

**Section 106.023, Florida Statutes**, provides that each candidate must file a statement (Form DS-DE 84) with the qualifying officer within ten (10) days after he/she files their Appointment of Campaign Treasurer and Designation of Campaign Depository, stating that he/she has been provided access to read and understand the requirements of **Chapter 106, Florida Statutes** (campaign finance).

**Section 106.021(1)(c), Florida Statutes**, provides that your campaign treasurer must accept the position in writing and file the acceptance with the city clerk (Form DS-DE 9). It is not required, but is suggested, that your treasurer be someone with knowledge of bookkeeping or accounting procedures. You may serve as your own campaign treasurer.

**Section 106.021(1)(b), Florida Statutes**, provides that your campaign depository may be any bank, savings and loan association or credit union authorized to transact business in the State of Florida. (It is suggested that you use a bank that is convenient for you and/or your treasurer.)

9. **MAY I REPLACE MY CAMPAIGN TREASURER?**

Yes. In the case of the death, resignation, or removal of your campaign treasurer, you must appoint a successor in the same manner in which your original treasurer was appointed. Use Form DS-DE 9 for “REFILING TO CHANGE” CAMPAIGN TREASURER and/or CAMPAIGN DEPOSITORY.

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 city clerk. A candidate's removal of his or her treasurer does not become effective until written notice of the removal is given to the treasurer and is filed with the city clerk.

10. **MAY I HAVE MORE THAN ONE CAMPAIGN DEPOSITORY?**

You must designate one primary campaign depository for the purpose of depositing all contributions received and disbursing all expenditures made by the candidate. In addition, you may also designate one (1) secondary depository for the sole purpose of depositing contributions and forwarding the deposits to the primary depository. No expenditures may be made from a secondary depository.

Separate interest-bearing accounts and certificate of deposits are regulated by **106.021(1)(b), Florida Statutes**.
11. **WHAT IS A CONTRIBUTION?**

- 106.011(5), *Florida Statutes*, defines 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 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 campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit and the term includes any interest earned on such account or certificate.
- Contributions may be accepted via a credit card, debit card, or money order. These contributions are categorized as a “check” for reporting purposes.

Notwithstanding the foregoing meanings of "contribution," the term may not be construed to include services, including, but not limited to, legal and accounting services, provided without compensation by individuals volunteering a portion or all of their time on behalf of a candidate or political committee or editorial endorsements. This definition shall not be construed to include editorial endorsements.

12. **WHAT IS AN EXPENDITURE?**

106.011(10)(a), *Florida Statutes*, defines an expenditure as 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. However, "expenditure" does not include a purchase, payment, distribution, loan, advance, or gift of money or anything of value made for the purpose of influencing the results of an election when made by an organization, in existence before the time during which a candidate qualifies or an issue is placed on the ballot for that election, for the purpose of printing or distributing such organization’s newsletter, containing a statement by such organization in support of or opposition to a candidate or issue, which newsletter is distributed only to members of such organization. 106.11(3) & (4), *Florida Statutes* states:

- The campaign treasurer, deputy treasurer, or authorized user who signs the check shall be responsible for the completeness and accuracy of the information on such check and for insuring that such expenditure is an authorized expenditure.
- No candidate, campaign manager, treasurer, deputy treasurer, or political committee or any officer or agent thereof, or any person acting on behalf of any of the foregoing, shall authorize any expenses, nor shall any campaign treasurer or deputy treasurer sign a check drawn on the primary campaign account for any purpose, unless there are sufficient funds on deposit in the
primary depository account of the candidate or political committee 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. However, an expense may be incurred for the purchase of goods or services if there are sufficient funds on deposit in the primary depository account to pay the full amount of the incurred expense, to honor all checks drawn on such account, which checks are outstanding, and to meet all other expenses previously authorized but not yet paid, provided that payment for such goods or services is made upon final delivery and acceptance of the goods or services.

