

Candidate Handbook



**SUPERVISOR OF
ELECTIONS**

POLK COUNTY, FLORIDA

Lori Edwards

PolkElections.com

Dear Candidate:

**PLEASE NOTE: The 2020 legislative Session is January 14, 2020 – March13, 2020.
The information in this Candidate Handbook is subject to change.**

Congratulations on becoming involved in public service as a candidate for office in Polk County. This candidate handbook is printed with the intention of familiarizing Polk County Candidates for county and special district offices with their duties and responsibilities as provided by Florida law.

We hope the information contained in this publication is useful as a quick reference guide. It serves as a supplement to Florida Statutes Chapters 97 – 106 (the Election Code).

It is important for you and all persons involved in your campaign to become familiar with this handbook and the laws that govern Florida elections. As a candidate, you are responsible for all aspects of your campaign – from filing timely treasurer’s reports, to ensuring proper political disclaimers appear on your advertisements, to filing the necessary forms to complete qualifying. Investing the necessary time and attention to compliance with the Florida Election Code can help you avoid making errors that could result in monetary fines and negative publicity.

Please review this handbook as well as the Florida Election Code in its entirety for a more comprehensive understanding of the laws.

Please call us if you have any questions regarding election laws or the information in this book.

Lori Edwards,
Supervisor of Elections
Polk County, Florida

INTERPRETATION OF FLORIDA LAW

It is the candidate's responsibility to read the election code and observe all requirements therein. If there are campaign questions, please refer to <https://dos.myflorida.com/media/699702/election-code.pdf> If the candidate is unable to find the answer in the Florida Statutes, contact the qualifying officer.

IT IS NOT THE RESPONSIBILITY OF THIS OFFICE TO INTERPRET FLORIDA LAW.

For any interpretation or legal opinion, please contact the Division of Elections.

Division of Elections
Room 316, RA Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
850-245-6200

MATERIAL IS SUBJECT TO CHANGE BY THE FLORIDA LEGISLATURE.

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2020 ELECTION DATES

PRESIDENTIAL PREFERENCE PRIMARY....March 17, 2020

PRIMARY ELECTION.....August 18, 2020

GENERAL ELECTION.....November 3, 2020
(DATES SUBJECT TO CHANGE)

QUALIFYING DATES

FEDERAL, JUDICIAL, STATE ATTORNEY, PUBLIC DEFENDER

Noon, April 20, 2020 - Noon, April 24, 2020
(DATES SUBJECT TO CHANGE)

****Note: Qualifying papers will be accepted 14 days prior to qualifying, pursuant to Section 99.061, F.S.**

STATE, MULTI COUNTY, COUNTY, DISTRICT, & NONPARTISAN

Noon, June 08, 2020 - Noon, June 12, 2020
(DATES SUBJECT TO CHANGE)

****Note: Qualifying papers will be accepted beginning 14 days prior to qualifying, pursuant to Section 99.061, F.S.****

IF A CANDIDATE IS RUNNING FOR:

PRESIDENT / VICE PRESIDENT (4 year term)
UNITED STATES SENATOR (6 year term)
UNITED STATES REPRESENTATIVE (2 year term)
GOVERNOR & LT. GOVERNOR (4 year term)
STATE SENATOR (4 year term)
STATE REPRESENTATIVE (2 year term)
STATE ATTORNEY (4 year term)
PUBLIC DEFENDER (4 year term)
CIRCUIT JUDGE (6 year term)

THE QUALIFYING OFFICE WOULD BE:

**DIVISION OF ELECTIONS
ROOM 316, THE R.A. GRAY BLDG.
500 S. BRONOUGH ST.
TALLAHASSEE, FL 32399-0250
PHONE: (850) 245-6200**

WEB SITE: <http://election.dos.state.fl.us/candidate/Qualifying-info.shtml>

**FOR ADDITIONAL INFORMATION ON
FEDERAL OFFICES:**

**FEDERAL ELECTION COMMISSION
999 E STREET NW
WASHINGTON, DC 20463
1-800-424-9530
WEB SITE: www.fec.gov**

IF THE CANDIDATE IS RUNNING FOR:

CLERK OF THE CIRCUIT COURT (4 year term)

COUNTY COMMISSIONER (4 year term)

COUNTY JUDGE (6 year term)

PROPERTY APPRAISER (4 year term)

SCHOOL BOARD MEMBER (4 year term)

SHERIFF (4 year term)

SPECIAL DISTRICTS (4 year term)

SUPERVISOR OF ELECTIONS (4 year term)

TAX COLLECTOR (4 year term)

THE QUALIFYING OFFICE WOULD BE:

**SUPERVISOR OF ELECTIONS
70 FLORIDA CITRUS BLVD.
WINTER HAVEN, FL 33880
(863) 534-5888**

WEB SITE: <http://www.polkelections.com>

QUALIFYING FEES

QUALIFYING FEE MUST BE PAID FROM A CHECK DRAWN ON THE CAMPAIGN ACCOUNT.

TO BE A CANDIDATE FOR A POLK COUNTY OFFICE, YOU MUST:

- 1. BE A REGISTERED VOTER IN POLK COUNTY.
- 2. IF YOU ARE RUNNING FOR SCHOOL BOARD, YOU MUST LIVE WITHIN THE DISTRICT DESIGNATED AT THE TIME OF QUALIFYING.
- 3. IF YOU ARE RUNNING FOR COUNTY COMMISSION, YOU MUST LIVE WITHIN THE DISTRICT, DESIGNATED AT THE TIME OF QUALIFYING, PURSUANT TO THE COUNTY CHARTER.

