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PASCO COUNTY



Candidate Support Information

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Municipal Election

2024

MEMORANDUM

TO: All Municipal Candidates and Campaign Treasurers

FROM: Brian E. Corley

SUBJECT: Municipal Candidate Support Information

This support information 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 information 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 information be a valuable reference to you in your campaign. However, questions will arise that have not been addressed in this guide. 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 the enclosed information and 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 2024 MUNICIPAL ELECTION DATE?

In 2024, the municipal election date is: Tuesday, April 9, 2024.

2. WHAT ARE THE GOALS OF THIS PUBLICATION?

- To inform and educate candidates and campaign staff on the Florida Election Code and the procedures of the Pasco County Supervisor of Elections' office.
- To address areas of concern from candidates and answer their questions regarding campaign finance and the election process.
- To assist all candidates to have trouble-free and error-free campaigns.

3. HOW DO I ANNOUNCE MY CANDIDACY?

Prospective candidates may “announce” to their family, friends, media, etc. their intention to run for office at any time. Prospective candidates may file initial paperwork with the qualifying officer (city clerk) at any time to announce their intention to run for office.

However, a prospective candidate can **do NOTHING** until the appointment of campaign treasurer form (DS-DE 9) is filed, including opening a campaign account, taking monies, spending monies (even their own money), collecting petitions, etc. Political advertisements are prohibited until the prospective candidate has filed the appointment of campaign treasurer form (DS-DE 9) with the city clerk.

Documents filed with the city clerk (and/or Supervisor of Elections) are public records. So, if you meet the requirements of 119.07, Florida Statutes an alternate address should be used instead of your residence address. However, the new candidate oaths will require your residence address. So, if your address is protected, we will redact the address before releasing the document(s) to the website.

When filing the qualifying paperwork, a candidate that wishes to run for office under a nickname will be required to file an affidavit attesting they are generally known by the nickname. The affidavit will be part of the Candidate Oath.

Ethics restrict “dual public employment” of any “public officer” which includes any person who is elected to state or local office, or, for the period of his or her candidacy, any person who has qualified as a candidate for state or local office.

Restrictions on individuals qualifying for public office includes “... 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/she presently holds.” Resignations are irrevocable and must be submitted in writing (see section 4).

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. (February 3, 2024). 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. **WHEN AND WHERE DO I FILE MY QUALIFYING PAPERS?**

Current candidates who have filed initial paperwork with the city clerk are not "qualified" candidates but are considered to be "pre-filed". In order to be a qualified candidate, you must complete the qualifying process during a time period set for Pasco County Municipal Elections.

Qualifying for municipal candidates begins at city hall at **Noon on Tuesday, February 13, 2024 and runs through Noon on Tuesday, February 20, 2024**.

Section 99.061(8), Florida Statutes, 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**.

The 14 days prior to qualifying begins on January 30, 2024. (Forms are available on-line at <https://dos.myflorida.com/elections/forms-publications/forms/> or at the city clerk's office.)

6. WHAT MUST I FILE WHEN I QUALIFY?

You are required to file: (Forms are available on-line at <https://dos.myflorida.com/elections/forms-publications/forms/> or at the city clerk's office)

- Appointment of Campaign Treasurer and Designation of Campaign Depository (DS-DE 9) (may already be on file) – this form has been updated by the Division of Elections with a revision date of 07/2023
- Statement of Candidate (DS-DE 84) (judicial candidates must also file the DS-DE 83) (may already be on file)
- Candidate Oath – (DS-DE 302NP) – this form is being updated and should be available prior to the start of the qualifying period
- Full and Public Disclosure of Financial Interests 2023 (CE Form 6) (must be filed electronically using the Electronic Financial Disclosure Management System (EFDMS) accessible through the Commission on Ethics website)
 - Copies of the electronic filing or the receipt of the electronic filing **MUST** be filed with the City Clerk during the qualifying period
- Qualifying Fee - **must be paid** (if applicable) with a properly executed check drawn upon the candidate's campaign account
 - **ONLY** treasurers and deputy treasurers may sign checks
- Verified petitions and Certification – must be completed by noon on the last day of qualifying and include a certification form provided by the Supervisor of Elections (see section 9)

7. 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 20th**.

8. 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, even if the candidate has made a typo! The candidate oath will be a revised form from 2023 once the division has completed its revisions.

