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2004 City of Cocoa Beach Elections

Commission Candidate Guide

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CITY CLERK'S MESSAGE

City of Cocoa Beach



Excellent Recreation and Quality Living
www.cityofcocoa-beach.com
P.O.Box 322430, Cocoa Beach, Florida 32932-2430

July 2004

Dear Commission Candidate,

I am pleased to provide this Guide to assist you as you are seeking office of Commissioner in the 2004 City of Cocoa Beach election.

This publication is a guide to the election process. It highlights some of the important steps and points out your responsibilities as Candidate.

I look forward to working with you. Enjoy your campaign.

Sincerely

Loredana Kalaghchy, CMC
City Clerk

FOREWORD

The information in this Guide is general in nature. Candidates, please refer to the State Statutes and City Codes for specific provisions and additional details. Election forms, links to the City Code and State Statutes can be found on the City's Website at:

http://www.cityofcocoabeach.com/Cityhall/Election/Election2004/2004Candidate_Handook.htm

Any questions in reference to the election process can be directed to

- Loredana Kalaghchy
Cocoa Beach City Clerk at:
(321) 868-3286 or e-mail at <mailto:lkalaghchy@cityofcocoabeach.com>

GENERAL INFORMATION FOR CANDIDATES

Qualifications

To run for a City Commission Seat, a Candidate must be:

- a registered voter of the City of Cocoa Beach
- a resident for one year immediately preceding qualifying
- and not hold any other elected public office.

(Note: If you currently hold an elected public office, you must submit a letter of resignation to the City Clerk 10 days prior to the first day of qualifying for the office of Commissioner. The resignation must be effective no later than the date the Commissioner would take office (November 4, 2004,) if elected (F.S.99.012.) A Member of City Board need not resign in order to qualify as a candidate for elected City office.)

Term of Office/Salary

The Term of Office is three years, beginning with the first Commission meeting, following the election and ending on the General Election date, upon expiration of the Commissioner's term. A Commissioner's yearly salary is \$4,800.

Declared to Run for Office

Candidates may declare to run for office any time prior to the Qualifying Period. To declare, a candidate must:

- complete the DS-DE9 Form - Appointment of Campaign Treasurer and Designation of Campaign Depository and submit form to the City Clerk (prior to opening bank account)
- designate the Commission Seat being sought
- open a bank account, and
- submit required treasurer reports

Qualified to Run for Office

A candidate, who declares to run for office, must also qualify to be placed on the ballot. The Qualifying Period begins at:

Noon - Thursday, August 26, 2004 and ends at Noon – Friday, September 3, 2004.

Qualifying papers need to be completed and submitted to the City Clerk during the qualifying period.

If you have not declared to run as a candidate prior to the qualifying period, you qualify by:

- Submitting to the City Clerk completed DS-DE9 Form - Appointment of Campaign Treasurer and Designation of Campaign Depository prior to opening your bank account
- Opening a bank account
- Submitting completed and signed qualifying papers (qualifying papers may be filed in person or delivered by an agent)
- Paying qualifying fees (City Qualifying Fee \$50, Election Assessment \$48 and, if desired, political sign permit \$50)

FINANCIAL RESPONSIBILITIES OF A CANDIDATE

Duties of a Candidate

The candidate is responsible for the following duties:

- ensure that a separate account at a financial institution is opened exclusively for the campaign's purposes, in the name of the candidate's election campaign
- deposit all contributions into the campaign account, including those made by the candidate and their spouse
- ensure that all campaign-related expenditures are paid from the campaign account
- valuing and recording contributions of goods and services within the required period
- maintain records of:
 - contributions – up to \$500 per contributor
 - the value of contributions
 - whether the contributions are in the form of money, goods or services
 - the contributor's names and addresses
 - if contributions are in excess of \$100, occupation needs to be reflected
 - expenses and receipt of each of the expenses
 - itemized funds and expenses incurred with fund-raising activities
 - any campaign account loan
- ensure that anonymous contribution are returned if possible, or that they be reflected in the treasurer reports and not spent until the account is closed and the funds are disposed per State Statutes requirements
- filing the treasurer reports with the City Clerk on the required due dates.