Note: Clerk of the Circuit Court and Comptroller; Property Appraiser; School Board; Sheriff; Supervisor of Elections; Tax Collector and Judicial candidates are Nonpartisan races.

THE QUALIFYING FEE FOR PARTISAN CANDIDATES IS 6% OF THE ANNUAL SALARY OF THE OFFICE THE CANDIDATE IS SEEKING.

THE QUALIFYING FEE FOR NON-PARTISAN CANDIDATES IS 4% OF THE ANNUAL SALARY OF THE OFFICE THE CANDIDATE IS SEEKING.

A BREAKDOWN OF THE FEES:	<u>PARTISAN</u>	<u>NON-PARTISAN</u>
FILING FEE:	3%	3%
ELECTION ASSESSMENT:	1%	1%
PARTY ASSESSMENT:	<u>2%</u>	<u>NO FEE</u>
TOTAL:	6%	4%

SPECIAL DISTRICTS:

Each person seeking to qualify for election to a special single county district office shall qualify by paying a filing fee of \$25 or qualify by the petition process pursuant to s.99.095, which the candidate obtains 25 signatures in the district.

A candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee, is not required to appoint a campaign treasurer or designate a primary campaign depository.

COUNTY OFFICES

	<u>QUALIFICATIONS</u>	<u>QUALIFYING FEE</u>	<u>TERM</u>	<u>QUALIFYING OFFICE</u>
CLERK OF THE CIRCUIT COURT AND COMPTROLLER (NONPARTISAN) (COUNTY CHARTER)	ELECTOR; RESIDENT OF COUNTY	4% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
COUNTY COMMISSION (PARTISAN)	ELECTOR; RESIDENT OF THE DISTRICT	6% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
COUNTY COURT JUDGE (NONPARTISAN)	ELECTOR; RESIDENT OF CIRCUIT; MEMBER OF FL BAR 5 PRECEDING YRS	4% OF ANNUAL SALARY	6 YR	SUPERVISOR OF ELECTIONS
PROPERTY APPRAISER (NONPARTISAN) (COUNTY CHARTER)	ELECTOR; RESIDENT OF THE COUNTY	4% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
SCHOOL BOARD (NONPARTISAN)	ELECTOR; RESIDENT OF THE DISTRICT	4% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
SHERIFF (NONPARTISAN) (COUNTY CHARTER)	ELECTOR; RESIDENT OF THE COUNTY	4% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
SUPERVISOR OF ELECTIONS (NONPARTISAN) (COUNTY CHARTER)	ELECTOR; RESIDENT OF THE COUNTY	4% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS

COUNTY OFFICES

<u>OFFICE</u>	<u>QUALIFICATIONS</u>	<u>QUALIFYING FEE</u>	<u>TERM</u>	<u>QUALIFYING OFFICER</u>
TAX COLLECTOR (NONPARTISAN (COUNTY CHARTER))	ELECTOR; RESIDENT OF THE COUNTY	4% OF ANNUAL SALARY	4 YR	SUPERVISOR OF ELECTIONS
COMMUNITY DEVELOPMENT DISTRICTS (CDD)	ELECTOR; RESIDENT OF THE DISTRICT	\$25.00	4 YR	SUPERVISOR OF ELECTIONS
LAKELAND DOWNTOWN DEVELOPMENT DISTRICT	HAVE PLACE OF BUSINESS OR EMPLOYED; OWN PROPERTY	NO FILING FEE	4YR	SUPERVISOR OF ELECTIONS
SOIL & WATER CONSERVATION DISTRICT	ELECTOR; RESIDENT OF THE COUNTY	\$25.00	4 YR	SUPERVISOR OF ELECTIONS
WINTER HAVEN LAKES MANAGEMENT DISTRICT	ELECTOR; RESIDENT OF THE DISTRICT	\$25.00	4 YR	SUPERVISOR OF ELECTIONS

CANDIDATE PETITION PROCESS

FLORIDA STATUTE 99.095 PROVIDES FOR QUALIFYING BY PETITIONING PROCESS.

<https://www.flrules.org/gateway/RuleNo.asp?id=1S-2.045>

A person seeking to qualify for any office may qualify by means of the petitioning process. Any person qualifying by this method shall not be required to pay the qualifying fee or party assessment. You may start your petition process after you have filed your appointment of treasurer and designation of campaign depository with your filing officer. Petition format shall be used by candidates to reproduce petitions for circulation. You will find this format in your candidate packet, or click on:

<https://dos.myflorida.com/media/693291/dsde104.pdf>

Deadline for turning in petitions for multi-county, county, district candidates is prior to Noon, May 11, 2020.

Deadline for turning in petitions for federal, judicial, state attorney, public defender is prior to Noon, March 23, 2020.

A candidate shall obtain signatures equal to 1% of the total number of registered voters as of the 2018 general election.

Only signatures of voters registered in the county/district represented by the office sought are valid. You will need the following valid signatures:

REGISTERED VOTERS 2018

417,217

SIGNATURES NEEDED FOR COUNTYWIDE OFFICE

4,172

We recommend submitting more than the required number of petitions because of possible invalid petitions. No petitions are accepted after the due date. Refer to the instructions relating to the rule on candidate petitions attached to petition copy in candidate packet.

Pursuant to Florida Statutes, a cost of \$.10 for each petition will be charged to verify the signatures. If you file an undue burden oath that you cannot pay the fee to cover signature verification, the fee will be waived.