- An expenditure from petty cash, pursuant to the provisions of 106.12, Florida Statutes, may be authorized, if there is a sufficient amount of money in the petty cash fund to pay for such expenditure. Any expense incurred or authorized in excess of such funds on deposit shall, in addition to other penalties provided by law, constitute a violation of this chapter.
- As used in this subsection, the term "sufficient funds on deposit in the primary depository account of the candidate or political committee" means that the funds at issue have been delivered for deposit to the financial institution at which such account is maintained. The term shall not be construed to mean that such funds are available for withdrawal in accordance with the deposit rules or the funds availability policies of such financial institution.

13. **AM I REQUIRED TO REPORT CONTRIBUTIONS AND EXPENDITURES?**

Pursuant to 106.07, Florida Statutes, 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 or political committee.

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.

14. **WHERE DOES MY CAMPAIGN TREASURER FILE CAMPAIGN TREASURER'S REPORTS?**

Your treasurer must file your campaign treasurer's reports with the city clerk, or other officer appointed to act as the qualifying officer, of your respective municipal government. These reports are to be filed electronically via the Supervisor of Elections’ financial reporting system.

15. **WHEN MUST MY TREASURER BEGIN FILING CAMPAIGN TREASURER'S REPORTS?**

After your treasurer is appointed, he or she must file a report on the tenth (10th) day following the end of each calendar month. For instance, if you file your Appointment of Campaign Treasurer (Form DS-DE 9) in December, your treasurer must file a treasurer's report on January 10, 2020.

Additionally, unless you are an unopposed candidate, your treasurer must file reports on the 25th, 11th, and 4th days immediately preceding the election.
Reports will be due as follows:

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<th>Reporting Period</th>
<th>Report Due Date</th>
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<td>12/1/2019 - 12/31/2019</td>
<td>1/10/2020</td>
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<td>1/1/2020 - 1/31/2020</td>
<td>2/10/2020</td>
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<td>2020-TRQ</td>
<td>2/1/2020 - 5/18/2020</td>
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<td>2020-TRG</td>
<td>4/10/2020 - 7/13/2020</td>
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All **opposed** candidates participating in the election must file a final 90-day report by July 13, 2020 (report code is 2020-TRG). If you are an **unopposed** candidate after candidate qualifying, your treasurer must file a final 90-day report no later than May 18, 2020 (report code is 2020-TRQ).

16. **FINANCIAL REPORT FILING PROCEDURES.**

The candidate will be assigned an identification number and password by the Supervisor of Elections’ office that is required to login. This information is shared between the candidate and treasurer so both parties may access the system. It is the candidate’s responsibility to protect the sign-on credentials from outside disclosure (refer to the Receipt of Electronic Filing document filed with the city clerk).

Both the candidate and treasurer will be assigned individual PINs used as their electronic signature during the submission of the treasurer’s reports. The PINs are assigned by the Supervisor of Elections’ office.

The City Clerk will notify the campaign treasurer of the report due dates. The candidate and treasurer will be required to “PIN” each report in order to submit the report. Their PINs serve as their electronic signature. Once submitted, the report will state an Online Submission confirmation number including the date and time of submission. After submission, the Treasurer’s Reports should be printed using the online reporting system and maintained by the treasurer.

In the event the electronic filing system is inoperable on the date a report is due, the report will be accepted as timely filed if filed no later than midnight (Eastern Standard Time) the first business day the electronic filing system becomes operable again.

17. **WHAT INFORMATION MUST MY TREASURER INCLUDE IN THE CAMPAIGN TREASURER’S REPORT ABOUT MY CONTRIBUTIONS?**

Your treasurer must include in each campaign treasurer's report the full name, complete address, and occupation, if any, of each person who has made one or more contributions to your campaign fund within the reporting period, together with the amount and date of such contributions. **HOWEVER,** if the
contribution is $100 or less, or from a relative as defined in 112.312, Florida Statutes, provided the relationship is reported, the occupation of the contributor need not be reported. All monies, regardless of the amount, must be reported.