Campaign Period

The campaign period for candidates in the 2004 City elections begins when a DS-DE9 form is completed to appoint a campaign treasurer and designate a campaign depository.

Campaign Account

Opening an account is a required step to accept contributions and make expenditures. The checks for such an account shall contain, at a minimum, the statement "Campaign Account of _____ name of candidate", account number and name of the bank. The campaign account can be opened any time, following the filing of the DS-DE9 Form with the City Clerk. The account needs to be closed 90 days following the election. (Note: A Candidate's Treasurer Reports and Supporting Documents are public records. As the reports are submitted, they are posted on the City's website at: http://www.cityofcocoabeach.com/citylife/election/General_Election_Info/2004_General_Election_Info.htm#2004_Declared_Candidates)

Campaign Staff

A candidate may recruit staff to work on their campaign. The ultimate responsibility to comply with City and State election codes, rests with the candidate.

Record Keeping

- Records must be kept of all amounts received and expended. The treasurer is to keep detailed accounts, current within not more than 2 days after the date of receiving a contribution or making an expenditure.
- Accounts kept by a candidate's campaign treasurer shall be kept for the number of years equal to the term of office of which the candidate seeks election.

CAMPAIGN CONTRIBUTIONS AND FUND-RAISING

The candidate and treasurer should read and be familiar with [Chapter 106 of the Florida Statutes](#).

What is a contribution?

A contribution is a gift, subscription, conveyance, deposit, loan, payment, or distribution of value, including contributions in kind having an attributable monetary value in any form, made for the purpose of influencing the results of the election.

What is the contribution limit? (F.S. 106.08)

Persons seeking the office of Commissioner must not contribute to their account or expend funds for their own campaign until they have become a candidate. No person can accept contributions in excess of \$500 from one source, per election. There is no limit to the amount a candidate may contribute to their campaign. If the donation is logged as a loan, in the treasurer report, any funds that are in excess of expenditures, may be returned to the candidate, upon closing the campaign account.

How can contributions be made? (F.S. 106.09)

No person shall make or accept a cash contribution or contribution by means of a cashier's check in excess of \$100.

How are anonymous contributions handled? (F.S. 106.141)

An anonymous contribution cannot be accepted. If an anonymous contribution cannot be returned, the candidate is required to dispose of the funds per State Statutes guidelines, when they close the bank account.

Fund-Raising functions (F.S. 106.025)

All moneys and contributions received with respect to such campaign fundraiser shall be deemed to be campaign contributions, shall be accounted for, and subject to the same restrictions, as other campaign contributions. Same shall apply for expenditures. Any ticket or advertising for the fund raiser shall contain the following statement: "The purchase of a ticket for, or a contribution to, the campaign fund raiser is a contribution to the campaign of name of candidate for whose benefit the campaign funds raiser is held."

When is the last day to accept a contribution?

Any contribution received by a candidate on the day of the election or less than five days prior to the election, must be returned. Division of Election opinion DE 00-01 states that if the election is on Tuesday, the last day to accept contribution is midnight the immediately-preceding Thursday.

CAMPAIGN EXPENSES

General

The candidate and treasurer should become familiar with the provisions spelled out in the State Statutes, in reference to campaign expenditures.

What is a campaign expense? (F.S. 106.011)

Expenditure means a purchase, payment, distribution, loan, advance, transfer of funds by a campaign treasurer between a primary depository and a separate interest-bearing account or certificate of deposit or gift of money or anything of value made for the purpose of influencing the results of an election.

Authorized expenditures (F.S. 106.11(4))

A candidate who withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office may expend funds from the campaign account to:

- Purchase "thank you" advertising for up to 75 days after he or she withdraws, becomes unopposed, or is eliminated or elected.
- Pay for items which were obligated before he or she withdrew, became unopposed, or was eliminated or elected.
- Pay for expenditures necessary to close down the campaign office and to prepare final campaign reports.
- Dispose of surplus funds. (F.S. 106.141).