****SPECIAL DISTRICTS**** Special districts candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought.

**UNDER POLK COUNTY CHARTER GOVERNMENT THE
OFFICES OF CONSTITUTIONAL OFFICERS SHALL BE
NONPARTISAN**

ARTICLE 5 (5.2.1) NONPARTISAN OFFICES. THE OFFICES OF CLERK OF THE CIRCUIT COURT AND COMPTROLLER, PROPERTY APPRAISER, SHERIFF, SUPERVISOR OF ELECTIONS, AND TAX COLLECTOR SHALL BE NONPARTISAN.

ARTICLE 5 (5.2.2) NONPARTISAN CONSTITUTIONAL OFFICERS PROCEDURES.

IF THREE OR MORE CANDIDATES, NEITHER OF WHOM ARE A WRITE-IN CANDIDATE, QUALIFY FOR SUCH OFFICE, THE NAMES OF THOSE CANDIDATES SHALL BE PLACED ON A NONPARTISAN BALLOT AT THE FIRST PRIMARY ELECTION. IF NO CANDIDATE FOR SUCH OFFICE RECEIVES A MAJORITY OF THE VOTES CAST FOR SUCH OFFICE IN THE FIRST PRIMARY ELECTION, THE NAMES OF THE TWO CANDIDATES RECEIVING THE HIGHEST NUMBER OF VOTES FOR SUCH OFFICE SHALL BE PLACED ON THE GENERAL ELECTION BALLOT.

ARTICLE 5 (5.2.3) QUALIFYING BY PETITION.

A CANDIDATE FOR NON-PARTISAN CONSTITUTIONAL OFFICES MAY QUALIFY FOR ELECTION OF SUCH OFFICE BY MEANS OF THE PETITION PROCESS PROVIDED IN GENERAL LAW.

ARTICLE 5 (5.2.4) OTHER PROVISIONS.

IN ALL RESPECTS NOT EXPRESSLY PROVIDED IN THIS CHARTER, NON-PARTISAN ELECTIONS SHALL BE GOVERNED BY THE PROCEDURES SET FORTH IN GENERAL LAW FOR NON-PARTISAN JUDICIAL ELECTIONS; PROVIDED THAT NOTHING THEREIN SHALL IMPAIR THE CONSTITUTIONAL RIGHTS OF CANDIDATES TO FREEDOM OF EXPRESSION AND ASSOCIATION.

WHAT MUST I FILE WHEN I QUALIFY?

1. **CANDIDATE OATH:** *Forms for the Candidate Oath vary according to partisan, nonpartisan, write-in and judicial offices.* Please print name as you wish to appear on the ballot – name may not be changed after the end of qualifying.

Forms: <https://dos.myflorida.com/elections/forms-publications/forms/county-candidate-forms/>

2. **DISCLOSURE OF FINANCIAL INTERESTS:** Full and Public Disclosure of Financial Interest (Form 6) or Statement of Financial Interest (Form 1), depending on the office you filed for.

Forms: <http://www.ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx>

3. **QUALIFYING FEE:** Must be a check drawn on the campaign account and signed by the treasurer or deputy treasurer. (If you filed by the petition process, you will file a copy of the petition certification.)

4. **APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY:**

If you have not already filed this form.

Forms: <http://dos.myflorida.com/media/693631/dsde9.pdf>

5. **STATEMENT OF CANDIDATE:** Form stating that you have been provided access to read and understand the requirements of Chapter 106. (Must be filed within 10 days of filing Appointment of Campaign Treasurer and Designation of Depository.)

Forms: <http://dos.myflorida.com/media/693280/dsde84.pdf>

IMPORTANT: Qualifying papers will not be accepted after 12:00 Noon on the last day of qualifying. Also, pursuant to 99.061 (7), Florida Statutes, all items required for qualifying must be received in **CORRECT AND COMPLETE ORDER** by the end of qualifying or you **WILL NOT** be deemed a qualified candidate.

DEFINITION OF A CANDIDATE

WHAT IS A CANDIDATE?

A candidate is any person to whom any one or more of the following apply:

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

However, this definition does not include any candidate for a political party executive committee.

Each candidate is personally responsible for compliance with Chapter 106 requirements to appoint a campaign treasurer and designate a campaign depository; maintain records of contributions and expenditures; file certified statements of contributions and expenditures with the filing officer. Non-compliance will result in a fine for each late day.

If you are a candidate for a State or State District Office, you will obtain your forms and information from the Division of Elections.

Forms: <http://election.dos.state.fl.us/forms/index.shtml>

QUESTIONS FREQUENTLY ASKED BY CANDIDATES

WHEN MAY I ANNOUNCE MY CANDIDACY AND BECOME AN OFFICIAL CANDIDATE?

Before you accept contributions or make any expenditures, you must file an Appointment of Campaign Treasurer and Designation of Campaign Depository form DS-DE- 9 with your qualifying officer.

(F.S. 106.021). **Do not open the bank account or obtain any signatures on petitions until this form is filed with the filing officer.**

The form shows this information:

1. Your name, address, telephone number and email address;
2. Your political party, if you are a partisan candidate;
3. Office sought, including district and group number;
4. Candidate signature.
5. Name, address, phone number and email address of your campaign treasurer;
6. A signature of campaign treasurer, showing acceptance of appointment (You may be your own treasurer);
7. Name and address of your depository.

No person may qualify as a candidate for more than one public office....., if the terms or any part thereof run concurrently with each other. F.S. 99.012(2).

You are **required** within 10 days of **filing** the Appointment of Campaign Treasurer and Designation Of Campaign Depository, to file a **Statement of Candidate** with your qualifying officer, **stating that you have been provided access to read and understand the requirements of Chapter 106, Florida Statutes.**

WHAT IF I CHANGE MY MIND, AND WANT TO RUN FOR ANOTHER OFFICE?