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 (City Clerk) explaining the circumstances surrounding the acceptance of the anonymous contribution. The candidate cannot spend the anonymous contribution but, at the end of the campaign they can donate the total amount to an appropriate entity under Section 106.141, Florida Statutes.

NOTE: Expenditures must also be reported on the treasurer’s report and include the full name and complete address of the vendor as well as the purpose for the purchase.

18. **WHAT IS THE DEFINITION OF "RELATIVE" AS DEFINED IN 112.312(21), FLORIDA STATUTES?**

"Relative" with respect to a public office means an individual who is related to the public official as father, mother, son, daughter, brother, sister, uncle, aunt, first cousin, nephew, niece, husband, wife, father-in-law, mother-in-law, son-in-law, daughter-in-law, brother-in-law, sister-in-law, step-father, step-mother, stepson, step-daughter, step-brother, step-sister, half-brother, half-sister, grandparent, great grandparent, grandchild, great grandchild, step grandparent, step great grandparent, step grandchild, step great grandchild, person who is engaged to be married to the public officer or employee or who otherwise holds himself or herself out as or is generally known as the person whom the public officer or employee intends to marry or with whom the public officer or employee intends to form a household, or any other natural person having the same legal residence as the public officer or employee.

19. **IS THE CITY CLERK REQUIRED TO NOTIFY ME IF MY CAMPAIGN TREASURER HAS FAILED TO SUBMIT A REPORT?**

Yes. If your campaign treasurer fails to submit a required report, the city clerk is required to notify you that such report is overdue.

20. **PENALTY FOR LATE FILING.**

Any candidate failing to file a report on the designated due date shall be subject to a fine pursuant to 106.07(8)(b), Florida Statutes. The fine shall be $50 per day, for the first three days late and, thereafter, $500 per day for each late day, not to exceed 25 percent (25%) of the total of the receipts or expenditures, whichever is greater, for the period covered by the late report. However, for the report immediately preceding the election, the fine shall be $500 per day for each day late, not to exceed (25%) percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

The fine will be based on when the report is actually electronically submitted, and the amount of money collected or spent during the reporting period. NOTE: Fines assessed for late filing shall not be an allowable campaign expenditure and shall be paid only from the personal funds of the candidate.
The Florida Elections Commission (FEC) continuously hears appeals from automatic fines for the late filing of campaign treasurer's reports. Many times, these fines could have been avoided if proper filing procedures were followed.

21. **What if my treasurer inadvertently files an incomplete campaign treasurer's report with the city clerk?**

Any report deemed incomplete by the city clerk will be accepted on a conditional basis. The city clerk must notify your campaign treasurer by certified mail or by another method using a common carrier that provides a proof of delivery of the notice as to why the report is incomplete. 106.07(2)(b), Florida Statutes.

Your treasurer will then have seven (7) days from receipt of the notice to file an addendum to the report, filing all information necessary to complete the report in compliance with 106.07(2)(b), Florida Statutes.

22. **If I have received no contributions and made no expenditures during a report period, is it still necessary for my treasurer to file a report?**

If you have received no contributions and made no expenditures during a reporting period, the requirement to file a report is WAIVED. However, your treasurer must notify the city clerk in writing on the designated reporting date that no report is being filed on that day by utilizing a Waiver of Report (Form DS-DE 87).

Further, the next report filed must cover the entire period of time between the last submitted report and the report being filed.

23. **When must contributions be deposited in my campaign account?**

All contributions must be deposited prior to the end of the fifth (5th) business day following receipt by the campaign treasurer...Saturdays, Sundays, and legal holidays excluded.

24. **Is there a limit to the amount that a person may contribute to my campaign fund?**

Yes. Each contributor may contribute no more than $1,000 per election to your campaign fund. Contributions over $50.00 must be in the form of a check, money order, credit card or debit card or wire transfer. Contributions may also be received via the internet through services like PayPal. The candidate’s payments to PayPal, and the like, for their services are reported as expenditures.

25. **How much money may I contribute to my own campaign fund?**

There is no limit to the amount you may contribute to your own campaign fund.
26. WHAT IS A CONTRIBUTION "IN-KIND"?

A contribution in-kind is something which a person gives or lends a candidate for a campaign, provided the contributor has not spent any additional funds in excess of the limits provided for by law ($1,000 maximum per person per election) for the specific purpose of furthering that candidate's nomination or election. Contributions in-kind must be reported on campaign treasurer's reports, and a fair market value must be placed upon the item contributed.

27. MAY I ACCEPT CASH CONTRIBUTIONS?

Yes, provided that each contribution does not exceed $50. Cashier's checks are considered cash.

NOTE: A contributor may give multiple cash donations so long as the sum of the donations does not exceed $50.00 per election.

28. WHEN IS THE LAST DAY I MAY RECEIVE CONTRIBUTIONS?

Section 106.08(3)(a), Florida Statutes, provides that your treasurer must return all contributions which are received less than five (5) days prior to an election in which you have opposition. Contributions which are returned prior to being deposited into the campaign account may be reported to the city clerk on Form DS-DE 2. Thursday midnight, April 9, 2020, is the last day to receive contributions for the Tuesday election. Any contributions received by a candidate or campaign treasurer of a candidate after the date on which the candidate withdraws his candidacy, or after the date the candidate is defeated, becomes unopposed, or is elected to office, shall be returned to the person and shall not be used or expended by or on behalf of the candidate. Section 106.15(4), Florida Statutes, prohibits the acceptance of a contribution in a building owned by a governmental entity. (Exception is if the building is rented for a fund raiser.)

29. ARE THERE ANY EXPENDITURES THAT ARE PROHIBITED PRIOR TO THE TIME I ACTUALLY QUALIFY?

No. Any expenditures that may be lawfully made after you qualify may be made before you qualify. Keep in mind that the Appointment of Treasurer and Designation of Depository must be filed prior to making any expenditures. (Form DS-DE 9)

IMPORTANT: 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 have appointed themselves campaign treasurer or deputy treasurer.

30. ARE THERE ANY LIMITS ON THE TOTAL AMOUNT I MAY SPEND ON MY CAMPAIGN?

No, so long as sufficient funds are on deposit and are not already obligated.
31. **May gasoline credit cards, Visa, Mastercard, etc... be used in paying campaign expenses?**

No. Campaign credit cards may be used only by candidates for statewide offices. Candidates for less than statewide offices may only pay for expenses by use of the campaign checking account, or petty cash, at the time the goods or services are received.

32. **May debit cards be used as payment for campaign expenses?**

Yes. Section 106.11(2)(a), Florida Statutes, authorizes use of debit cards but with restrictions. Debit cards are considered bank checks, if:

1. Debit cards are obtained from the same bank that has been designated as the candidate's or political committee's primary campaign depository.
2. Debit cards are issued in the name of the treasurer, deputy treasurer, or authorized user and contain the name of the campaign account.
3. No more than three debit cards are requested and issued.
4. The person using the debit card does not receive cash as part of, or independent of, any transaction for goods or services.
5. All receipts for debit card transactions contain:
   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, deputy treasurer, or authorized user
   e. The exact purpose for which the expenditure is authorized

   - Any information required by this subparagraph 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.
   - Debit cards are not subject to the requirements of paragraph (1)(b).

33. **May I draw a salary for living expenses from my campaign checking account?**

No. A candidate or the spouse of a candidate may not use funds on deposit in a campaign account of such candidate to defray normal living expenses for the candidate or the candidate’s family, other than expenses actually incurred for transportation, meals and lodging by the candidate or a family member during travel in the course of the campaign.

34. **How long after the election must my campaign treasurer keep records of my campaign financing transactions?**

Accounts kept by your treasurer must be preserved for the number of years equal to the term of office for which you are a candidate.
35. **ARE THERE ANY RESTRICTIONS ON HOW I MAY USE THE LEFT-OVER FUNDS IN MY CAMPAIGN ACCOUNT?**

Yes. **106.141, Florida Statutes**, states that each candidate who withdraws his candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office, shall within 90 days, dispose of the funds on deposit in his/her campaign account and file a report reflecting the disposition of all remaining funds.

If there are funds in a separate interest-bearing account or certificate of deposit at the time the candidate becomes unopposed, withdraws, is eliminated or elected, the funds and the accumulated interest earned thereon must be transferred to the campaign account within seven (7) days. However, if the funds are subject to penalty if withdrawn within the seven (7) day period, the funds and the accumulated interest earned thereon may be transferred as soon as they may be withdrawn without penalty, or within 90 days after the candidate becomes unopposed, withdraws his/her candidacy, or is eliminated or elected, whichever comes first.

A candidate required to dispose of funds pursuant to this section may, prior to such disposition, be reimbursed by the campaign, in full or in part, for any reported contributions by the candidate to the campaign.

Any candidate required to dispose of funds pursuant to this section shall, at the option of the candidate, dispose of such funds by any of the following means, or 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 qualifications 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 affiliated party committee or political party of which the candidate is a member; and/or
- Give the funds that have not been spent or obligated to the political subdivision to be deposited in the General Revenue Fund thereof.

Pursuant to **106.11(5), Florida Statutes**, a candidate who withdraws his/her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

- Purchase "thank you" advertising for up to 75 days after he/she withdraws, becomes unopposed, or is eliminated or elected;
- Pay for items which were obligated before he/she withdrew, became unopposed, or was eliminated or elected;
- Pay for expenditures necessary to close down the campaign office and to prepare the final campaign reports; or
- Dispose of surplus funds as provided in **Section 106.141, Florida Statutes**.

**106.141, Florida Statutes**, also states that if you are elected to office or will be elected to office by virtue of being unopposed, you may transfer from the campaign account to an office account any amount of funds on deposit in such campaign account up to $5,000 multiplied by the number of years in the term of office for which you are elected. This money retained from your campaign account must be used to open a new
account to be entitled "(Elected Official’s Name) Office Account" and the candidate elected to office is required to file a report on the 10th day following the calendar quarter until the account is closed with the city clerk. These reports are in the same form, and contain the same type information as the campaign reports (Form DS-DE 48 and DS-DE 48A). The office account shall be separate from any other personal or office account, and funds may be used for the travel expenses incurred by the officer or his staff members, or expenses incurred in the operation of his office.

If a candidate receives a refund check 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, Florida Statutes. An amended report must be filed showing the refund and the subsequent disposition.

36. **IF I MAKE A CONTRIBUTION TO MY CAMPAIGN ACCOUNT WITH PERSONAL FUNDS, OR WITH PROCEEDS FROM A PERSONAL BANK LOAN, MAY I REPAY MYSELF (AND/OR THE BANK LOAN) WITH THE REMAINING FUNDS IN CAMPAIGN ACCOUNT AT THE CLOSE OF THE CAMPAIGN?**

Yes. Any candidate required to dispose of funds pursuant to 106.141, Florida Statutes, may, prior to such disposition, be reimbursed by the campaign, in full or part, for any reported contributions by the candidate to the campaign account. Per law, candidates do not have to wait until the end of the campaign.

37. **WHAT IS AN INDEPENDENT EXPENDITURE?**

Section 106.011(12)(a), Florida Statutes, provides that “Independent expenditure” means an expenditure 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 shall not be deemed an independent expenditure. Independent expenditures require a separate disclaimer.

- Pursuant to 106.011(12)(b), Florida Statutes, 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 political party, an affiliated party committee, or by a political committee or any other person, shall not be considered an independent expenditure if the committee or persons communicate with the candidate, the candidate’s campaign, or an agent acting on behalf of the candidate, including any pollster, media consultant, advertising agency, vendor, advisor, or staff member, concerning the preparation of, use of, or payment for the specified expenditure or advertising campaign at issue; or

- Makes a payment in cooperation, consultation, or concert with, at the request or suggestion of, or pursuant to any 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; or
• Makes a payment for the dissemination, distribution, or republication, in whole or in part, of any broadcast or any 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; or

• 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 an 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; or

• After the last day of the qualifying period prescribed for the candidate, consults 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;
  
  o Any officer, director, employee, or agent of a national, state or county executive committee of a political party, or affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or
  
  o Any person whose professional services have been retained by a national, state, or county executive committee of a political party, or an affiliated party committee that has made or intends to make expenditures in connection with or contributions to the candidate; or

• After the last day of qualifying period prescribed for the candidate, retains the professional services of any person also providing 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.

38. **WHAT IS A CAMPAIGN FUND RAISER?**

106.011(1), Florida Statutes, defines a campaign fund raiser as an affair held to raise funds to be used in a campaign for public office. This includes any affair within the realm of pass-the-hat to county-wide gatherings. All money and other contributions collected with respect to a campaign fund raiser shall be deemed to be campaign contributions. All such contributions shall be accounted for and are subject to the limits of all other contributions. (Also see 106.025, Florida Statutes)

All expenditures made with respect to the campaign fund raiser which are made or reimbursed are to be paid for with a check drawn on the campaign depository of the candidate for whom the funds are to be used and shall be deemed to be campaign expenditures, accounted for and subject to the same restrictions as other campaign expenditures.

Any tickets and advertising for a campaign fund raiser must comply with the requirements of 106.143, Florida Statutes. It is suggested that tickets with stubs be used so the name and address of the contributor can be written on the stub at the time of sale and remitted to the campaign treasurer for reporting.
IMPORTANT: Pursuant to Section 849.09, Florida Statutes, it is unlawful for any person in this state to set up, promote, or conduct any lottery for money or anything of value. This includes but is not limited to raffles.

39. **MAY I HAVE A PETTY CASH FUND?**

Yes. From the time the campaign treasurer is appointed until the end of qualifying, an amount of $500 per calendar quarter may be withdrawn for providing a petty cash fund for the candidate. Following the close of qualifying and until the election at which you are eliminated or elected to office, or the time at which you become unopposed, your treasurer may withdraw $100 per week from the campaign account for the petty cash fund. *(106.12, Florida Statutes)*

Expenditures from the petty cash fund may be made for transportation expenses, office supplies, and other necessities. The petty cash fund may only be spent in amounts of LESS than $100. Expenditures paid from petty cash need not be reported individually. Your petty cash fund may NOT be used for time, space, or services from communications media as defined in **106.011, Florida Statutes**.

40. **SOLICITATION AT THE POLLING PLACE.**

**102.031(4)(a), Florida Statutes**, states no person, political committee, or other group or organization may solicit voters inside the polling place or within 150 feet of the entrance to any polling place, or polling room where the polling place is also a polling room, or early voting site. Before the opening of the polling place or early voting site, the clerk or supervisor of the polling place shall designate the no-solicitation zone and mark the boundaries. Poll Deputies are assigned this task.

The *only exception* to the no-solicitation law applies to anyone conducting exit polling activities. They may approach voters only *after* voters leave the polling place. Participation in an exit poll must be voluntary.

41. **POLL WATCHERS.**

Pursuant to **101.131 and 101.23, Florida Statutes**, political parties, candidates and some political committees are each allowed to have one watcher in each polling room on Election Day. Poll watcher information must be submitted on the prescribed Division of Elections form (Form DS-DE 125) by the deadline. The deadline for submitting the form to the city clerk for the 2020 Municipal Elections is NOON, Tuesday, March 31, 2020. The city clerk has until 5:00 p.m. Tuesday, April 7, 2020 to approve the watchers.

The approved watchers will be given a poll watcher identification badge that identifies the poll watcher by name. The Supervisor of Elections will issue the badges to the poll watchers and provide each voting location with a list of the names of persons approved to be in the polling room.
Poll watchers are allowed within the polling room to watch and observe the conduct of the election. They *may not* obstruct the orderly conduct of the election. They may observe the voter check-in process. They *may not* come closer to the inspectors’ table or the voting booths than is reasonably necessary to perform their functions.