9. WHAT IS THE PETITION PROCESS?

For ballot placement, some municipalities require candidates to collect petition signatures. Signatures may be collected **AFTER** the appointment of campaign treasurer form (Form DS-DE 9) is filed with the city clerk.

Petition requirements are:

- Check with your city clerk to verify the number of valid petition signatures required
- All petitions must be submitted to the elections' office for verification so that a certificate may be completed and submitted to the city clerk by NOON, February 20, 2024
- Candidates must use the form prescribed by the Division of Elections (Form DS-DE 104) – the size of the form may be altered but must be separate pages since there can only be one signature per page. **HOWEVER**, the City of Zephyrhills' Charter designates a different form for petition signatures. See the city clerk for the correct form
- Candidates are responsible for the reproduction of the petitions in the exact form prescribed by the Division of Elections but may pre-populate some data on the forms ... including the box around the form!

Petition verification procedures are:

- Completed on a first come first served basis
- Please make sure the petitions are complete. Missing information on the form(s) may cause the petition to be rejected
- Candidates **MUST** count the number of petitions being submitted to the elections' office
- Must be accompanied by the payment of 10 cents per petition
 - Payment should be made by campaign check. However, if paid for in-kind by the candidate, payment must be made by cash or check. Debit and/or credit cards will not be accepted. **If paying by cash, exact payment amount is required**

10. 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 (**even your own monies**), you must appoint a campaign treasurer and designate a campaign depository and file this information (Form DS-DE 9) with the 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, 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 qualifying officer (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. You may have up to three (3) deputy treasurers.

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.) Banks may require EIN

(Employer Identification Number) numbers. You should contact your banking institution on their requirements. Visit <https://www.irs.gov/instructions/i8871> for more information on acquiring an EIN number.

Once the appointment of campaign treasurer is filed, you will be subject to filing periodic financial reports using the elections' office reporting system. Financial reporting is discussed later in this guide (see section 19).

11. 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 “RE-FILING 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 qualifying officer. 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 qualifying officer.

12. WHAT ARE THE DUTIES OF A TREASURER?

After a treasurer accepts the position in writing (Form DS-DE 9), they will be required to:

- Be a signer on the campaign account (only treasurers and deputy treasurers are allowed to sign checks – including qualifying fees, petition checks, etc.)
- Keep detailed accounts current within two days (have all items in the same location ... drawer, shoe box, file cabinet, etc. in the treasurer's possession)
- File regular electronic campaign reports (filing false reports is a violation of Chapter 106, Florida Statutes)
- Preserve the records of the campaign for the number of years equal to the term of the office sought
- Retain all receipts for all reimbursements
- May serve as the treasurer for more than one campaign

13. 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.

Campaign accounts must be separate from personal accounts and designated as a campaign account. Separate interest-bearing accounts and certificate of deposits are regulated by **106.021(1)(b), Florida Statutes**.

14. 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.

15. 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.

16. 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.

The law provides no exceptions for reporting contributions, regardless of the size of the contribution. The reporting requirements would be the same for a 50-cent contribution as it would be for \$1,000.00 contributions.

17. WHERE DOES MY CAMPAIGN TREASURER FILE CAMPAIGN TREASURER'S REPORTS?

Per city ordinance/resolution, your treasurer must file your campaign treasurer's reports with the elections' office through a campaign finance portal. The portal may be accessed from any internet connected computer, laptop, iPad, etc. A web browser and Adobe Acrobat reader are required for the system. A printer is also recommended for printing reports for your records.

The reports are to be filed electronically through the portal using sign-on credentials and signature PINs assigned by the Supervisor of Elections. Candidates are responsible for the safeguard of their credentials and must notify the elections' office immediately if they are ever compromised. After the initial log-in, some passwords and PINs may be changed so long as they meet the requirements of the system.

There is no fee associated with using the financial reporting system. The system is very user friendly and is helpful in avoiding errors on the reports. Information filed on the reports are made available to the public through www.PascoVotes.gov.

18. 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 quarter. For instance, if you file your Appointment of Campaign Treasurer (Form DS-DE 9) in December 2023, your first treasurer report will be due on January 10, 2024. If the 10th day falls on a weekend or holiday, the report will be due the next business day. Reports become more regular as the election date approaches.