1. You file a new Appointment of Campaign Treasurer and Designation of Campaign Depository, designating the new office, with your qualifying officer.
2. You notify all your contributors within 15 days of this change, offering to return their contributions pro rata if they return the request form to you within 30 days of notification. (F.S. (106.021 (1)(a))
3. Any contributions not requested to be returned within that period may be used by you for your new designated office pursuant to Florida Statute (106.021 (1)(a).

WILL I GET THE QUALIFYING FEE BACK IF I DECIDE NOT TO RUN FOR OFFICE?

F.S. 99.092 (1) provides that your qualifying fee will be returned only if you withdraw your candidacy **BEFORE** qualifying ends.

QUESTIONS CONTINUED

WHAT IS A CONTRIBUTION?

Florida Statutes 106.011(5) defines a contribution as:

(a) 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.**

Notwithstanding the foregoing meanings of “contribution”, the word shall 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. This definition shall not be construed to include editorial endorsements.

WHAT IS THE LIMITED AMOUNT A PERSON MAY CONTRIBUTE TO MY CAMPAIGN ACCOUNT?

F.S. 106.08 (1)(a) Except for political parties or affiliated party committees, no person or political committee may, in any election, make contributions in excess of the following amounts:

2. To a candidate for retention as a judge of a district court of appeal; a candidate for legislative office; a candidate for multicounty office; a candidate for countywide office or in any election conducted on less than a countywide basis; or a candidate for county court judge or circuit judge, \$1,000.

F.S. 106.09 (1) A person may not make an aggregate **cash** contribution or contribution by means of a cashier’s check to the same candidate or committee in excess of \$50 per election. (This includes money from the candidate to the campaign.)

Federal law prohibits contributions from foreign nationals to any federal, state, or local candidate, unless the foreign national possesses a green card. Further information can be accessed by contacting the Federal Election Commission at 1-800-424-9530 or on their website at www.fec.gov.

THERE IS NO LIMIT TO THE AMOUNT YOU MAY CONTRIBUTE TO YOUR OWN CAMPAIGN.
(Cannot give cash contribution in excess of \$50 per election.)

WHO’S NAME IS ADDED TO REPORT FROM CONTRIBUTIONS ON A JOINT BANK ACCOUNT?

When a candidate receives a contribution on a check from a joint bank account, signed by only one of the joint owners, the person signing the check is considered the contributor.
(DE Opinion 93-10)

QUESTIONS CONTINUED

WHAT IS AN IN-KIND CONTRIBUTION?

An in-kind contribution is something that a person has and wants to give or lend a candidate for a campaign. The limits are the same as the limits for monetary contributions, and if someone gives you money and in-kind contributions, the combined total cannot exceed the \$1,000 limit. "Any person who makes an in-kind contribution shall, at the time of making such contribution, place a fair market value on the in-kind contribution." (Florida Statutes 106.055)

WHAT IF I RECEIVE AN ANONYMOUS CONTRIBUTION?

In an opinion from the Division of Elections (DE 89-02), recommends that the contribution be reported on the campaign treasurer's report as an anonymous contribution, and send a cover letter explaining that the contribution is anonymous and you have made an effort to locate whoever sent the contribution, and is impossible to return. A copy of this letter will be sent to the Division of Elections for the Florida Elections Commission file. The opinion also recommends that the candidate not spend the contribution, and donate it at the end of the campaign to an appropriate entity. (106.07(4)(a) and 106.08(2) Florida Statutes)

WHAT IS THE LAST DAY I MAY RECEIVE CONTRIBUTIONS?

If a candidate is opposed on the ballot in any election, the last date he or she may accept a campaign contribution is midnight of the Thursday preceding each election. (Opinion DE 00-01) Any contribution received after that date and time may not be deposited and must be returned to the contributor. Use form DS DE 2 to report these contributions.

WHAT IS AN EXPENDITURE?

An expenditure is gifts of money **or anything of value made for the purpose of influencing the results of an election.**

IS THERE A LIMIT ON THE AMOUNT I MAY SPEND ON MY CAMPAIGN?

No. However, all candidate expenditures must be contributed and expended through the campaign account and reported.

HOW DO I REPORT USING AN ADVERTISING AGENCY OR PUBLIC RELATIONS CONSULTANT?

The campaign pays the consultant and the consultant pays each vendor, however, those expenditures by the consultant have to be reported by the candidate per s.106.07(4)(a)(13), F.S.

NO RAFFLES ARE ALLOWED TO BE HELD. F.S. 849.09 NO PASSING THE HAT, YOU MUST HAVE A NAME AND ADDRESS FOR EACH CONTRIBUTOR.

CAMPAIGN FUND RAISERS

A campaign fund raiser is any affair held to raise funds to be used in a campaign for public office. Campaign fund raisers may not be held until the person becomes a candidate. (106.025 F.S.)

CONTRIBUTIONS FROM FUND RAISERS:

All monies and contributions received with respect to a campaign fund raiser are campaign contributions. All contributions are subject to the contribution limits contained in Section 106.08, F.S., and are to be accounted for and reported as any other contribution. (106.025 F.S.)

EXPENDITURES FOR FUND RAISERS:

All expenditures with respect to a campaign fund raiser which are made or reimbursed by a check drawn on the campaign account of the candidate are campaign expenditures. All expenditures must be accounted for and are subject to the same restrictions as other campaign expenditures. (106.025 F.S.)

WHEN DO FUNDS HAVE TO BE DEPOSITED?

