

Are there exceptions for filing a campaign treasurer's report electronically?

Yes. Any special district candidate who does not accept contributions, whose only expense is the \$25 filing fee, or signature verification fee for a special district candidate who obtains 25 signatures of the voters in the geographical area represented by the office sought, will not be required to file campaign treasurer's reports. (99.061, 99.095 and 106.021, F.S.)

If my treasurer is out of town. Can I have an extension to file my report?

No. The election laws do not provide for an extension under these circumstances. (Sections 106.04(4)(b)1., 106.07(2)(b) and (3), F.S.)

If I make a mistake on my report can I go back and correct the mistake on the Electronic Filing System (EFS)?

Once the report is submitted to the Supervisor of Elections, the EFS will not permit you to go back and make changes. In order to correct mistakes or add, or delete information, you must submit an "amendment" also known as an Amended Report.

If I am late submitting my report, how is my fine calculated?

\$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater for the period covered by the late report. However, for reports immediately preceding the primary and general election, the fine shall be \$500 per day for each day, not to exceed 25% of the total receipts or expenditures, which is greater, for the period covered by the late report. (106.07, F.S.)

How long are campaign finance records kept by the Supervisor of Elections?

Ten years from the date of receipt. (Sections 98.015(5) and 106.22(4), F.S.)

How long do I have to keep my campaign finance records?

You must keep your campaign records for the number of years equal to the term of the office sought. (106.06 F.S.)

If I decide to change my office designation, can I use the campaign funds I collected for one office to seek a different office?

Yes. You are not prohibited from changing your office designation and using campaign funds to seek another office, however, the guidelines set forth in FS 106.021 must be followed. You must also make your change of office designation prior to the candidate-qualifying period, and you may not change your political party designation. (Section 99.061, 106.021 F.S.)

If I receive an in-kind contribution of office space and it exceeds the limits, what should I do?

You may accept an in-kind contribution up to the contribution limit threshold. You may not exceed the limit. You may pay, with campaign funds, for the office space after the limit is reached. (Section 106.08, F.S.)

If I receive a contribution after I withdraw, become unopposed or after I am elected or eliminated, what do I do?

You must return the contribution to the contributor. You may not expend the contribution. (Section 106.11, 106.141, F.S.)

As a candidate, am I required to use closed-captioning and descriptive narrative in my television broadcasts?

Yes. Each candidate, political party and political committee is required to use closed-captioning and descriptive narrative in all television broadcasts regulated by the Federal Communication Commission. (Section 106.165, F.S.)

Do I have to use a political disclaimer?

YES. Any political advertisement that is paid for by a candidate and that is published, displayed, or circulated prior to, or on the day of, **MAY NOT be abbreviated** and must prominently state:

"POLITICAL ADVERTISEMENT PAID FOR AND APPROVED BY
(NAME OF CANDIDATE), (PARTY AFFILIATION),
FOR (OFFICE SOUGHT)."

A No Party Affiliation candidate will use No Party Affiliation as the party affiliation for his/her political disclaimer. A candidate seeking a nonpartisan office such as Judicial, School Board or special district office, will not use a party affiliation in his/her political disclaimer. (Section 106.143 F.S.)

Can I accept cash contributions?

Effective January 1, 2008, a person may not make or accept a cash contribution or contribution by means of a cashier's check in excess of **\$50**. (Section 106.06, F.S.)

Can I accept a contribution from a foreign national?

No. Federal law prohibits contributions from foreign nationals to any federal, state or local candidate, unless the foreign national possesses a green card also known as a Resident Alien Card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or go to www.fec.gov

How is the value of an in-kind contribution determined?

The contributor must inform the person receiving the contribution of the fair market value at the time it is given. (Section 106.055, F.S.)

2010 CANDIDATE GUIDE TO FREQUENTLY ASKED QUESTIONS

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2010 ELECTION DATES

**Primary Election August 24, 2010
General Election November 2, 2010**

CANDIDATE QUALIFYING DATES

**Federal, Judicial, State Attorney, and Public Defender
Noon, April 26, 2010 through Noon, April 30, 2010**

**Statewide, Multi-county, County,
District and Special District
Noon, June 14, 2010 through Noon, June 18, 2010**

What are the contribution limits for a candidate?

No person, political committee, or committee of continuous existence may make contributions, monetary or in kind, in excess of \$500 per election to any candidate for election or retention in office. For contribution purposes, the primary and general elections are considered separate elections.

These limits do not apply to contributions made by a state or county executive political party committee of a political party regulated by Chapter 103, F.S., or to amounts contributed by a candidate to his own campaign. (Section 106.08(1)(a)(b)1 F.S.)

Are in-kind contributions subject to the same limitations as monetary contributions?

Yes. The definition of a "contribution" includes contributions in-kind having an attributable monetary value in any form. Therefore, in-kind contributions are subject to the same contribution limitations set for monetary contributions. (Section 106.011(3) and 106.08, F.S.)