Regular reports will be due as follows:

Report Code	Reporting Period	Report Due Date
2023-Q4	10/1/2023 - 12/31/2023	1/10/2024
2024-G1	1/1/2024 - 3/8/2024	3/15/2024
2024-G2	3/9/2024 - 3/22/2024	3/29/2024
2024-G3	3/23/2024 - 4/4/2024	4/5/2024

Termination reports are due 90 days after being elected, being defeated, becoming unopposed, or withdrawing. All candidates will be required to file a termination report at some point. The report must balance (monies in = monies out) with all leftover funds being disposed of according to statute and the account must be closed.

Termination reports will be due as follows:

Report Code	Reporting Period	Report Due Date
2024-TRQ	1/1/2024 - 5/13/2024	5/13/2024
2024-TRG	4/5/2024 - 7/8/2024	7/8/2024

Candidates who withdraw from their race will need to contact the city clerk who will contact the elections' office so that a termination report code (TR-W) can be established for each candidate as needed. A written statement must be submitted to withdraw.

Note: Termination reports deemed late are assessed fines. The amount of the fine is \$50 per day late, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. Fines are paid from the candidate's personal funds, NOT campaign funds.

19. 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 signed at the time the of pulling papers and/or qualifying). Instructions for operating the financial reporting system are given with the log-on credentials.

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 campaign treasurers 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.

Courtesy emails MAY be sent by the elections' office and/or the city clerk as a reminder of impending due dates.

The elections' office will receive an email that the report has been filed. The report will be reviewed for completeness before being released to the website. Reports submitted with errors may be rejected if time permits correction without making the report late. If time does not permit, an amendment to the report will have to be filed to correct the incomplete report. Incomplete reports are accepted on a conditional basis.

Examples of incomplete reports include missing names, addresses, descriptive occupations, etc. Businessman, self-employed, consultant, business owner, etc. are not descriptive occupations. The treasurer will have seven (7) days to file an amendment to an incomplete report.

20. WHAT ABOUT CAMPAIGN LOAN REPORTS?

You must file a campaign loan report only if elected to office. The report must be filed within 10 days of being elected. The report must include all loans exceeding \$500.00 in value. Loans from the candidate to their campaign do not have to be reported. You only need report loans made for campaign purposes that were made within 12 months preceding election to office. Forms used for reporting loans are the Campaign Loans Report (Form DS-DE 73) and the Campaign Loans Report Itemized (Form DS-DE 73A).

21. 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 with the date it was "received" by the treasurer/candidate.

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 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**.

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 with the date being "purchase" date.

22. 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, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, 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.

23. 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. At that time, the city clerk should notify you that fines are/may be accruing.

24. PENALTY FOR LATE FILING.

Reports must be filed no later than midnight (EST) on the due date. Notify the elections' office immediately if the system is unavailable or if the submission of the report fails.

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. Fines assessed for late filing shall not be an allowable campaign expenditure and shall be paid only from the personal funds of the candidate. Fines must be paid to the city clerk within 20 days after receipt of the notice of the fine unless an appeal is made to the Florida Elections Commission. Fines are not at the discretion of the city clerk or the Supervisor of Election but determined by statute.

The Florida Elections Commission (FEC) continuously hears appeals from automatic fines for the late filing of campaign treasurer's reports. There are no justifiable reasons for filing late reports unless otherwise determined by the commission. Many times, these fines could have been avoided if proper filing procedures were followed. Candidates who repeatedly file late reports will be turned over to the commission.

25. 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 electronically on the designated reporting date that no report is being filed on that day by utilizing a Waiver of Report (Form DS-DE 87 completed through the financial portal). Further, the next report filed must cover the entire period of time between the last submitted report and the report being filed. A waiver is not a “report”. It is only a notification of no activity.

26. 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. All deposits MUST be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed.

27. 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. The primary and general elections are considered separate elections for contributions purposes.

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.

The maximum a check may be written for is \$2,000.00 **IF** and **ONLY IF** the check is from a joint checking account and both parties have signed the check and are listed as separate line items on the treasurer's report. The best practice is to have separate checks for \$1,000.00 signed by each contributor.

Individuals, corporations, associations, firms, clubs, trusts, organizations, or a combination of individuals having collective capacity are considered a “person”.