All funds received shall be deposited prior to the end of the fifth business day following receipt. Sundays and legal holidays are excluded. (Section 106.05 F.S.)

POLITICAL DISCLAIMERS
106.143 Florida Statutes

Political advertisements circulated prior to election; requirements.....

(1)(a) Any political advertisement that is 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:

1. "Political advertisement paid for and approved by (name of candidate) , (part party affiliation) , for (office sought) " ; or
2. "Paid by (name of candidate) , (part party affiliation) , (office sought) ."

(b) 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:

1. "Political advertisement paid for and approved by (name of candidate) , write-in candidate, for (office sought) " ; or
2. "Paid by (name of candidate) , write-in candidate, for (office sought) ."

(c) Any other political advertisement published, displayed, or circulated before, or on the day of, any election must prominently:

1. Be marked "paid political advertisement" or with the abbreviation "pd.pol.adv."
2. State the name and address of the persons paying for the advertisement.
3. 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.

(d) Any political advertisement made pursuant to s.106.021(3)(d) must prominently state the name and address of the political committee or political party paying for the advertisement.

(2) Political advertisements made as in-kind contributions from a political party must prominently state: "Paid political advertisement paid for in-kind by (name of political party) . Approved by (name of person, party affiliation, and office sought in the political advertisement) ."

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 does not apply to bumper stickers, novelty items, and items designed to be worn.

See Statute for full Disclaimer Explanation.

[Also see 106.143 \(10\) for full Disclaimer Explanation for Social Networking and Websites.](#)

POLITICAL SIGNS



**COUNTY SIGN ORDINANCE - CONTACT COUNTY CODE ENFORCEMENT BOARD.
AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS, POLK COUNTY, FLORIDA,
LAND DEVELOPMENT CODE AMENDMENT LDC 15T-09, AMENDING ORDINANCE NO. 00-09,
AMENDED, THE POLK COUNTY LAND DEVELOPMENT CODE, AMENDING CHAPTER 2, SEC-
TION 207, TEMPORARY USES; CHAPTER 7, SECTION 760, SIGNS; CHAPTER 9, SECTION 930,
VARIANCES AND SPECIAL EXCEPTIONS; CHAPTER 10, DEFINITIONS, TO ENSURE EMERGING
LEGAL STANDARDS ARE MET FOR THE REGULATION OF SIGNS; RECOGNIZE EXISTING
RIGHTS AND INCLUDED APPROPRIATE PROVISIONS TO BRING NON-CONFORMING SIGNS
INTO COMPLIANCE OVER TIME; ENSURE REGULATIONS ARE CLEAR, CONCISE AND EASILY
UNDERSTOOD BY ALL AFFECTED PARTIES; PROVIDING AN EFFECTIVE DATE.**

106.1435 F.S. Usage and removal of political campaign advertisements—

(1) Each candidate, whether for a 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

(a) Withdrawal of his or her candidacy; (b) Having been eliminated as a candidate; or (c) Being elected to office. However, a candidate is not expected to remove those political campaign advertisements which are in the form provided in chapter 479. The provisions herein do not apply to political advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

(2) 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

BE SURE AND CONTACT EACH CITY REGARDING POLITICAL SIGN PLACEMENT. SOME CITIES HAVE VERY STRICT SIGN CODES, AND A DEPOSIT IS SOMETIMES REQUIRED.

2020 CAMPAIGN TREASURER'S REPORT SCHEDULE

2020 Calendar of Reporting Dates

Candidates, Political Committees, Electioneering Communication Organizations
registered with the Polk County Supervisor of Elections.

Report Schedule

<u>Report Code</u>	<u>Cover Period</u>	<u>Due Date</u>
2020 M12	12/01/19 – 12/31/19	01/10/20
2020 M1	01/01/20 – 01/31/20	02/10/20
2020 M2	02/01/20 – 02/29/20	03/10/20
2020 M3	03/01/20 – 03/31/20	04/10/20
2020 M4	04/01/20 – 04/30/20	05/11/20
2020 M5	05/01/20 – 05/31/20	06/10/20

2020 P1	06/01/20 – 06/12/20	06/19/20
2020 P2	06/13/20 – 06/26/20	07/03/20
2020 P3	06/27/20 – 07/10/20	07/17/20
2020 P4	07/11/20 – 07/17/20	07/24/20
2020 P5	07/18/20 – 07/24/20	07/31/20
2020 P6	07/25/20 – 07/31/20	08/07/20
2020 P7	08/01/20 – 08/13/20	08/14/20

2020 G1	08/14/20 – 08/28/20	09/04/20
2020 G2	08/29/20 – 09/11/20	09/18/20
2020 G3	09/12/20 – 09/25/20	10/02/20
2020 G4	09/26/20 – 10/02/20	10/09/20
2020 G5	10/03/20 – 10/09/20	10/16/20
2020 G6	10/10/20 – 10/16/20	10/23/20
2020 G7	10/17/20 – 10/29/20	10/30/20

Termination Reports

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
After April Qualifying	TR	07/23/20
After June Qualifying	TR	09/10/20
Primary Election	TR	11/16/20
General Election	TR	02/01/21

CAMPAIGN REPORTS – FILING DEADLINE (106.07 F.S.)

Reports are to be filed no later than 5:00 p.m. of the day designated. Any report postmarked by the U.S. Post Office no later than midnight of the day designated, shall be deemed to have been timely filed. **No report may be accepted after 5:00 p.m. in the office on the due date.**

A certificate of mailing, dated by the U.S. Post Office or receipt from an established courier company at the time of mailing, which bears the date on or before the date on which the report is due, shall be proof of mailing in a timely manner.