FINANCIAL REPORTING AND DISCLOSURE

Campaign Treasurers

Each person who seeks office for Commissioner, shall appoint a campaign treasurer. A candidate may appoint himself or herself as a campaign treasurer. The treasurer shall be a registered voter of the State of Florida.

Filing Financial Statements

Each campaign treasurer shall file regular reports of all contributions and expenditures.

Reports shall be filed with the City Clerk on:

- the 18th day prior to election
- the 4th day prior to election, and
- 90 days following the election

Unopposed candidates need only file a report 90 days after the candidate becomes unopposed.

Financial Statement Forms

Treasurer Reports

DS-DE -12 - Campaign Treasurer's Report Summary

DS-DE -13 - Campaign Treasurer's Report - Itemized Contributions

DS-DE- 14 - Campaign Treasurer's Report - Itemized Expenditures

Each submitted treasurer report shall include the DS-DE 12 form and the DS-DE 13 and DS-DE-14 forms if applicable.

Waiver of Reports

DS-DE-87

If the campaign account did not incur activity within a reporting period, a waiver of report form needs to be submitted.

Campaign Loans

DS-DE 73

If a Candidate loans themselves funds for campaign purposes a Campaign Loans Report form needs to be submitted with the treasurer report for that period.

Electronic Forms are available on the State of Florida Election Division website:

[Forms - Division of Elections - Department of State](#)

(Note: Forms that are completed on this webpage can be printed and not saved.)

POLITICAL ADVERTISEMENT / POLITICAL SIGNS

Political Advertisement circulated prior to election (F.S. 106.143)

Any political advertisement and any campaign literature published, displayed, or circulated prior to, or on the day of the election shall:

- be marked "Political advertisement paid for and paid by _____ (name of candidate) for Cocoa Beach Commissioner Seat # _____"
- Identify the persons or organizations sponsoring the advertisement
- state
 - whether the advertisement and the cost of production is paid for or provided in-kind by or at the expense of the entity publishing, displaying, broadcasting, or circulating the political advertisement; or
 - state who provided or paid for the advertisement and cost of production, if different from the source of sponsorship.
- This paragraph shall not apply if the source of the sponsorship is patently clear from the content or format of the political advertisement or campaign literature.

This subsection does not apply to campaign messages used by a candidate and the candidate's supporters if those messages are designed to be worn by a person.

- It is unlawful for any candidate or person on behalf of a candidate to represent that any person or organization supports such candidate, unless the person or organization so represented has given specific approval in writing to the candidate to make such representation. However, this subsection does not apply to:
 - Editorial endorsement by any newspaper, radio or television station, or other recognized news medium.
 - Any political advertisement, including those paid for by a political party, other than an independent expenditure, offered by or on behalf of a candidate must be approved in advance by the candidate. Such political advertisement must expressly state that the content of the advertisement was approved by the candidate and must state who paid for the advertisement. The candidate shall provide a written statement of authorization to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution.
 - Any person who makes an independent expenditure for a political advertisement shall provide a written statement that no candidate has approved the advertisement to the newspaper, radio station, television station, or other medium for each such advertisement submitted for publication, display, broadcast, or other distribution. The advertisement must also contain a statement that no candidate has approved the advertisement.
 - This subsection does not apply to campaign messages used by a candidate and his or her supporters if those messages are designed to be worn by a person.
- No political advertisement of a candidate who is not an incumbent of the office for which the candidate is running shall use the word "re-elect." Additionally, such advertisement must include the word "**for**" between the candidate's name and the office for which the candidate is running, in order that incumbency is not implied.
- This subsection does not apply to bumper stickers or items designed to be worn by a person. This section does not apply to novelty items having a retail value of \$10 or less which support, but do not oppose, a candidate or issue.