Loans made by the candidate to their campaign are not subject to contribution limits and may be reimbursed to the candidate at anytime there are sufficient funds to repay the loan and satisfy all other obligations.

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.)

28. 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.

29. 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 unless a receipt for the actual amount is provided.

Candidates cannot be reimbursed for in-kind contributions until after the campaign **if** there is an accompanying receipt and only **if** funds are available.

30. MAY I ACCEPT CASH CONTRIBUTIONS?

Yes, provided that each contribution does not exceed **\$50**. No person may make or accept an aggregate cash contribution in excess of \$50.00 (including candidates). Cashier's checks are considered cash, but money orders and travelers checks are not 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.

31. 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 on Form DS-DE 2. Contributions deposited past the deadline should be reimbursed by campaign check to the contributor.

Thursday midnight, April 4, 2024, is the last day to receive contributions for the 2024 Municipal Election. The fourth day report **MUST** include all final contributions, including in-kind contributions as well as monies loaned by the candidate to their campaign.

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.

Best practice is to disable online contribution programs (like PayPal) once the contribution deadline has occurred to avoid receiving contributions after the deadline. The receipt date of the online contributions is the date the monies are "swept" into the campaign account.

The deadline applies to in-kind contributions as well, even if they are from the candidate!

32. 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 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.** This includes qualifying fees and election assessments. If qualifying fees or assessments are returned by the bank **for any reason**, a cashier's check from the campaign account **must be used** to make good the funds.

Expenditures reimbursed to a candidate or other 'vendor' may require dual reporting as a reimbursement and as an itemized distribution. For example, if a candidate is reimbursed for the printing of campaign flyers (\$382.00) it will be listed as an expenditure to the candidate during the reporting period the expenditure was made. Then a distribution will be added that lists when/where the candidate spent the \$382.00. (Candidate paid \$382.00 to ABC Printing for flyers).

In order to expend campaign funds, there must be sufficient funds on deposit in the campaign account. Payment shall be made upon receipt and acceptance of the goods or services. Expenditures may be made via campaign check, or campaign debit card (NOT credit card), or petty cash. Local candidates are prohibited from using campaign credit cards.

Full names and addresses must be used when reporting the expenditures. The date the check is written, or the date on the debit card receipt, or the date on the petty cash receipt is the date used on the financial report. The purpose of the expenditure must be recorded as well. Transaction codes for expenditures are listed in the financial reporting system's instructions.

33. 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.

34. 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, campaign debit card attached to the campaign checking account, or petty cash, at the time the goods or services are received.

35. 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 campaign checks.

36. 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**.

37. 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.

38. 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. Loans, in part or all, made by the candidate can be paid back at any time if the campaign account has sufficient funds on deposit and all other obligations are met. A candidate cannot be paid back for cash, check, or in-kind contributions until the end of the campaign and only if there are leftover funds.

If a candidate pays back a loan during the campaign it should be listed as a negative contribution rather than an expenditure. This eliminates the “bloating” of contributions. The summary page of the financial report will show a decrease in monetary contributions to date after the negative contribution is recorded.

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
- Pay for petition signature verification if candidate filed an Undue Burden Affidavit;
- Dispose of surplus funds as provided in **Section 106.141, Florida Statutes**.

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.

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 qualifying officer. 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 reports are currently NOT available in electronic format and filed using paper forms.

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/her staff members, or legitimate office expenses incurred in the operation of his/her office.

The final disposition of funds in an office account is required and reported on the final quarterly report upon the elected official leaving office. The office account should be closed once all funds have been disposed of according to statute.

39. IF I MAKE A CONTRIBUTION LOAN 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 to pay themselves back for their campaign loan(s). However, this does not apply to their cash, check, or in-kind contributions, which can only be paid back at the end of the campaign (with restrictions).

40. 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;
 - 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
 - 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 those services to the candidate in connection with the candidate's pursuit of election to office; or
- Arranges, coordinates, or directs the expenditure, in any way, with the candidate or an agent of the candidate.

41. 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, address, as well as any other pertinent information, 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.

42. 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 location of the Vote-by-Mail Secure Ballot Intake Station or 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 poll deputy will designate the no-solicitation zone and mark the boundaries.