PENALTY FOR LATE FILING (106.07 (8)(b) F.S.)

Any candidate who does not file a report on the designated due date shall be subject to a fine. The candidate shall be notified by telephone (if possible) or by mail. The fine shall be \$50 per day for the first three (3) days late, 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 the reports immediately preceding each Primary and General Election, the fine shall be \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater.

Within 20 days after receipt of notice of payment due, you may pay the fine to the Supervisor of Elections, or appeal the fine to the Florida Elections Commission, and notify the Supervisor of Elections in writing.

Fines are paid from personal funds of the candidate and not from the candidate's campaign fund.

INCOMPLETE REPORTS

All reports are accepted on a conditional basis. If a report is incomplete, the treasurer will be sent a certified letter. Upon receipt of the certified letter, you will be given seven (7) days to file an amended report.

Failure to file the required information after such notice shall constitute a violation of Chapter 106 and a complaint will be filed with the Florida Elections Commission.

WAIVER OF REPORT

In any reporting period where there has been no activity in the account, you may file a waiver of report form instead of the regular campaign treasurer's report. The deadline for filing a waiver is the same as for filing a campaign report and is subject to the same penalties.

ELECTRONIC FILING

To ensure easier and quicker processing of campaign finance data, all local candidates (County Commission, Constitutional Officers, County Court Judge, School Board, Special Districts) and local committees are required to file their campaign treasurer's reports using our procedures, as well as printed on paper. Information will be protected in our secured, password protected section of the Candidate portion of the web page.

A printed paper copy of the report must be signed and filed in our office by the due date, pursuant to 106.07 Florida Statutes. We are providing a print feature that will make this process very easy to use. As soon as the hard copies are received, your financial report, which you prepared, will be posted on the Supervisor of Elections website (www.polkelections.com).

Once a candidate or political committee has filed their Designation of Campaign Depository and Campaign Treasurer designation, an ID and password will be issued to the candidate or political committee chairperson to access the web site to allow entry for the candidate or political committee to record activity of campaign finance. These transactions will be pending until the candidate or political committee submits the transactions within the reporting deadlines. A candidate or political committee will be allowed to preview the report before they print it. This will allow a chance to correct any mistakes before the report is printed and submitted to the Supervisor of Elections. **Once the report is submitted**, if there are any corrections, an amended report will have to be made.

Nothing in this policy alters due dates or other campaign finance reporting requirements indicated in Florida law.

BOOKKEEPING SUGGESTIONS FOR THE CANDIDATE & CAMPAIGN TREASURER

1. Keep a schedule of dates when campaign treasurer's reports are due.
2. Keep what period of time each report covers.
3. Keep a copy of each report filed for your records.
4. If a report is mailed to a filing officer, obtain a Certificate of Mailing from the Post Office and keep this certificate in a safe place.
5. Record all contributions when received. Make sure to include name, address, occupation, (if more than \$100), amount and date of each contribution. Keep contributions by: monetary, in-kind, and loans. (Maximum amount given in cash or cashier's check is \$50.00 per election.)
6. Record all expenditures when they occur. List name and address of each person to whom the expenditure was made along with the amount, date, receipt, and purpose.
7. Keep a petty cash ledger of all expenditures. These individual listings are not to be listed on the campaign treasurer's reports, only the amount the petty cash check is written for.
8. Monitor cash flow to know how much money is available at all times to avoid any possibility of authorizing expenditure when money is not available to pay for such expenditure. **A candidate should never authorize any expenditure to be paid from the campaign account unless there are sufficient funds on deposit to pay the full amount of the authorized expense.**
9. Maintain a listing of all funds currently in a secondary interest bearing account, certificates of deposit, or money-market account.
10. **If your campaign anticipates receiving \$25,000 or more in receipts annually, you should at least satisfy the Registration of Section 527, Internal Revenue Service. If you have any questions about the registration requirements, or to apply for an EIN please contact:**
<https://sa2.www4.irs.gov/modiein/individual/index.jsp>

THE DIVISION OF ELECTIONS SUGGESTS THAT WHEN COMPLETING A CAMPAIGN REPORT, AND AN OCCUPATION IS REQUIRED, YOU NEED TO BE MORE SPECIFIC IDENTIFYING THE NATURE OF THE BUSINESS RATHER THAN USING BUSINESS MAN, BUSINESS WOMAN, OR EXECUTIVE.

CAMPAIGN DEPOSITORY AND SAMPLE CHECKS

INFORMATION MUST BE WRITTEN ON STARTER CHECKS PROVIDED BY THE BANK UNTIL PRINTED CHECKS ARRIVE.

SUGGESTED CHECK SAMPLE:

JOHN SMITH CAMPAIGN ACCOUNT	001
COUNTY OFFICE NUMBER 1	
<u>JULY 00, 2016</u>	<u>14-123</u>
PAY TO THE ORDER OF <u>JOHN A. DOE PRINTING</u>	<u>\$1,000.00</u>
<u>ONE THOUSAND AND 00/100</u>	<u>DOLLARS</u>
HOMETOWN BANK Hometown, FL 02345	
1234 Main Street	
Anytown, FL 33830	
<u>I.M. SAMPLE</u>	

ON YOUR DEPOSIT SLIP, MAKE SURE YOU LIST EVERY NAME AND THE AMOUNT (WHETHER YOU HAVE CASH OR A CHECK) AND KEEP A COPY FOR YOUR RECORDS.

CLOSING OUT YOUR CAMPAIGN ACCOUNT

You have 90 days to dispose of funds in your campaign account and file a final report showing disposition of all remaining funds. Florida Statutes 106.141 explains what you may do with leftover funds in your account.

You must pay for items which were obligated, including loans, and pay for expenditures necessary to close your campaign and prepare final campaign reports.

You may be reimbursed by your campaign account of **any monies** contributed to your campaign account before you make any disbursements.

Any funds left over that are not obligated to be spent, may be returned pro rata to each contributor; donated to charity which meets the internal revenue code; give to your political party, or if you are elected to an office you may transfer monies to an office account. (If you open an office account, reports must be filed quarterly to the Supervisor of Elections office until the account is closed).

COMMON MISTAKES MADE BY CANDIDATES AND CAMPAIGN TREASURERS

1. Accepting contributions or getting petition signatures prior to filing Appointment of Campaign Treasurer and Designation of Campaign Depository form with the filing officer. **(Personal money deposited in the campaign account is a contribution to your campaign).**
2. Accepting anonymous contributions, such as passing the hat or selling tickets for fund-raisers without getting the required information from contributors.
3. Filing campaign treasurer's report late.
4. Allowing unauthorized individuals to sign campaign reports.
5. Showing a deficit in campaign contribution and expenditure reports.
6. Taking contributions in excess of legal limitations.
7. Failing to notify the filing officer of changes in treasurers, addresses or other required information.
8. Accepting contributions to cover outstanding expenses after the elections.
(Candidate's personal monies given to campaign are included. Florida statutes state that you have monies on deposit before an expenditure is made.)
9. Failing to properly mark political disclaimers on political advertisements, campaign literature, and ads.
10. Candidate giving cash money to their campaign in excess of the \$50 cash limit.
(Candidates cannot accept monies in cash over the \$50 per election.)

DATA FOR CAMPAIGNS AND CANDIDATES

Information regarding voters is available to campaigns and candidates:

- Precinct registration
- Polling locations
- Vote by Mail ballot requests (oath of acquisition required)
- Petition information
- Mailing labels
- Precinct Maps

Voter Data:

Mailing Labels: \$5 processing fee plus \$7.64 per thousand.

Compact Disk: No charge for up to three requests per month. Duplication of previous requests and subsequent requests, \$5 processing fee plus \$0.55 per thousand records. File will be produced in Excel (.xlsx) or comma separated value (.csv) format.

Electronic Lists: No charge for up to three requests per month. Duplication of previous requests and subsequent requests, \$5 processing fee plus \$0.55 per thousand records. File will be produced in Excel (.xlsx) or comma separated value (.csv) format.

Requests incurring charges exceeding \$10.00 must be paid in advance. Cash or Checks made payable to the Polk County Supervisor of Elections are accepted.

Large color maps: \$8.00 each

Vote by Mail lists are available to candidates who have filed papers and is opposed in an upcoming election.

Rachel Harris, the principal contact for this information, may be reached via e-mail at rachelharris@polkelections.com or by telephone at 863-534-5888. Monday through Friday, 8am-5pm excluding holidays.

**VOTE BY MAIL BALLOTS
101.62, F.S.**

A voter may request a vote by mail ballot from the Supervisor of Elections in person, by mail, email, web or by telephone. One request shall be deemed sufficient to receive a vote by mail ballot for all elections through the next two regularly scheduled general elections, unless the elector or the elector's designee indicates otherwise at the time of the request. A request for a vote by mail ballot to be mailed to a voter must be received no later than 5 pm on the tenth day before the election. The Supervisor of Elections shall mail vote by mail ballots to voters requesting ballots by such deadline no later than 8 days before the election. Vote by Mail Ballots cannot be forwarded.

A voter may designate in writing for an individual to pick up a ballot **nine (9) days prior to any election**. The designee shall provide to the Supervisor of Elections written authorization for someone to pick up a ballot for them and the voter must include their date of birth and signature. The designee must show picture ID. **A designated person may not pick up more than two (2) ballots per election, other than the designee's own ballot, except that additional ballots may be picked up for the designee's "immediate family"**. If a shut-in or someone who wants a vote by mail ballot, have him or her or someone in their immediate family to call the Supervisor of Elections office or have the voter complete one of the request forms in your candidate packet.

ALL VOTE BY MAIL BALLOTS MUST BE IN THE SUPERVISOR OF ELECTIONS OFFICE BY 7:00 PM ELECTION NIGHT. DO NOT TAKE A VOTE BY MAIL BALLOT TO A POLLING LOCATION ON ELECTION DAY TO BE TURNED IN. PURSUANT TO FLORIDA STATUTE, IT WILL NOT BE COUNTED. IT MUST BE TURNED IN TO THE SUPERVISOR OF ELECTIONS OFFICE.

POLLWATCHER INFORMATION
101.131. F.S.

(1) Each political party and each candidate may have one watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election. No watcher shall be permitted to come closer to the officials' table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room or early voting area to watch and observe the conduct of electors and officials. The poll watchers shall furnish their own materials and necessities and shall not obstruct the orderly conduct of any election. The poll watchers shall pose any questions regarding polling place procedures directly to the clerk for resolution. They may not interact with voters. Each poll watcher shall be a qualified and registered elector of the county in which he or she serves.