City Sign Permit Requirement (City Code 20-8(e))

The City of Cocoa Beach requires that a candidate apply for a political sign permit to place political signs in the City. The cost is fifty dollars. Forty dollars are reimbursed upon removal of the political signs following the election.

Sign Location

Signs may be place in most zones in the City. Signs are prohibited on the City and State right-of-ways. Right-of-ways are areas between utility poles and the road, and areas between a sidewalk and the road.

Removal of Political Signs

The City of Cocoa Beach requires removal of political signs three days after the election.

ENFORCEMENT AND PENALTIES

Failure to file Treasurer Reports (F.S. 106(7))

Any candidate or political committee failing to file a report on the designated due date shall be subject to a fine. Such fine shall be paid only from personal funds of the candidate. The fine shall be assessed by the filing officer and the moneys collected shall be deposited:

- in the general revenue fund of the political subdivision, in the case of a candidate for an office of a political subdivision or a political committee that registers with an officer of a political subdivision.

Upon determining that a report is late, the filing officer shall immediately notify the candidate or chair of the political committee as to the failure to file a report by the designated due date and that a fine is being assessed for each late day. The fine shall be \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25 percent 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 percent of the total receipts or expenditures, whichever if greater, for the period covered by the late report. Upon receipt of the report, the filing officer shall determine the amount of the fine, which is due and shall notify the candidate or chair.

Removal of Political Sign placed on Right-of-Ways (City Code 20-8(e))

The City Staff will remove signs placed on the City and State right-of-ways. One courtesy call will be made to the candidate that the signs were removed. The candidate may reclaim the signs by contacting the City Clerk at (321) 868-3286.

HELPFUL HINTS

Contributions

Anonymous contributions are not to be accepted. These could include: passing the "hat" and garage sales. Each contribution needs to be accounted for by the amount and person/firm donating. (F.S. 106.025)

Contributions and expenditures should not occur prior to filing the form Appointing the Campaign Treasurer and Designating a Depository form and opening a bank account.

Contributions must not exceed legal limits.

Contributions may not be accepted after the election.

Contributions should be reported as received.

A candidate must not give, expend or contribute any funds or anything of value to further the candidacy of any other candidate.

Disclaimers

Political disclaimers must appear on political advertisements, campaign literature and signs. This requirement is also placed on websites supporting/opposing the candidate.

Campaign Account Checks need to reflect name of the Candidate and Account number as reflected in the State Statutes. (F.S. 106.11)

Reporting

Campaign treasurer reports must be filed according to schedule. (F.S. 106.07)

Campaign treasurer reports must not show a deficit balance.

When closing the Campaign Account, donations may be made from surplus funds to charitable organizations, only after the candidate is elected, eliminated, withdrawn or running unopposed. (F.S. 106.141)

Signs

Do not place signs on any State or City road right-of-ways.

Place proper disclaimers on signs such as include the word "for" if candidate is an incumbent. On political signs, include the word "for" between the candidate's name and the position sought. Also include the sign disclaimer.

GENERAL ELECTION INFORMATION AND KEY DATES FOR THE 2004 ELECTION

GENERAL ELECTION INFORMATION	
City Precincts	22 - Roosevelt Junior H.S. 60 - Our Saviour Catholic School 87 - Riverside Presbyterian Church 88 - Recreation Center (Ramp Road) 197- Recreation Center (Ramp Road)
Terms Expiring in 2004	Seat 4 (Currently filled by Vice-Mayor Sasso) Seat 5 (Currently filled by Commissioner Davis)
General Information	<ul style="list-style-type: none"> • Appointment of a Treasurer and Selection of a Campaign Depository can be done at anytime prior to the Qualifying Period. • Prior to Opening a Bank Account, Candidates <u>are required</u> to file the Appointment of Campaign Treasurer and Designation of Campaign Depository Form with the City Clerk. • When a Candidate appoints a Treasurer and selects a Campaign Depository they become a "Declared Candidate." A "Declared Candidate" does not appear on the ballot unless they qualify during the qualifying period. When a Candidate completes the required forms during the qualifying period, they become a "Qualified Candidate."
Qualifying Period	The Qualifying Period is August 26 - September 3, 2004, <u>Noon to Noon.</u>