The no solicitation zone applies to early voting sites and polling locations. If private property “takes over” before the **150’ zone** is reached, you must have permission from the property owner to campaign on their property. The zone also applies to Supervisor of Elections’ offices for approximately 45 days prior to each election through Election Day.

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.

43. 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 or at each Early Voting site during the early voting period. 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 elections’ office for the April 9th municipal election is NOON, Tuesday, March 26, 2024. The city clerk has until 5:00 p.m. April 2nd to approve the poll watcher applications and mail the confirmation letters and ID badges. The elections’ office performs this task for the city clerk.

Poll watchers must be qualified and registered elector of Pasco County. No candidate, sheriff, deputy sheriff, or other law enforcement officer may serve as poll 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 must provide their own materials and necessities, including cell phones. However, they must go outside the solicitation zone to make calls. 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. They may not bring in radios, televisions, newspapers, etc. into the polling room.

Poll watchers should pose any questions regarding polling place procedures to the supervisor of the polling place or early voting site.

44. 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)." Candidates cannot abbreviate words ... the disclaimer must be verbatim to the statute. A district, group, or seat number does not have to be indicated in the political advertisement or disclaimer. Candidates running for partisan office shall express the name of the political party unless running as no party affiliation.

EXAMPLES:

Incumbent Candidate for Nonpartisan Office

**RE-ELECT MITCHELL EDUCATOR
SCHOOL BOARD, DISTRICT 1**

Paid by Michell Educator for School Board.

Non-Incumbent Judicial Candidate (nonpartisan)

**ELECT CAROL BENCH
for COUNTY COURT JUDGE**

Paid by Carol Bench, Nonpartisan, for County Court Judge, Group 52.

*Nonpartisan optional in the disclaimer

PLEASE NOTE: Hetherington v Madden, No.: 3:21-cv-671-MCR-ZCB, 2022 WL 18356994 (N.D. Fla. 2022), declared that the following portion of section 106.143(3), Florida Statutes, is unconstitutional, both facially and as applied, in violation of the First Amendment: “A political advertisement of a candidate running for nonpartisan office may not state the candidate’s political party affiliation. This section does not prohibit a political advertisement from stating the candidate’s partisan-related experience. A candidate for nonpartisan office is prohibited from campaigning based on party affiliation.” 106.143(3), F.S. The court also enjoined the Florida Elections Commission and State Attorney from enforcing the provision. However, the Court in Hetherington noted that section 105.071, F.S., which was not challenged in that lawsuit, independently restricts similar conduct as to judicial candidates.

- 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
SHERIFF**

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

- **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:

**Non-Incumbent
In-Kind**

**ELECT GOODY TWOCENTS
for City Council**

Pd. Pol. Adv. Paid for in-kind by Bob Jones, 789 Center Road, Anytown, FL, 00000, approved by Goody Twocents, for City Council

**Incumbent
In-kind**

KEEP IMA LANDOWNER Sunny City Mayor

Pd. Pol. Adv. Paid for in-kind by Jim Lander, 123 Main Street, Anytown, FL, 00000 approved by Ima Landowner, for Sunny City Mayor.
Pd. Pol. Adv. Paid for in-kind by Kay Smith, 987 Elm Street, Anytown, FL, 00000 approved by Ima Landowner, for Sunny City Mayor.

- 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. A contract to purchase suffices.
- 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.
- Political advertisements paid for by a political party or affiliated party committee may use the names and abbreviations registered with the Department of State in the disclaimer (**103.081 and 106.143(7), Florida Statutes**).
- 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.
 - Novelty items supporting candidates having a retail value of \$10 or less (i.e., golf tees, matchbooks, pencils, etc.).
 - 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**.

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

Yes. Contact the city clerk if you are going to place signs inside city limits. The city charters have sign regulations, and each city could be different. Some of the cities may even have regulations regarding door-to-door solicitations.

Candidates should familiarize themselves with Board of County Commission resolution 11-300 regarding sign placement within the county and at county facilities used for early voting and polling places. The county also has a land development code that applies to temporary signs with more stringent timelines for placement and removal of signs as well as size and number of signs. The zoning compliance division of the county can be reached at 727-847-8171.

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.

46. MAY I USE TELEPHONE SOLICITATION IN MY CAMPAIGN?

Yes. However, written authorization is required, and a copy of the authorization must be on file with the elections' office prior to the first phone call being made. 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.