Poll watchers may make written challenges to voters. They *may not* speak to or otherwise interact with voters. They are not allowed to wear campaign buttons, shirts, hats, or other campaign items while they are in the polling room.

Poll watchers should pose any questions regarding polling place procedures to the Precinct Supervisor of the polling place.

### 42. WHAT INFORMATION IS NEEDED IN A POLITICAL ADVERTISEMENT?

106.143(1)(a), *Florida Statutes*, states any political advertisement *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: “Political advertisement paid for and approved by (name of candidate), (party affiliation), for (office sought)” OR “Paid by (name of candidate), (party affiliation), for (office sought).”

**EXAMPLES:**

**Non-Incumbent Candidate**

**ELECT MARY URBAN FOR CITY COMMISSIONER**

Political advertisement paid for and approved by Mary Urban, Nonpartisan, for City Commissioner, Seat 1.

**Incumbent Candidate**

**RE-ELECT MITCHELL CITIAN CITY COUNCIL, SEAT 2**

Paid by Mitchell Citian, for City Council, Seat 2.
• 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:
  • “Political advertisement paid for and approved by (name of candidate), write-in candidate, for (office sought).”

![Vote ... BOB RITE ... FOR MAYOR]

*Political advertisement paid for and approved by Bob Rite, write-in candidate, for Mayor.*

• **Any other political advertisement** published, displayed, or circulated prior to, or on the day of, any election must prominently:
  - Be marked “paid political advertisement” or with the abbreviation “pd. pol. adv.”
  - State the name and address of the persons paying for the advertisement.
  - 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 state who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.
  - This subparagraph does not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement.

**EXAMPLES:**

![ELECT JASON FARREL FOR Anytown Mayor](#)


![RE-ELECT – ADAM KERR CITY COMMISSIONER](#)

Pd. Pol. Adv. Paid for In-kind by Sam Smith, 123 Main Street, Anytown, FL, approved by Adam Kerr, Nonpartisan, for City Commissioner.
• This subsection does not apply to campaign messages used by a candidate and the candidate supporters if those messages are designed to be worn by a person.

• 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 does not apply to:
  - Editorial endorsement by the newspaper, radio, or television station, or other recognized news medium.
  - Publication by a party committee advocating the candidacy of its nominees.

• 106.143, Florida Statutes, states that 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.

• No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word "re-elect." Additionally, such advertisement must include the word "for" between the candidate's name and the office for which the candidate is running in order that incumbency is not implied. This subsection does not apply to bumper stickers or items designed to be worn by a person.

• This subsection does 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:
  ○ Designed to be worn by a person.
  ○ 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).
  ○ Placed as a graphic or picture link where compliance with the requirements of this section 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).
  ○ 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 candidate or political committee 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.
  ○ 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).
  ○ Sent by a third-party user from or through a campaign or committee's website, provided the website complies with subsection (1).
Contained in or distributed through any other technology-related item, service, or device for which compliance with subsection (1) 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) impracticable.

- 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.

- Any person who willfully violates any provision of this section is subject to the civil penalties prescribed in 106.265, Florida Statutes.

43. ARE THERE GUIDELINES FOR USAGE AND REMOVAL OF CAMPAIGN SIGNS?

Yes. The City of Dade City and the City of New Port Richey require a sign bond/permit prior to the placement of any signs inside city limits. All other cities have removed the requirement for sign bonds/permits. The city clerks of each municipality should notify each candidate of any and all sign requirements, restrictions, regulations upon the candidate’s qualification.

Additionally, 106.1435, Florida Statutes, states that each candidate, whether 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:

- Withdrawal of his or her candidacy;
- Having been eliminated as a candidate; or
- Being elected to office.

However, 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 479.11, Florida Statutes. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

If political campaign advertisements are not removed within the specified period, the political subdivision or governmental 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 479.11, Florida Statutes, 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.

NOTE: The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section. This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.

The Pasco County Board of County Commission also has information available regarding signs (see Resolution 11-300 and Pasco County Development Code for additional information).
44. **MAY I USE TELEPHONE SOLICITATION IN MY CAMPAIGN?**

Yes. Regulation of telephone solicitation may be found in 106.147, Florida Statutes:

That any telephone call supporting or opposing a candidate, elected public official, or ballot proposal must identify the persons or organizations sponsoring the call by stating either: "paid for by ...." (insert name of persons or organization sponsoring the call) or "paid for on behalf of ....... " (insert name of person(s) or organization authorizing call). This paragraph 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.

Any telephone call conducted for the purpose of polling respondents concerning a candidate or elected public official which is a part of the 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 paragraph (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.

No telephone call shall state or imply that the caller represents a nonexistent person or organization.

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

~The term "person" includes any candidate; any officer of any political committee, affiliated party committee, 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, affiliated party committee, political party executive committee, or corporation, partnership, or other business entity.

~Section 106.1475, Florida Statutes, states that 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 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 subsection does not apply to any person or organization already lawfully registered to conduct business in this state.

**Note:** Conducting business in this state 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.
The notice form may be obtained from the Division of Elections and must contain at least:
- 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.
- The person or organization conducting business in this state must immediately notify the Division of Elections of any changes in this information.

45. **How may I obtain voter information?**

You may call, email or write to the Supervisor of Elections’ office and request voter registration information and/or vote by mail data. Candidates will login to an FTP site to download their requested data. Access codes will be required to access the data and the codes are given to candidates by the elections’ office.

The voter information provided may include, but is not limited to: name, address, ID number, precinct, party, gender, race, voting history, etc. The data is sortable once opened in specific applications (such as Excel or Access). Contact the elections’ office for more information on what is available.

There is no charge for voter information. However, candidates must complete the Pasco County Vote-by-Mail Ballot Information Request Form if they wish to receive vote-by-mail data. The form must be received before vote-by-mail data will be provided by the elections’ office.

46. **Early Voting**

Each municipality has the option of conducting, or not conducting, early voting. Currently, **ALL** municipalities opt out of conducting early voting. However, each city conducting elections will provide in-office voting at their City Hall beginning on Monday, March 9, 2020. In-office City Hall voting will continue until Monday, April 13, 2020.

47. **Voting by Mail**

Pursuant to **100.025, Florida Statutes**, absent electors shall be notified of an upcoming election by the Supervisor of Elections at least 90 days prior to the election.

Registered voters within each municipality who are currently on the vote by mail file will be mailed a 90 Day Notice in January. The notice will inform the voters that the municipality they are currently registered to vote in will be conducting an election on April 14, 2020 and afforded them the opportunity to request a vote by mail ballot.

On or before February 29, 2020, a mail ballot will be sent to each elector residing outside the United States or serving in the military who requested a vote by mail ballot. All domestic civilian mail ballots will be sent to requestors on March 5, 2020 and will continue to be mailed daily until 10 days before the election (Saturday, April 4, 2020).
48. Public Test

Section 101.5612(1), Florida Statutes, requires all electronic or electromechanical voting systems shall be thoroughly tested at the conclusion of maintenance and programming. Tests shall be sufficient to determine that the voting system is properly programmed, the election is correctly defined on the voting system, and all of the voting system input, output, and communication devices are working properly.

Pursuant to 101.5612(2), Florida Statutes, the Supervisor of Elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all measures.

The following schedule will apply to the public test for the 2020 Municipal Elections:

Wednesday, April 8, 2020 3:00 p.m.

The testing location will be:
Supervisor of Elections
Elections Service Center (at the Pasco County Technology Center)
38283 McDonald Street
Dade City, Florida 33525

Questions?
Please call the Supervisor of Elections' office with any questions, concerns, or problems relating to elections and campaign finance at (352) 521-4302, (813) 929-2788, or (727) 847-8162.