Do I have to itemize small contributions such as \$1, \$5, \$10, etc.?

Yes. The law provides no exceptions for the reporting of contribution information, regardless of the size of the contribution. The full name and address of the contributor are also required. (Section 106.07(4)(a), F.S.)

May a candidate appoint himself or herself as campaign treasurer?

Yes. (Section 106.021(1)(c), F.S.)

Must a campaign treasurer be a registered voter in Florida?

Effective 01-01-2008. The campaign treasurer does not have to be a registered voter in Florida or be a registered vote. (Section 106.021(1)(c), F.S.)

How many deputy treasurers may a candidate have?

Candidates for county and special district office may appoint one primary treasurer and up to 3 deputy treasurers. (Section 106.021(1)(a), F.S.)

Can a deputy treasurer file and submit campaign reports?

Yes. A deputy treasurer may perform all of the duties of a campaign treasurer when specifically authorized to do so by the primary campaign treasurer in the case of a candidate. (Section 106.021(4), F.S.)

May a candidate accept a contribution from a trust fund?

Yes. Chapter 106, F.S., defines a "person" as an individual, corporation, association, firm, partnership, joint venture, joint stock company, club, organization, estate, trust, business trust, syndicate, or other combination of individuals having collective capacity. The term also includes a political party, political committee or committee of continuous existence. (Section 106.011(8), F.S.)

Can a corporation contribute to a candidate?

Yes. A corporation is defined as a "person" and may contribute to a candidate. (Section 106.011(8), F.S.)

I am opposed in the general election, but I have no opposition in the primary election, therefore, my name will not be on the primary election ballot. Must I abide by the prohibition on accepting contributions less than five days prior to the primary election?

No. Only candidates opposed in the primary election are required to comply. However, since you are opposed and your name will appear on the general election ballot, you are required to abide by the prohibition on accepting contributions less than 5 days prior to the general election. (Section 106.08(3), F.S.)

I was given cash at a fundraiser and have no information on who the contribution is from? What do I do?

This type of contribution is termed an "Anonymous Contribution". Report this contribution on your campaign report but you may not spend these funds on the campaign. After the campaign is over, dispose of the funds pursuant to Section 106.141, F.S. (DEO 89-02)

Can I, my treasurer or campaign volunteer be reimbursed by the campaign if I or the individual incurs a personal-funds "out-of-pocket" expense in connection with my campaign?

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

Can I sign checks on my campaign account?

Yes, but only if you are the campaign treasurer or a deputy treasurer for your campaign. 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 is responsible for the completeness and accuracy of the information on the check and for ensuring it is an authorized expenditure.

Do candidates for precinct committee person have to file campaign reports and comply with Chapter 106, F.S.?

No. Persons seeking election to political party executive committees are specifically exempt from the definition of "candidate" and are therefore not subject to the requirements of Chapter 106, F.S. (Sections 103.091 and 106.011(16), F.S.)

Can I change my political party designation for the office I seek?

Yes. You must do so 6 months before the General Election. (Section 99.021 F.S.)

As a candidate, what can I do with leftover campaign funds?

You may disburse of funds by any of the following means or a combination thereof:

- return pro rata to each contributor;
- donate to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code;
- give not more than \$10,000 to the political party of which the candidate is a member (except that a candidate for State Senate may give not more than \$30,000);
- in the case of a candidate for state office, give the funds to the state to be deposited in the General Revenue Fund;
- or in the case of a candidate for an office of a political subdivision, to such political subdivision to be deposited in the general fund thereof.

Candidates shall reimburse the state or local government entity, in the order listed below, if they:

- filed an oath stating they were unable to pay the election assessment (municipal candidates only); and/or
- filed an oath stating they were unable to pay the fee for the verification of petition signatures without imposing an undue burden on his or her personal resources or on resources otherwise available to him or her, or
- qualified by the candidate petition method and was not required to pay an election assessment.

In addition to the methods listed above, a candidate elected to office (or will be elected by virtue of being unopposed) may transfer funds from the campaign account to an office account to be used only for legitimate expenses in connection with the candidate's public office. The amount which can be transferred is limited pursuant to Section 106.141(5), F.S. (Section 106.141(5), F.S.)

I am an elected official and still have funds in my office account. I am now beginning my re-election campaign. May I place the surplus funds in the office account into my campaign account for re-election?

No. Funds retained by elected officials in their office accounts may only be used for legitimate expenses in connection with their public office. (Section 106.141(5), F.S.)

Do I have to file campaign reports on the Electronic Filing System (EFS)?

The Lee County Supervisor of Elections requires county and special district candidates to file campaign reports via the Lee County Supervisor of Elections electronic filing system (EFS). State candidates file their electronic campaign reports with the Division of Elections and use the Division's electronic filing system.