47. HOW MAY I OBTAIN VOTER INFORMATION?

You may call, email, or write to the Supervisor of Elections' office and request voter registration information, early voting data, statistics, and/or Vote-by-Mail data. Candidates will log into their portal or 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. Vote-by-Mail data requires a form to be completed prior to receiving the data. The form is called the Pasco County Vote-by-Mail Ballot Information Request Form.

The information provided may include, but is not limited to: name, address, ID number, precinct, party, gender, race, voting history, etc. The data is in a text file and sortable once opened in applications such as Excel or Access. The data is available within 24 hours of the request. Daily orders are generated around 4:30 p.m. There is no charge for voter information. Contact the elections' office for more information.

48. PUBLIC RECORD REQUESTS

If a candidate places a public records request with the elections' office, an estimated cost will be provided. Deposits equal to 50% of estimated cost are due once authorization has been given to proceed with the request from the requestor. Costs may include reproduction costs and staff time. Fees are specified in Florida Statutes (Chapter 119) and in the Pasco County Supervisor of Elections' Office Public Records Policy.

Some information is considered exempt and will not be provided in the request.

49. BOOK CLOSING

The registration books close 29 days prior to each election. A voter must be registered to vote in the state by the book closing date in order to be eligible to vote in that election. Book Closing for the Municipal Election is March 11, 2024.

50. EARLY VOTING

All municipalities opt out of early voting during municipal elections. However, in-office City Hall Voting will be available once supplies are delivered to the cities by the elections' office. Check with the city clerk for more information on in-office City Hall Voting.

51. 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. Notices for the 2024 municipal will be mailed in January to any UOCAVA voter not already notified of the upcoming election.

On Friday, February 23, 2024, 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 Thursday, February 29, 2024 and will continue to be mailed daily until 10 days prior to the election (new statutory deadline). Requests for Vote-by-Mail ballots must now be received by 5:00 p.m. on the 12th day preceding the election (new statutory deadline).

Candidates are notified of the mail drop dates prior to the ballots being mailed. Candidates are also notified when they are able to begin downloading the Vote-by-Mail data from their portal. (don't forget to file the form requesting the data)

Canvassing Date:

Tuesday, April 9, 2024

4:00 p.m.

Canvassing Location: Elections Service Center at the Pasco County Technology Center, 38283 McDonald Street, Dade City, 33525.

52. 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. Testing is completed within ten days prior to the beginning of early voting/election day. The following schedule will apply to the public test for the 2024 Elections: (subject to change)

Municipal Election – Wednesday, April 3, 2024 3:00 p.m.

Testing Location: Elections Service Center at the Pasco County Technology Center, 38283 McDonald Street, Dade City, 33525.

53. SAMPLE BALLOTS

Sample ballots will be available on the Supervisor of Elections’ website approximately 40 days prior to each election. A voter-specific sample ballot **may** be mailed to each voter eligible to vote in each election that is not receiving an email of the sample or a Vote-by-Mail ballot. Sample ballots are usually mailed approximately 10 days prior to the start of early voting or approximately 21 days prior to Election Day, at the discretion of the city.

54. ELECTION RESULTS

Beginning at 7:00 p.m. Election Night, early voting and the initial Vote-by-Mail results are released to the website. After the polls close and all voters have cast their ballots, the polling places will begin modeming their results into the collection center. Those results are uploaded periodically until all polling locations have modemed in their results. Late run Vote-by-Mail ballots will be added to the results as they are canvassed Election Night. “Uncanvassed” Vote-by-Mail ballot totals are reported hourly, beginning at 7:00 p.m. Election Night until canvassing is complete.

All results uploaded to the web and the Department of State Election Night are unofficial until the election is certified. Official results are available after the Canvassing Board certifies the election according to statutory deadlines.

See the canvassing board schedule (available with the city clerk) for dates and times of the canvassing board meetings.

55. PROHIBITED ACTS

A candidate cannot:

- Pay money or give anything of value to speak in furtherance of campaign
- Use state owned aircraft or motor vehicle to further candidacy
- Solicit or accept contributions in government owned building
- Use the services of any state, county, municipal, or district officer or employee during working hours
- Solicit contributions from any religious, charitable, civic, or other causes or organizations established primarily for the public good

NOTES: