



Jennifer J. Edwards
Supervisor of Elections
Collier County

Collier County Candidate Handbook

2010 ~ 2011



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To those interested in running for local office:

This information has been compiled for those interested in running for elected office in Collier County. It is designed to supplement the Candidate's Guide and Campaign Treasurer's Guide produced by the Florida Department of State, Division of Elections, as well as Florida Statutes Chapter 106. We hope that you find it helpful.

By supplying you with information and being available to answer questions, we hope to assist you in avoiding any pitfalls. **If you are considering running for public office, please make an appointment with our Qualifying Officer for an orientation on the election laws and the necessary steps to qualify for office. The time spent with us, before you begin campaigning, could save you time and money later in your campaign.**

We congratulate you for taking an active role in the electoral process and we are ready to assist you wherever we can. We urge all candidates and their staff to keep in mind that it is always easier to avoid a problem than it is to solve one. If you are not certain of the laws or requirements, please call us before you take any action regarding your campaign.

Best of luck with your candidacy,

Jennifer J. Edwards
Supervisor of Elections
Collier County, Florida

Our Mission is to: Ensure the integrity of the Electoral Process

2010 - 2011
Collier County Supervisor of Elections
Candidate Handbook

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Candidacy

Florida defines a candidate as any person whom any one or more of the following applies:

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

No matter which office you choose to seek, you must file as a candidate with the proper filing officer prior to making any expenditures or accepting any contributions. The filing officer is determined by which office you seek.

Qualifying for Election to Public Office

Candidates seeking public office in Florida, must qualify to have their names placed on the ballot. Qualifying means to fulfill all the requirements set forth by law to have your name placed on the ballot. The qualifying period is the official period in which you must file the necessary forms to complete the requirements for office.

There are three basic methods to qualify for public office in Florida:

- A candidate may qualify by paying a filing fee determined by the salary of the office sought or specified in statute. In addition, you will be required to pay an elections assessment and a party assessment (if seeking a partisan office). Independent District candidates are all subject to a flat \$25.00 qualifying fee.
- A candidate may qualify by petition. The number of petitions required is based upon the number of registered voters in the district as of the previous general election. Independent District Candidates are required to submit 25 valid petitions if qualifying by this method. All petitions must be in the form described by the Florida Division of Elections.
- A candidate may qualify as a write-in candidate. No fee or petitions are required.

Where and When to Qualify

All federal, state and multicounty candidates qualify for ballot directly with the Florida Department of State, Division of Elections. For information on qualifying for these offices, you may contact the Division of Elections at (850) 245-6200 or access their website at: <http://election.dos.state.fl.us>.

Candidates qualifying for the following 2010 offices file with the **Supervisor of Elections**:

Office	Type	Schedule	2010 Qualifying Period*
County Judge	Nonpartisan	Primary/General	4/26 – 4/30
County Commission	Partisan	Primary/General	6/14 - 6/18
School Board Member	Nonpartisan	Primary/ General	6/14 – 6/18
Soil & Water Cons. District	Nonpartisan	General Only	6/14 - 6/18
Mosquito Control District	Nonpartisan	General Only	6/14 – 6/18
Independent Fire Districts	Nonpartisan	General Only	6/14 – 6/18
Community Development	Nonpartisan	General Only	6/14 – 6/18

**Qualifying Period is the period set by law for the acceptance of the final papers required for ballot position. These include a signed and notarized loyalty oath, statement of financial interests, and any payment of qualifying fees. Qualifying ends at noon on the final day of qualifying.*

To accommodate candidates, the Supervisor will accept the final qualifying papers from candidates prior to the beginning of the qualifying period. Candidates who wish to prefile will be shown as qualified on the first day of the period.

Municipal Elections

All city councils positions and mayors in Collier County are nonpartisan. The Clerk of each city is responsible for qualifying candidates for Municipal Office. For further information regarding qualifying and running for municipal office, please contact the Clerk of your city.

Partisan and Nonpartisan Races

Public offices in Florida are either partisan or nonpartisan. At the county level the partisan offices are County Commission, Sheriff, Clerk of Courts, Tax Collector, Property Appraiser, and Supervisor of Elections. All other public offices in the county are nonpartisan.

Partisan Races:

Partisan Candidates are required to pay a party assessment at the time of qualifying and any political advertisement shall express the name of the political party of which the candidate is seeking nomination or is the nominee. If a candidate is running for a partisan office as a candidate with no party affiliation, any advertisement must state that the candidate has no party affiliation. A candidate who is registered in a political party may run as a candidate without party affiliation without changing his or her registration. Candidates in partisan races are required to include their party identification in their campaign advertising disclaimer. Party nominees are chosen in the Primary Election. Winners of the Primary proceed to the General Election.