(2) Each party, each political committee, and each candidate requesting to have poll watchers shall designate, in writing to the Supervisors of Elections, on a form prescribed by the division, before noon of the second Tuesday preceding the election poll watchers for each polling room on election day. Designations of poll watchers for early voting areas shall be submitted in writing to the Supervisor of Elections, on a form prescribed by the division, before noon at least 14 days before early voting begins. The poll watchers for polling rooms shall be approved by the Supervisor of Elections on or before the Tuesday before the election. Poll watchers for early voting areas shall be approved by the Supervisor of Elections no later than 7 days before early voting begins. The Supervisor shall furnish to each election board a list of the poll watchers designated and approved for such polling rooms or early voting areas. Designation of poll watchers shall be made by the chair of the county executive committee of a political party, the chair of a political committee, or the candidate requesting to have poll watchers.

(3) No candidate, sheriff, deputy sheriff, police officer, or other law enforcement officer may be designated as a poll watcher.

(4) All poll watchers shall be allowed to enter and watch polls in all polling rooms and early voting areas within the county in which they have been designated if the number of poll watchers at any particular polling place does not exceed the number provided in this section.

(5) The Supervisor of Elections shall provide to each designated poll watcher, no later than 7 days before early voting begins, a poll watcher identification badge that identifies the poll watcher by name. Each poll watcher must wear his or her identification badge while in the polling room or early voting area.

FORMS IN PACKET

Link to Form: <http://dos.myflorida.com/media/696684/dsde125.pdf>

**POLK COUNTY SUPERVISOR OF ELECTIONS
GUIDELINES FOR ALL POLL WATCHERS**

Poll watchers cannot serve without their ID Badge. Only one badge will be issued.

Upon arrival, poll watchers shall identify themselves to the Precinct Deputy or Early Voting Site Manager. Please show your ID Badge.

Each political party, candidate, and political committee is permitted to have ONE poll watcher at a time in each precinct or early voting site.

Poll watchers may not talk to voters while in the polling place.

Poll watchers may not interfere in conversations between poll workers and voters.

Poll watchers shall direct any questions/concerns to the precinct clerk or early voting site manager.

Poll watchers shall direct any voter challenges to the precinct clerk or early voting site manager.

Poll watchers are permitted within the polling area or early voting site to watch and observe the conduct of voters, poll workers and early voting staff; however, the poll worker or early voting staff may designate a location for the poll watchers that will not interfere with voter processing. This designation may be based on site constraints and other space limitations. Poll watchers shall not obstruct the orderly conduct of the election.

Poll watchers may not review the precinct registers (poll lists) while there are voters in line.

Poll watchers may not stand close enough that the voter feels that he/she is being watched while voting. The voter is entitled to cast a secret ballot.

Poll watchers are required to furnish their own materials and necessities.

Candidates cannot be poll watchers, nor can they enter any polling location except to vote.

Poll watchers may not touch any voting equipment or ballots.

Cell phones, cameras, tape recorders, and all other audio/visual recording devices are prohibited in the polling room or early voting site. Poll Watchers must exit the polling location or early voting site to make and receive phone calls.

Poll watchers may not wear political advertisements or campaign paraphernalia in the polling place or early voting site. This includes but is not limited to the following: clothing, campaign buttons, hats, wristbands, badges, and other similar items. (IMPORTANT: voters are entitled to wear political advertisements or campaign paraphernalia while voting).

TESTING BALLOT COUNTING EQUIPMENT

Florida Statutes 101.5612 requires testing of the ballot counting equipment for each election.

Tests are conducted at the Supervisor of Elections Operations Center at 70 Florida Citrus Blvd., Winter Haven. Candidates will be given a notice at the time of qualifying, or will be sent a certified letter stating the date and time of the testing.

ALL CANDIDATES ARE INVITED TO ATTEND!!!

GOVERNMENT CONTACTS

Florida Division of Elections: <http://dos.myflorida.com/elections/>

Forms: <http://dos.myflorida.com/elections/forms-publications/forms/>

Publications: <http://dos.myflorida.com/elections/forms-publications/publications/>

Florida Commission on Ethics Website and Forms:

<http://www.ethics.state.fl.us/FinancialDisclosure/DownloadAForm.aspx>

Florida Elections Commission Complaint Form:

<http://www.fec.state.fl.us/FECWebFi.nsf/pages/Complaints>

POLK COUNTY SUPERVISOR OF ELECTIONS: www.polkelections.com

VIOLATIONS

104.071 Florida Statutes. Remuneration by candidates for services, support, etc. penalty..

1. It is unlawful for any person supporting a candidate, or for any candidate, in order to aid or promote the nomination or elections of such candidates in any elections, directly or indirectly to:
 - (a) Promise to appoint another person, promise to secure or aid in securing appointment, nomination or elections of another person to any public or private position, or to any position of honor, trust, or emolument, except one who has publicly announced or defined what his or her choice or purpose in relation to any election in which he or she may be called to take part, if elected.
 - (b) Give, or promise to give, pay, or loan, any money or other thing of value to the owner, editor, publisher, or agent, of any communication media, as well as newspapers, to advocate or oppose, through such media, any candidate for nomination in any election or any candidate for election, and no such owner, editor, publisher, or agent of any poll-taking or poll-publishing concern.
 - (c) Give, pay, expend, or contribute any money or thing of value for the furtherance of the candidacy or any other candidate.
 - (d) Furnish, give, or deliver to another person any money or other thing of value for any purpose prohibited by the election laws.

This subsection shall not prohibit a candidate from furnishing complimentary tickets to the candidate's campaign fund raiser to other candidates.

2. A candidate may give his or her own personal or business funds to another candidate, so long as the contribution is not given in exchange for a promise or expectation that the recipient will directly or indirectly do anything to aid or promote the candidacy of the contributor which the recipient would not have otherwise done.
3. Any person who violates any provision of this section is guilty of a felony of the third degree, punishable as provided in s. 775.082, and from and after conviction shall be disqualified to hold office.

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