

2014 CANDIDATES

Frequently Asked Questions

Q1. If I want to be a no party affiliation candidate, can I still be registered to vote as a Republican or Democrat?

Yes. Any registered elector who qualifies for office without party affiliation will have their name placed on the ballot at the general election without party affiliation.

(Section 99.0955(1), F.S.)

Q2. Do I have to designate a campaign treasurer and depository before I make public my intention to run for office?

No. A person must appoint a campaign treasurer and designate a depository prior to qualifying for office, obtaining signatures on petitions, accepting contributions or making expenditures. Nothing in the election laws prohibits a person from announcing their intention to become a candidate prior to designating a treasurer or depository as long as no contributions are received and no expenditures are made in connection with that announcement.

(Section 106.021, F.S.)

Q3. What if I want to change my campaign treasurer or other officers?

File a reappointment of campaign treasurer ([Form DS-DE 9](#)) with the filing officer along with a copy of the letter of resignation or removal.

Q4. How are judges elected in Florida and what are their terms?

Merit Retention

Not all judges in Florida are elected to office. Supreme Court Justices and Judges of the District Court of Appeal are always appointed by the Governor from a list of three to six candidates presented by the Judicial Nominating Commission for that court. Once appointed, they must serve at least one year before the next primary (i.e. both the primary and general elections must be one year away) election and, thereafter, must face a "yes" or "no" vote every six years as to whether they will remain in office. If a judge is not retained the appointment process starts again. Further information can be obtained from the Florida State Courts website at www.flcourts.org.

Elected Judges

Elected circuit judges and county court judges have six year terms that begin on the first Tuesday after the first Monday in January following the general election. They are on the primary and general election ballots the year before the term ends in January. If a judicial candidate receives a majority of

the votes at the primary election, the candidate's name will not appear on the general election ballot unless a write-in candidate has qualified for the same office. If no candidate receives a majority of the votes at the primary election, the names of the two candidates receiving the highest number of votes will appear on the general election ballot. The candidate receiving the highest number of votes at the general election is elected to office.

Q5. Can a judicial candidate speak at a political party function?

A judicial candidate may attend and speak in his own behalf at political party functions. However, care must be exercised to insure compliance with the election laws and the Code of Judicial Conduct. (Chapter 105, F.S. and Division of Elections Opinion 78-34.) For opinions of the Judicial Ethics Advisory Commission, see:

<http://www.jud6.org/LegalCommunity/LegalPractice/opinions/jeacopinions/jeac.html>

Q6. I am a county court judge candidate. Where do I file and qualify?

You must file your appointment of campaign treasurer and designation of campaign depository and qualify with the supervisor of elections office in the county where you reside.

(Section 105.031, F.S.)

Q7. When can I start collecting signatures to qualify as a petition candidate?

Before collecting any signatures, all candidates (except federal and special district candidates) must file the Appointment of Campaign Treasurer and Designation of Campaign Depository ([Form DS-DE 9](#)) with the filing officer. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the [Supervisor of Elections](#) of the county in which such petition was circulated.

Campaign Finance

Q8. Do persons running for a political party executive committee office (e.g. precinct committeeperson) for precinct committeeperson have to file campaign reports?

Only if the person has received a contribution or made an expenditure; If applicable, the person files a single report on the 4th day before the primary election. Although, persons seeking election to political party executive committees are specifically exempt from the definition of "candidate," the political party executive office falls within the definition of "election."

(Sections 103.091, 106.011(3), (7) and 106.0702 F.S.)

Q9. May a candidate appoint himself or herself as campaign treasurer?

Yes.

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

Q10. Must a campaign treasurer be a registered voter in Florida?

No.

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

Q11. How many deputy treasurers may a candidate have?

Candidates for statewide office may appoint up to 15 deputy treasurers. Other candidates may appoint up to 3 deputy treasurers.

(Section 106.021(1)(a), F.S.)

Q12. 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 campaign treasurer.

(Section 106.021(4), F.S.)

Q13. Who is responsible for keeping tabs on aggregate totals of campaign contributions?

The campaign treasurer is responsible for receiving and reporting all contributions.

(Section 106.06, F.S.)

Q14. 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, affiliated party committee, or political committee.

(Section 106.011(14), F.S.)

Q15. Do I have to itemize small contributions of \$5, \$10, \$50, 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.)

Q16. Are in-kind contributions subject to the same limitations as monetary contributions?

Yes. In Chapter 106, F.S., 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 limitations set for monetary contributions.

(Section 106.011(5) and 106.08, F.S.)

Q17. 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.)

Q18. Can a corporation give to a candidate, political committee or political party?

Yes. A corporation is under the definition of a "person" in Chapter 106, F.S.

(Section 106.011(14), F.S.)

Q19. 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.)

Q20. Can I conduct a raffle to raise money for my campaign?

No. 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.

Q21. I was given cash at a rally and have no information on who it is from. What do I do?

Report this contribution on your campaign report but do not spend these funds on the campaign. After the campaign is over, dispose of the funds pursuant to Section 106.141, F.S.

(Division of Elections Opinion 89-02)

Q22. What are considered “legitimate office expenses” for purposes of office accounts?

As the duties and responsibilities of each office are different, what are considered legitimate office expenses will vary. For expenses not specifically listed in Section 106.141 (5), please contact your office’s legal or accounting department.

Q23. Can I use my leftover campaign funds to help fund my future re-election?

No, unless you have been elected to a state office or will be elected to state office after being unopposed after the end of the qualifying period and you seek re-election to the same office. If the exception applies to you, you may retain up to \$20,000 in your campaign account.

(Section 106.141 (6), F.S.)

Q24. 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.)

Q25. Do I have to file campaign reports on the Electronic Filing System (EFS)?

If the Division is your filing officer, you are required to file all campaign reports via the EFS. If your filing officer is other than the Division, you must contact the filing officer to find out the requirements.

(Section 106.0705, F.S.)

Q26. 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.)

Q27. *If I make a mistake on my report can I go back in and correct it on the EFS?*

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

Q28. *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, whichever is greater, for the period covered by the late report.

Q29. *How long are campaign records kept at the Division of Elections or the supervisor of elections?*

Ten years from the date of receipt.

(Sections 98.015(5) and 106.22(4), F.S.)

Q30. *Does the prohibition against accepting contributions 5 days prior to an election for "candidates" apply to individuals running for political party executive committee positions?*

No, because s. 106.08(3)(a)'s prohibition applies only to a "contribution received by a candidate" and persons running for party executive committee persons are not "candidates."

Q31. *How can I tell if a provision in Chapter 106 applies to individuals running for political party executive committee positions?*

Besides the provisions of s. 106.0702 expressly applying to these individuals, use this as a general rule: Because individuals running for political party executive committee positions are not "candidates," if the Chapter 106 provision applies only to a "candidate" or "candidates," the provision will not apply; however, because selecting a member of a political party executive committee is included in the definition of "election," if the provision applies to an "election" without reference to "candidates," the provision will apply.