Nonpartisan Races:

The Florida Statutes defines a nonpartisan office as *“an office for which a candidate is prohibited from campaigning or qualifying for election or retention in office based on party affiliation.”* Nonpartisan candidates campaign without reference to their own or their opponents party registration. Nonpartisan candidates list no party in their campaign advertising disclaimers. Nonpartisan candidates should not be confused with candidates running for a partisan office with *“No Political Affiliation.”* All Independent District races are nonpartisan and decided at the General Election. Who ever receives the most votes in an Independent District contest is the winner. There is no *“runoff.”*

School Board and Judicial races are nonpartisan and appear on the Primary Election ballot. In these races, if no candidate receives 50% + 1 vote then the top two vote getters face each other in the General Election.

Write-In Candidates

Write-In candidates run without party affiliation. All write-in candidates appear on the General Election ballot.

Closed Primaries: Florida is a CLOSED Primary State

Only voters who are a registered member of a political party may vote for their respective party's candidates in a Primary Election unless all candidates have the same party affiliation in which case the Primary Election is open to all voters.

Qualifying Requirements for County Judge

- 1) File appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9) with the Supervisor of Elections. **This must be done before making expenditures, accepting donations, or circulating petition forms.** Once this form is filed, you are responsible for all reporting under Chapter 106, FS.
- 2) Open a campaign checking account at the designated bank. This account will be used solely for your campaign expenditures and contributions.
- 3) If you intend to qualify for office by petition, you may begin circulating your petitions any date after appointing your treasurer and designating your depository. You must use the State form (DS-DE 104).
- 4) **Within 10 days** of filing DS-DE9, you are required to file your Statement of Candidate (Form DS-DE 84), with the Supervisor of Elections. This form acknowledges your receipt and understanding of Chapter 106 of the Florida Statutes.
- 5) **Within 10 days** of filing Form DS-DE 9, but no later than the day you qualify for office, you are required to file Form DS-DE 83 – Statement of Candidate for Judicial Office with the Supervisor of Elections.
- 6) Petition Process: If you intend to qualify by petition instead of paying the qualifying fee, the last date you may submit petitions for verification is **noon, March 29, 2010.**
- 7) **April 12, 2010** is the first official day you may file your qualifying papers (pre-qualifying).
- 8) If you are required to Resign to Run under Florida Statute 99.012, the last date to submit your resignation is **April 16, 2010.**
- 9) The official qualifying period for Judicial Office begins at **noon, April 26, 2010** and lasts through noon, **April 30, 2010.**

These additional items are required to be correctly submitted before the close of qualifying:

- DS-DE 26 Judicial Offices Loyalty Oath
- Form 6 Disclosure of Financial Interests – must be notarized.
- A check drawn on your Campaign Account to cover all filing fees and made payable to the Supervisor of Elections (*unless qualified by petition*).

Qualifying Requirements for County Commission and School Board

- 1) File appointment of Campaign Treasurer and Designation of Campaign Depository (Form DS-DE 9) with the Supervisor of Elections. **This must be done before making expenditures, accepting donations, or circulating petition forms.**
- 2) Open Campaign Checking Account at designated bank. This account will be used solely for your campaign expenditures and contributions.
- 3) If you intend to qualify for office by petition, you may begin circulating your petitions any date after appointing your treasurer and designating your depository. You must use the State form (DS-DE 104).
- 4) **Within 10 days** of filing your appointment of Campaign Treasurer, you are required to file your Statement of Candidate (Form DS-DE 84) with the Supervisor of Elections. This form acknowledges your receipt and understanding of Chapter 106 of the Florida Statutes. Chapter 106 contains the laws regarding Campaign Financing.
- 5) **Filing of Periodic Treasurer Reports.** As a candidate you are responsible for filing Campaign Treasurer Reports with the Supervisor of Election as scheduled in Chapter 106. **Late Reports are subject to mandatory fines.**
- 6) **Petition Process.** If you intend to qualify by petition in lieu of paying a qualifying fee; the required number of valid petitions is due in the Supervisor of Elections office no later than **noon, on May 17, 2010.** (*The number of petitions required varies by office*).
- 7) **May 2, 2010** is the deadline for partisan candidates to change party affiliation.
- 8) **Resign to Run.** If you are required under Florida Statute 99.012 to resign from an office in order to qualify for a different office, your letter of resignation is to be delivered to the proper authority on or before **June 4, 2010.**
- 9) The following items are due at qualifying. The official **Qualifying Period** begins at **noon, on June 14, 2010** and closes at **noon, on June 18, 2010.** All items must be correctly submitted by the close of qualifying.
 - Loyalty Oath – the proper oath for the office sought must be notarized.
 - Form 6 Disclosure of Financial Interests – must be notarized.
 - A check drawn on the Campaign account to cover all filing fees and assessments made payable to the Supervisor of Elections (unless qualified by petition).

Qualifying Requirements for Independent Districts

Fire Districts, Mosquito Control District, Soil & Water Conservation District, and all Community Development Districts.

Candidates may qualify by paying a fee of \$25.00 or submitting 25 valid petitions.

- 1) Candidates desiring to qualify by petition must submit 25 valid petitions signed by district voters before **noon, May 17, 2010**. Petitions must be submitted on the State form.
- 2) **Resign to Run** – If you are required under Florida Statute 99.012 to resign from an office in order to qualify for a different office, your letter of resignation is to be delivered to the proper authority on or before **June 4, 2010**.
- 3) The following items are due at qualifying. The official qualifying period begins at **noon, on June 14, 2010** and closes at **noon, on June 18, 2010**. All items must be correctly submitted by the close of qualifying.
 - Loyalty Oath for Non-Partisan Office (DS-DE 25).
 - Form 1 Disclosure of Financial Interests.
 - A check for \$25 made payable to the Supervisor of Elections.
 - Collier County Affidavit of Intent.

Important information for District Candidates

Candidates for District Offices are no longer required to name a Campaign Treasurer and Depository or file campaign reports **as long as you do not make any expenditures or accept any donations on behalf of your campaign.** This prohibition includes any in-kind donations, even from yourself. This means that you may talk about your campaign, but no signs, flyers, etc.

If at any time you should decide to make expenditures or accept donations, you are required to file the necessary forms with the Supervisor of Elections before any expenditures are made or any donations are accepted. In doing so, you must then follow all of the requirements of Chapter 106 of the Florida Statutes (Campaign Finance).

Required Forms before accepting donations or making expenditures:

- Form DS-DE 9 Appointment of Campaign Treasurer and Depository.
- Form DS-DE 84 Statement of Candidate.

Qualifying Requirements for a Write-In Candidate

You may qualify for any office as a “write-in” candidate. You are still required to comply with all of the campaign finance laws and submit the proper loyalty oath and financial disclosure at qualifying. As a write-in candidate, you **will not** be required to pay a filing fee or submit nominating petitions to qualify. Write-in candidates may qualify for the **General Election ballot** only and **their name will not appear on the ballot**. A blank space for voters to write the name will appear instead of the candidate’s name. For ballots to be tabulated for a write-in candidate in Florida; the candidate must have qualified for the ballot.

Write-In candidates are subject to Chapter 106 Florida Statutes regarding Campaign Finance. This includes following the reporting guidelines.

1. Resign to Run – If you are required under Florida Statute 99.012 to resign from an office in order to qualify for a different office, your letter of resignation must be delivered to the proper authority on or before **June 4, 2010**.
2. The following items are due at qualifying. Write-In candidates qualify at the same times as other candidates.

Write-In candidates must file:

- Form DS-DE 9 Appointment of Campaign Treasurer and Depository.
- Form DS-DE 84 Statement of Candidate.
- Financial Disclosure appropriate to the office sought.
- Appropriate notarized loyalty oath.

Resign to Run

Florida Statute 99.012 – *Restrictions on individuals qualifying for public office* – is the so called ‘**Resign- to-Run**’ law. The law essentially prohibits an elected or appointed “officer” from qualifying as a candidate for another state, district, county, or municipal public office if the terms or any part of the terms overlap with each other if the person did not resign from the office the person presently holds. If you are required to resign to run you must submit your resignation on or before **April 16, 2010** for Judicial Office and on or before **June 4, 2010** for all other offices. The date of your resignation should be set to avoid any overlap of terms. Your resignation must be filed with the officer before whom you qualified. Your resignation is irrevocable.

The ‘Resign-to-Run’ law does not apply to: 1) *political party offices*; 2) persons serving *without a salary* on an appointed board or authority; and 3) persons seeking *federal* office.

For additional information on Resign-to-Run, check answers to Frequently Asked Questions on the State Division of Elections website at: <https://doe.dos.state.fl.us/gen-faq.shtml#top>

Hatch Act

The Hatch Act is a federal law which restricts your political activities (including running for partisan office) if you are employed by an agency which receives federal funding. Employees of educational and religious organizations may be exempt from the act.

Enforcement of the Hatch Act is by the Office of the United States Special Counsel. You may request advice by phone, fax, mail or email from the Hatch Act Unit:

Hatch Act Unit
United States Office of Special Counsel
1730 M Street, N.W., Suite 201
Washington, D.C. 20036-4505
Phone: 800.854.2824 or 202.254.3650
Fax: 202.653.5151
Email: hatchact@osc.gov
Website address: http://www.osc.gov/ha_role.htm

Attorneys:

Potential candidates are encouraged to consult with their employer and/or employer’s attorney, the attorney for the agency of the office being sought, and/or the candidate’s personal attorney.

2010 Petitions Required for Qualification

Unless otherwise noted, the petitions required equal 1% of the number of registered voters at the last General Election.

Office	2008 Voters	Valid Petitions Required	Statutory Authority
County Judge (countywide)	203,075	2031	Per FS105.035
County Commission District 2	46,519	465	Per FS99.095
County Commission District 4	36,187	362	Per FS99.095
School Board (countywide) 1,3 or 5	203,075	2031	Per FS105.035
Mosquito Control		25	FS 99.095 (2) (b)
Soil & Water		25	FS 99.095 (2) (b)
Big Corkscrew Island Fire District		25	FS 99.095 (2) (b)
East Naples Fire District		25	FS 99.095 (2) (b)
Golden Gate Fire District		25	FS 99.095 (2) (b)
Immokalee Fire District		25	FS 99.095 (2) (b)
North Naples Fire District		25	FS 99.095 (2) (b)
All Community Development Districts		25	FS 99.095 (2) (b)

Petition Guidelines

- The last date to submit petitions* for validation is **noon on Monday May 17, 2010.**
*Judicial Petitions are due by **noon March 29, 2010.**
- To be valid, the signatures must be from registered voters residing in the district and include the voter's date of birth or voter ID number as well as the date signed.
- Petitions must be in the form adopted by the state.
- A fee of 10 cents per signature submitted is required for validation.
- Its highly recommend that petitions be submitted in batches as soon as they are obtained.
- The Elections Office will keep you informed on the status of petitions that have been submitted.

2010 Qualifying Fees

OFFICE	ANNUAL SALARY	3% FILING FEE	1% ELECTION ASSESSMENT	2% PARTY ASSESSMENT	TOTAL QUALIFYING FEE
County Judge	\$134,280.00	\$4,028.40	\$1,342.80	N/A	\$5,371.20
County Commission	\$75,694.00	\$2,270.82	\$756.94	\$1,513.88	\$4,541.64
County Commission (NPA)	\$75,694.00	\$2,270.82	\$756.94	N/A	\$3,027.76
School Board	\$36,373.00	\$1,091.19	\$363.73	N/A	\$1,454.92
Special Districts	N/A	\$25.00	N/A	N/A	\$25.00

Qualifying Fees for all candidates, *except Special Districts*, must be paid by a check drawn upon the candidates campaign checking account and made payable to the Supervisor of Elections. Payment must be made before noon on the date set for the close of qualifying.

Distribution of Qualifying Fees received by the Collier County Supervisor of Elections.

The 1% Election Assessment is deposited in the Florida Elections Commission Trust Fund.

For Nonpartisan Candidates including School Board and Judicial the Filing Fee is deposited in The Florida Election Commission Trust Fund.

For Partisan Candidates the Filing Fee and Party Assessment is remitted to the Political Party of the candidate.

For candidates running without political affiliation (NPA) in partisan races the Filing Fee is deposited in the County's General Fund.

The Filing Fee for Special District candidates is deposited in the County's General Fund.

Campaign Treasurer's Reports

Once a candidate has filed their designation of Campaign Treasurer and Campaign Depository, they are required to follow the schedule for Campaign Finance Reports.

The candidate and treasurer are responsible for making certain that all Campaign Treasurer's Reports are filed correctly and on time. The calendar included in the rear of this manual specifies the dates that the reports are due and in Chapter 106 of the Florida Statutes you will read about the fines which are automatically imposed for late filing. *Remember that late fines are paid by the candidate personally and not from the campaign account!* The Elections Office will attempt to remind candidates of upcoming reports; however, **the candidate is responsible for filing timely reports.**

Candidates may submit their reports manually by providing signed copies or electronically using the Supervisor of Elections online reporting system. **We urge candidates to use the online system. It is simple to use and meets all of the standards set forth by the State.** When submitting reports online; you and your treasurer are attesting to the accuracy of the report. You may also use this section of the site to post a brief biography and photograph. To file electronically, you will be asked to sign a statement attesting to the accuracy of your electronic reports.

