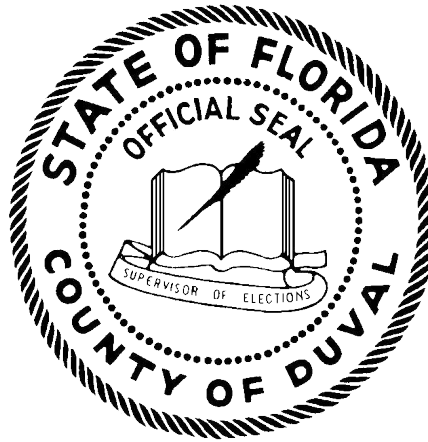


# **DUVAL COUNTY CANDIDATE HANDBOOK**



**Mike Hogan**

**DUVAL COUNTY SUPERVISOR OF ELECTIONS**

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Jacksonville, FL 32202

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This document is being provided for informational purposes **only** and does not constitute legal advice. The filing officer performs only a ministerial function and cannot give legal advice. It is recommended that candidates consult legal counsel or professional advisors, as the candidate is responsible for being in compliance with Florida Election Law, local charters and regulations relating to the campaign or qualifications to seek office. This document provides statutory and other references and is not intended to be all inclusive. Information contained in this document is subject to change. Updated Sept. 2019

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# ABOUT FLORIDA ELECTIONS

## Primary Elections

The State of Florida has a “closed” primary system, F.S. 101.021. In a closed Primary Election, a qualified voter is entitled to vote the ballot of the political party with which the voter is registered. The voter’s political party with which he/she was registered 29 days before the election is the party affiliation recognized at the polls during Early Voting and on Election Day.

***The political party noted in the precinct register is the voter’s party affiliation.***

Voters may ONLY change their party affiliation at the polls for FUTURE ELECTIONS.

*For example, in a Primary Election*

- A voter registered as a Republican may vote for Republican and Nonpartisan candidates/ballot issues only.
- A voter registered as a Democrat may vote for Democratic and Nonpartisan candidates/ballot issues only.
- A voter registered with a minor party may vote for the minor party and Nonpartisan candidates/ballot issues only.
- A voter registered with no party may vote for Nonpartisan candidates/ballot issues only.

## Universal Primary Elections

The State of Florida has provided for what is known as a Universal Primary Election (Florida Constitution, Article VI, Section Five, Paragraph B). When all of the candidates running for an office are registered with the same political party, it becomes a Universal Primary Election and all eligible voters regardless of party affiliation can vote in that contest. If a write-in, minor party or no party affiliation candidate files for the office, it remains a closed Primary Election.

## General Elections

General elections are considered “open” elections. All eligible voters may vote in general elections on all candidates, issues, referenda and amendments. Party affiliation of the candidate is still indicated on the ballot, but voters may vote for any candidate and are not restricted by party. A space for a write-in candidate will only appear on the ballot if someone qualified to run as a write-in candidate.

## NonPartisan Elections

All judicial, school board, special districts, and municipal elections are nonpartisan. This means candidates are not allowed to declare an affiliation with a political party and party affiliation of the candidates are not indicated on the ballot.

## Unitary Elections

In a consolidated government election, a single primary election is held with a single ballot for all voters within each electoral district, regardless of political party affiliation. Candidates appear on the ballot with party labels and campaign as party candidates. Any candidate winning a majority of votes in the primary is elected; if no candidate for a position wins a majority, the general election serves as a runoff between the top two winners, regardless of party affiliation.

# ABOUT DUVAL COUNTY ELECTIONS

## **Local Elections during Federal Elections**

Duval County holds elections every two years for county judge, school board, soil & water conservation district and special districts. All of these offices are non-partisan.

**County Judge** – County judges are up for election every six years and are elected at large. They must be a resident of the county at the time of taking office.

**School Board Member** – School board members shall be elected from one of the seven school board districts. Each school board district shall be composed of two adjoining council districts. Voters vote for the school board member of the district in which they reside.

The School Board establishes residential attendance zones for each school based on population, school populations and geographic features. The school board district lines and the school residential attendance zones do not correspond.

**Soil & Water Conservation District Board Member** – There are five seats on this board which are elected at-large at the general election. The person getting the highest number of votes is elected to the seat. This is a non-paying board position.

**Special Districts** – Special districts include community development districts and taxing districts. Seats up for election are determined by the ordinance creating the special district and the managing company. Each year our office reaches out to the managers of the special districts, giving them up to date information on qualifying for a seat. Information is also available on our web site. These seats are nonpartisan and elections are held at the general election.

**Clerk of the Circuit and County Courts** – This office is elected every four years during the presidential election year. It is a partisan seat with a closed primary in August.

## **Local Elections for Constitutional Officers, Mayor and City Council**

The offices of Jacksonville's consolidated government are filled by unitary elections. Under the unitary election system, the first election is held with a single ballot for all voters within each electoral district, regardless of political party affiliation. Candidates appear on the ballot with party labels and campaign as party candidates. Any candidate winning a majority of votes in the first election is elected; if no candidate for a position wins a majority, then the general election serves as a runoff between the top two winners regardless of party affiliation.

# CITY OF JACKSONVILLE EMPLOYEES RUNNING FOR OFFICE

If you are a city employee running for office you will want to follow these guidelines from the Ethics Office.

In general, as a city employee, **you may**:

- Participate in any political campaign during off-duty hours.
- Vote and express personal opinions on a political topic or candidate.
- Wear campaign buttons or campaign attire (e.g. polo shirts) during off-duty hours away from the place of work.
- Display political bumper stickers on personal vehicles, except when the use of your vehicle is required as a condition of employment and/or if you receive mileage reimbursement from the city.