ELECTION CALENDAR

07-21-04	Advertise 2 Legal Ads Calling for General Election -07-29-04 Print 1st Legal Ad and 08-12-04 Print 2nd Legal Ad	F.S. 100.021
08-05-04	Adopt Resolution - Calling for a General Election	
08-17-04	<u>Prior to Noon</u> - Deadline to appoint Poll Watchers in writing to City Clerk (the second Tuesday preceding the Election - Forms in City Clerk's Office) (Candidate preference to use Poll Watchers)	F.S.101.131
08-26-04 - 09-03-04	<u>Qualifying Period</u> - File with City Clerk Qualifying Paperwork - Noon Thursday 08-26-04 to - Noon Friday 09-03-04 (City Hall Closed September 6, 2004 - Labor Day)	City Code Section 7-1
09-03-04	City Clerk faxes complete ballot information and mails Candidate Financial Disclosure Forms to Brevard County Supervisor of Elections	
09-17-04	Treasurer Report Due Cover Dates: July 1 - September 10	F.S. 106.07
09-18-04*	County sends out Absentee Ballots- Mass Mailing for City Elections (Approximate Date)	
10-01-04	Treasurer Report Due Cover Dates: September 11 - September 24, 2004	F.S. 106.07
10-04-04*	Registration Books Close for General Election - 5:00 P.M. (29 days prior to election)	F.S. 97.055
10-15-04*	Logic & Accuracy Test (Test of Voting Equipment) - 10:00 A.M., Viera Government Center	
10-15-04	Treasurer Report Due Cover Dates: September 25 - October 8	F.S. 106.07
10-19-04*	Poll Watchers Approved By the County - Tuesday prior to Election	F.S.101.131
10-19-04	Advertise Election Ballot - Print 10-30-04 or when ads are placed by Brevard County municipalities - provides more coverage	F.S.101.20(2)
10-28-03	Midnight Deadline - last date for opposed Candidates to receive contributions for General Election (5 days prior to Election)	F.S.106.08(3)
10-29-04	Treasurer's Report Due - 1st One after qualifying - Covers Dates: Date Candidate Opened Account (October 9 - October 28, 2004)	F.S. 106.07
10-30-04	Print Election Ballot - A Display Ad Prior to the Election	F.S.101.20
11-02-04	ELECTION DAY - 7:00 p.m. - Deadline for returning Absentee Ballots to Supervisor's Office - Viera Government Center	
11-04-04	Commission Meeting: Adopt Resolution Canvassing Election Results and Declaring Elected Candidates	
11-04-04	Organizational Meeting 7:00 P.M. (City Charter) - Administer Oaths of Office for: Seat #4 and Seat #5 - Elect Vice-Mayor among Commission	
01-31-05	Final Treasurer's Report Due Covers Dates: October 29, 2004 to Close of Campaign Account	F.S.106.07
*Indicates County Functions		

GENERAL INFORMATION

Key Contact

By State Statute, Candidates running for City of Cocoa Beach Commission Seats report to the City of Cocoa Beach City Clerk.

The City Clerk may be contacted as follows:

Loredana Kalaghchy, CMC
City Clerk
City of Cocoa Beach
P.O.Box 322430
Cocoa Beach, Fl. 32932-2430
Tel (321) 868-3286
Fax: (321) 783-5849
E-mail: <mailto:lkalaghchy@cityofcocoabeach.com>

Helpful websites

City of Cocoa Beach Election History, from 1926 to 2002, may be viewed by visiting the City's website at

<http://www.cityofcocoabeach.com/>

Brevard County's Supervisor's of Election's website has information about:

- acquiring voter registration lists and labels
- voter registration statistics
- precinct and district statistics

Their website is [Brevard County Supervisor of Elections](#)

Electronic Forms required to file for office are available on the State of Florida Election Division website:

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