If you are submitting your report electronically, you must submit it on or before the reporting date. Manually submitted reports must be dropped off at the Supervisor of Elections Office before 5 P.M. on the date due or postmarked on or before the due date.

Waiver of Report

If during the reporting period you have not received any contributions and have not made any expenditures, you may file a waiver of report for the period. The waiver must still be filed by the due date for the reporting period.

Signatures

If you are filing your report manually, the signature of the candidate and treasurer are both required. If you are filing electronically, no signatures are required. You are attesting to the accuracy of the report when you hit the submit button.

ID Numbers

Campaign reporting forms have a place for an 'ID' number. This field will be filled in automatically for those filing online and is not necessary for those filing manually.

Amending Reports

Should you detect an error in your report after you have submitted it, you are required to file an amended report as soon as possible showing the correction.

Common Reporting Errors

- 1) Failure to sign manually submitted report.
- 2) Failure to fill out complete names and addresses.
- 3) Adding In-Kind contributions into 'Total Monetary Contributions.'
- 4) Failure to list occupation for contributions when required (over \$100).
- 5) Accepting too much cash – \$50 per donor, per election.
- 6) Showing a negative balance – your campaign must be in the black.
- 7) Errors in addition or subtraction in manually reporting.
- 8) Deposits not made in a timely manner.

Chapter 106 of the Florida Statutes and the 'Treasurer's Handbook' published by the State provides guidance in filling out your reports and all other matters of campaign finance. You may always call the Qualifying Officer with your questions or contact the Division of Elections. Never hesitate to ask a question when in doubt.

Your Report is a Public Record

Once the Elections Office receives your report it becomes a public record. It will be posted on the website and will be available for inspection by the press and the public. The function of the Supervisor of Elections Office regarding your reports is ministerial. We will examine your report for completeness, but not necessarily correctness. We are not the elections police. Errors in your reporting, like other campaign violations, are the province of the Florida Elections Commission. Remember that your report will likely be scrutinized by the press and your opponents.

Polling Place Activities

Florida Statute 102.031(4) limits activities near polling places on Election Day. Only designated poll watchers are allowed inside the polling place while voting is taking place. Outside of the polling place, the law creates a **100-foot zone from the entrance, where soliciting voters is prohibited**. The Poll Deputy is tasked with making certain order is maintained and that the 100-foot law is enforced. The Poll Deputy will determine the boundaries of the 100-foot no solicitation zone and will usually place a marker beyond which electioneering is prohibited. If you have questions regarding the no solicitation zone, you may ask the Poll Deputy assigned to the precinct for clarification. Those who persist in impeding the access of voters attempting to enter the polling place will be asked to leave even if they are beyond the 100-foot zone. The Poll Deputy may request the assistance of the Sheriff's Office if necessary to maintain order.

While your supporters may certainly hold signs beyond the 100-foot zone; absolutely no campaign signs will be allowed to be posted on the property used for a polling place on Election Day. Any signs posted will be removed by Election Officials.

On Election Day, the Supervisor of Elections leases the facility used for voting and the lease includes the use of the parking areas for voters. Vehicles parked in these parking areas with large mounted campaign signs may be subject to removal or having the sign covered.

The greatest number of complaints the Elections Office receives on Election Day come from voters upset with the tactics of campaign workers around polling places. The conduct of your campaign workers will reflect on your campaign in either a positive or negative manner. If you choose to have campaign workers outside of a polling place, we strongly recommend that courtesy toward the voters be stressed in their training. Voters tend to react negatively to what they perceive as aggressive electioneering.

All rules that apply to polling places also apply to Early Voting Sites established by the Supervisor of Elections.

Political Signs

Florida Statute 106.143 states: 1)(a) Any political advertisement that is paid for by a candidate and that is published, displayed, or circulated prior to, 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).***” This disclaimer applies to all your signs and bumper stickers. For those running for a partisan office, the party may be abbreviated. For those running for a nonpartisan office, a party reference is not used. Failure to use the proper disclaimer on signs and advertising may result in a complaint being filed with the Florida Elections Commission.

The posting of political signs is regulated by Florida Statute as well as County and Municipal codes.

Florida Statute: 106.1435 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 of signs used by an outdoor advertising business as provided in chapter 479. The provisions herein do not apply to political campaign 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 of the political subdivision.

(3) Pursuant to Florida Statutes Chapter 479, 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.

(4) The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section. ***This handbook constitutes notice of the Statute.**

(5) **This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.**

In all instances as a candidate, it is your responsibility to familiarize yourself with any local sign ordinances or codes, and secure the proper permits before placing your signs. When placing a sign on private property, it is up to you to secure the owner's permission.

If you intend to use signs as part of your campaign, contact the following agencies to learn more about requirements and permitting:

Collier County Community Development	(239) 252-2400
City of Naples Code Enforcement	(239) 213-5030
City of Marco Island Permits	(239) 389-5059
City of Everglades	(239) 695-3781

Signs at Polling Places

No political signs will be allowed to be posted on the property used for a polling place on Election Day or during Early Voting. Any signs posted will be removed by Election Officials. The Supervisor of Elections leases the facilities used for voting and the lease includes the use of the parking areas for voters. Vehicles parked in these parking areas with large mounted campaign signs may be subject to removal or have the sign covered. Supporters are still allowed to hold-up campaign signs beyond the 100-foot no solicitation zone.

Florida Law Requires You to: *Call Before You Dig.* Failure you do so may result in fines and penalties.

If you plan on erecting signs you must:

1. **Call (800) 432-4770 two full business days before digging.**
2. Wait for utility companies to locate and mark their buried utilities with color-coded paint, flags or stakes.
3. Protect the marks during excavation.
4. Dig safely using extreme caution when digging within 24-inches of the locate marks.

Florida Statute 556.108 Exemptions — The notification requirements provided in s. 556.105(1) do not apply to:

- (1) Any excavation or demolition performed by the owner of a single-family residential property, not including property that is subdivided or is to be subdivided into more than one single-family residential property; or for such owner by a member operator or an agent of a member operator when such excavation or demolition is made entirely on such land, **and only up to a depth of 10-inches;** provided due care is used and there is no encroachment on any member operator's right-of-way, easement, or permitted use.

Poll Watchers

As a candidate, you are eligible to appoint poll watchers to observe procedures in polling places. Poll watchers names must be submitted in writing to the Supervisor of Elections on or before the required date for each election (refer to the elections calendar). The Supervisor of Elections will then choose to accept or deny your appointments. If a poll watcher will be at a polling place for less than the entire day or if different poll watchers will be at the same polling places at different times, a schedule must be submitted for approval at the time of appointment.

Florida Statute 101.131 governs the activities of poll watchers:

“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.”

Poll watchers are not allowed to bring newspapers, news magazines, radios or televisions into the polling place. The ring on cell phones must be shut off and cell phone calls should be conducted outside of the voting area. Poll watchers are not allowed to wear campaign buttons or clothing identifying a candidate or cause. Poll watchers will not be provided with food and drink and it is suggested that they bring their own folding chair as one may not be available in the precinct. Poll watchers who interfere with the orderly conduct of the precinct or fail to follow the instructions of the Precinct Clerk will be escorted from the Polling Place.

Each Precinct Clerk will have a list of approved poll watchers for that precinct and the poll watcher should ask to be introduced to the clerk upon arrival at the precinct.

Candidate Resources

By Phone: Collier County Supervisor of Elections
Main Office – (239) 252-8450
Qualifying Officer: Dave Carpenter – (239) 252-8501

Florida Department of State – Division of Elections* – (850) 245-6200

Florida Elections Commission – (850) 922-4539

Florida Commission on Ethics (Financial Disclosure) – (850) 488-7864

Online:

Collier Co. Supervisor of Elections	http://www.CollierVotes.com
Department of State–Division of Elections	http://election.dos.state.fl.us
Florida Elections Commission	http://www.fec.state.fl.us
Florida Commission on Ethics	http://www.ethics.state.fl.us

Email: DaveCarpenter@colliergov.net

For Sign Permit Information:

Collier County Community Development – (239) 252-2400
City of Naples Code Enforcement – (239) 213-5030
City of Marco Island Permits – (239) 389-5059

Notary Services:

The qualifying officer for the Collier County Supervisor of Elections Office is a notary and will notarize required campaign documents at no charge.

*** As a candidate, you have the right to call the Division of Elections with questions pertaining to your candidacy.**

A Word to the Wise

Election laws tend to be unforgiving! It's far better to ask permission than beg forgiveness!

Voter Data and Lists

Voter lists are available to all interested parties for a fee. Voter lists are available as printed lists, address labels, or in electronic format. Lists in electronic format are supplied in comma delimited text format which can easily be opened in any program such as Access or Excel. Voter lists can include addresses, phone numbers (if available), and voter activity in past elections.

Absentee voter subscriptions are also available. These lists can be supplied in the above formats or as labels and are updated frequently depending on the volume of requests.

Our office will work with you to help tailor your voter list to meet your campaign needs. For more information, or to request a voter list, please contact Dave Carpenter, at 252-8501 or DaveCarpenter@colliergov.net

The current prices for voter lists are:

Standard List: \$25.00 processing fee

Additional charges:

Electronic (email or CD)	No additional charge
Printed list	\$.15 / page
Mailing labels	\$.80 / page (20 labels per page)

Absentee Subscription: \$30.00 per election plus any printing charge

Maps:

Standard Maps are available upon request	\$5.00	11" x 17"
	\$10.00	22 x 36"

Additional services including research etc. will be billed at \$20.00 per hour, starting after the first ½ hour.

Payment is expected at the time the list is delivered. Checks should be made payable to the **Collier County Supervisor of Elections**. The Supervisor of Elections does not accept credit cards and those paying in cash should bring exact change.

***** Fees are subject to change without notice.**

Ethical Conduct of Candidates

Florida Statutes Ch. 104 deals with the violations of Election Code. Examples of misconduct include: 104.271 False or malicious charges against, or false statements about, opposing candidates; penalty —

- (1) Any candidate who, in a Primary Election or other election, willfully charges an opposing candidate participating in such election with a violation of any provision of this code, which charge is known by the candidate making such charge to be false or malicious, is guilty of a felony of the third degree, punishable as provided in s.775.082 or s.775.083 and, in addition, after conviction shall be disqualified to hold office.
- (2) Any candidate who, in a Primary Election or other election, with actual malice makes or causes to be made any statement about an opposing candidate which is false is guilty of a violation of this code. An aggrieved candidate may file a complaint with the Florida Elections Commission pursuant to s.106.25. The commission shall adopt rules to provide an expedited hearing of complaints filed under this subsection. Notwithstanding, any other provision of law, the commission shall assess a civil penalty of up to \$5,000 against any candidate found in violation of this subsection, which shall be deposited to the account of the General Revenue Fund of the State.

History.—s. 44, ch. 28156, 1953; s. 48, ch. 71-136; s. 27, ch. 77-104; s. 35, ch. 77-175; s. 1, ch. 85-210; s. 627, ch. 95-147; s. 44, ch. 97-13.

104.0615 Voter intimidation or suppression prohibited; criminal penalties —

- (1) This section may be cited as the “Voter Protection Act.”
- (2) A person may not directly or indirectly use or threaten to use force, violence, or intimidation or any tactic of coercion or intimidation to induce or compel an individual to:
 - a. Vote or refrain from voting
 - b. Vote or refrain from voting for any particular individual or ballot measure
 - c. Refrain from registering to vote
 - d. Refrain from acting as a legally authorized election official or poll watcher
- (3) A person may not knowingly use false information to:
 - a. Challenge an individual’s right to vote
 - b. Induce or attempt to induce an individual to refrain from voting or registering to vote
 - c. Induce or attempt to induce an individual to refrain from acting as a legally authorized election official or poll watcher.
- (4) A person may not knowingly destroy, mutilate, or deface a voter registration form or election ballot or obstruct or delay the delivery of a voter registration form or election ballot.
- (5) A person who violates subsection (2), subsection (3), or subsection (4) commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Violations of these or any other election laws should be reported to the Florida Elections Commission or the Division of Elections.

Florida Elections Commission
107 W. Gaines Street
Collins Building Suite 224
Tallahassee, FL 32399
(850) 922-4539

Division of Elections
500 South Bronough Streets
R A Gray Bldg Room 316
Tallahassee, FL 32399
(850) 245-6200

Voter Fraud can be reported to the Division of Elections

**The Voter Fraud Hotline is:
(877) VOTERFRAUD
(877) 868-3737**

Frequently Asked Questions

- **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.).

- **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.).

- **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 on all of my campaign literature?**
 - Any political advertisement that is paid for by a candidate and that is published, displayed, or circulated prior to, 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).”
 - If you are a No Party Affiliation candidate you will use No Party Affiliation as your party affiliation. A nonpartisan candidate does not list a party affiliation. (Section 106.143 F.S.).

Campaign Treasurer and Reporting

- **Do I have to file my appointment of Treasurer and Designation of Depository before I actually open my campaign checking account?**
 - Yes, in a requirement under FS 106.021. In addition most banks will ask for a copy of your appointment form DS-DE 9 as well as your social security number.

- **May a candidate appointment himself or herself as campaign treasurer?**
 - Yes. (Section 106.021(1)(c), F.S.).

Campaign Treasurer and Reporting cont.

- **Must a campaign treasurer be a registered voter in Florida?**
 - Effective January 1, 2008, the campaign treasurer does not have to be a registered voter in Florida or be a registered voter. (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.).
- **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.
- **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?**
 - Once the report is submitted to the Supervisor of Elections it may not be altered. You will need to file an amended report to make the corrections.
- **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. (106.07, 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.).
- **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 visiting their website at <http://www.fec.gov/pages/brochures/foreign.shtml>
- **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.).
- **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 in-kind contributions 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 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.).

- **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 five 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.).

- **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.).

- **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.).

- **I currently hold an office. Can my staff assist me in my campaign?**
 - No, not while they are on duty. “An employee of the state or any political subdivision may not participate in any political campaign while on duty. (F.S. 104.31 (2)).

2010 Candidate Calendar

Date	Action	Statute
January 11	Treasurer's Report Due: Q-4 Period 10/01 - 12/31	(FS 106.07)
March 29	Noon: Deadline for judicial candidates to submit petitions	(FS 105.035)
April 12	Treasurer's Report Due: Q-1 Period 1/1 - 3/31	(FS 106.07)
April 16	Resignations due for candidates for County Judge	(FL 99.051)
April 26	Noon: Qualifying for County Judge opens	(FS 99.012)
April 30	Noon: Qualifying for County Judge closes	(FS 99.012)
May 2	Deadline for partisan candidates to change party if necessary	(FS 99.021)
May 17	Noon: Deadline to submit petitions for local candidates	(FS 99.095)
June 4	Resignations due if required for county/district office	(FS 99.061)
June 7	Deadline for petition certification	(FS 99.095)
June 14	Noon: Qualifying for county/district Candidates opens	(FS 99.061)
June 18	Noon: Qualifying for county/district Candidates closes	(FS 99.061)
July 23	Treasurer's Report Due: F-1 Period 4/1 - 7/16	(FS 106.07)
July 26	Noon: Last date to designate poll watchers for early voting	(FS 101.131)
July 26	Book Closing: Last date to register to vote in the Primary Election.	(FS 97.055)
August 2	Last date for the Supervisor of Elections to approve poll watchers for early voting	(FS 101.131)
August 3	Public Test of Voting Equipment: Supervisor of Elections Office 10 a.m.	(FS 01.5612)
August 6	Treasurer's Report Due: F-2 Period 7/17 - 7/30	(FS 106.07)
August 9	Early Voting Begins	(FS 101.657)
August 10	Noon: Last date to designate poll watchers for Election Day	(FS 101.131)
August 17	Last date for the Supervisor of Elections to approve poll watchers for Election Day	(FS 101.131)
August 18	5 P.M.. – Last date to request absentee ballots to be mailed	(FS 101.62)
August 19	Last date to mail absentee ballots	(FS 101.62)
August 19	Midnight – Last date to accept campaign contributions for those in Primary Election	(FS 106.08)

2010 Candidate Calendar continued

Date	Action	Statute
August 20	Treasurer's Report Due: F3 Period 7/31 - 8/19 Final Report before Primary Election	(FS 106.07)
August 24	Primary Election Day – Polls open 7:00 a.m. – 7:00 P.M..	(FS 100.061)
September 16	Final Treasurer's Report (TR) Due for those unopposed at Qualifying	(FS 106.07)
Sept. 17	Treasurer's Report Due: G1 Period 8/20 - 9/10	(FS 106.07)
October 1	Treasurer's Report Due: G-2 Period 9/11 - 9/24	(FS 106.07)
October 4	Noon: Last date to designate poll watchers for early voting	(FS 101.131)
October 4	Book Closing: Last date to register to vote in the General Election.	(FS 97.055)
October 11	Last date for the Supervisor of Elections to approve poll watchers for early voting	(FS 101.131)
October 12	Public Test of Voting Equipment: Supervisor of Elections Office 10 a.m.	(FS101.5612)
October 15	Treasurer's Report Due: G-3 Period 9/25 - 10/8	(FS 106.07)
October 18	Early Voting Begins	(FS 101.657)
October 19	Noon: Last date to designate poll watchers for Election Day	(FS 101.131)
October 26	Last date for the Supervisor of Elections to approve poll watchers for Election Day	(FS 101.131)
October 27	5 P.M.. – Last date to request absentee ballots to be mailed	(FS 101.62)
October 28	Last date to mail absentee ballots	(FS 101.62)
October 28	Midnight: Last date to accept campaign contributions	(FS 106.08)
October 29	Treasurer's Report Due; G-4 Period 10/9 - 10/28 Final Report before General Election	(FS 106.07)
November 2	General Election Day – Polls open 7:00 a.m. – 7:00 P.M..	(FS 100.041)
November 22	Final Treasurer's Report (TR) Due (those elected or defeated at the Primary Election)	(FS 106.07)
January 31	Final Treasurer's Report (TR) Due (those elected or defeated at the General Election)	(FS 106.07)