However, as a city employee, **you may not**:

- Participate in a political campaign while on duty or during any time you are being paid to perform services for the City of Jacksonville.
- Wear campaign buttons or campaign attire while on duty, or at the place of work.
- While on duty or in a city issued uniform, request, in person, that any individual contribute any time, money or other thing of value to any candidate, political party or committee of continuous existence; solicit, in person, support or votes for any candidate, party or public measure, or; take an active part in the management of a political campaign.
- Use any city property, including but not limited to, city issued cell phone, computers, faxes, e-mail systems or office phones for any political purpose other than official job related functions.
- Make, solicit or knowingly accept any campaign contribution in a building owned by the city or an independent agency (Note: this prohibition is not applicable if the building is specifically rented for purposes of holding a campaign fundraiser).
- Post campaign material in your work cubicle (because s. 350.304, *Ordinance Code*, prohibits the placement of political signs or advertisements on public property).
- Except for legal and authorized union activity, a superior of a civil service employee may not request a civil service employee to contribute any time, money or other thing of value to any candidate, political party or committee of continuous existence; solicit, in person, support or votes for any candidate, party or public measure; take an active part in the management of a political campaign.



# PROHIBITION OF CAMPAIGN ACTIVITIES IN CITY BUILDINGS

**Statement on Prohibition of Political Campaign Activities at CPAC Meetings  
From the Ethics Office, Carla Miller, Director**

**Jacksonville Ordinance Code, Section 350, Part 3 prohibits all campaign activities in City buildings, including CPAC meetings and makes violations a Class A offense.**

The following campaign and political activities are prohibited:

- Candidates cannot announce their candidacy or give speeches
- Candidates cannot distribute campaign materials
- Campaign contributions cannot be made, requested or accepted in city buildings
- Elected officials cannot state they are running for office or discuss their respective campaign

# BALLOT FORMAT

## ***Ballot Format - F.S. 101.151, 101.2512 & Administrative Uniform Ballot Rule 1S-2.032***

### **Primary Election**

- Ballots are by political party (major and minor); the candidates will be listed alphabetically by surname in each contest for partisan offices.
- A candidate will be determined elected if there is no opposition.
- If there are at least two major or minor party candidates for an office, those candidates will appear on the Primary Election ballot. The candidate with the most votes in the Primary Election will appear on the General Election ballot.
- If there are two candidates for School Board or a judicial office, both nonpartisan offices, the office will appear on the Primary Election ballot. The candidate with the most votes shall be declared elected.
- If there are three or more candidates for School Board or a judicial office, and none receives a majority of the votes cast in the Primary, the two candidates receiving the most votes will be in a run-off in the General Election. If a candidate does receive a majority of the votes cast in the Primary, that candidate will be determined elected.
- Partisan ballots include candidates for partisan contests and candidates for nonpartisan contests, and ballot issues.
- Nonpartisan ballots include candidates for nonpartisan contests and ballot issues.
- Nonpartisan Special District candidates (regardless of the number of candidates) appear only on the General Election ballot in alpha order by surname in each contest.

### **General Election**

- Candidates for partisan office who were nominated in the Primary Election will appear on the General Election ballot.
- The names of the candidates of the party that received the highest number of votes for Governor in the last election in which a Governor was elected shall be listed first under the heading for each partisan office.
- The names of candidates of the party that received the second highest number of votes for Governor shall be second under the heading for each partisan office.
- Minor political party candidates will be listed in the order in which they qualified followed by the candidates with no party affiliation in the order in which they qualified.
- Nonpartisan Special District candidates appear only on the General Election ballot in alpha order by surname in each contest.
- If a write-in candidate has qualified, a space to write the candidate's name will appear last in the contest.

### **Unitary Election**

- Candidates are listed in alphabetical order, with party affiliation and without preference to the party of the governor.
- Each candidate receiving a majority of the votes cast in each contest in a first Consolidated Government election shall be declared elected for such office.
- A general Consolidated Government election shall be held in all contests in which a candidate does not receive a majority.

- The candidates in the general election shall be the two candidates with the highest vote totals in the first election.
- In the event more than one candidate received the second highest vote total then each such candidate's name, as well as the name of the candidate with the highest vote total, shall be on the ballot.
- The candidate who receives the highest number of votes cast for the office shall be declared nominated.
- In case two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall be elected to office.

**A candidate's name will appear on the ballot as it was written on the Candidate Oath form. Once the qualifying period has ended, this information CANNOT be changed.**

# CAMPAIGN TREASURER REPORTS

## **Financial Report Software**

Candidates are required to file campaign financial reports once they have filed to run for office. All district and countywide candidates must file campaign financial reports using the free software provided by the SOE Office. Candidates can access the software on the internet or may come to the SOE Office and use the computer provided for candidate access. The temporary Candidate/Treasurer login, password and pin are provided by the SOE office upon initial candidate filing. Candidate is encouraged to change password and pin number when logging in for the 1st time at home.

## **Campaign Treasurers**

A candidate should select a treasurer with knowledge of bookkeeping or accounting procedures, as well as basic computer skills. Candidates may serve as campaign treasurer if the candidate desires. Pursuant to 106.021(1) (a), F.S., candidates may appoint one campaign treasurer and not more than three deputy campaign treasurers. The qualifications for a deputy treasurer are the same as those for a campaign treasurer.

## **Campaign Treasurer Replacement**

Candidates may replace treasurers or deputy treasurers at any time. Section 106.021(2), F.S., provides that in the case of the death, resignation, or removal of a campaign treasurer, the candidate must appoint a successor in the same manner in which the original treasurer was appointed. (i.e. DS-DE 9) A treasurer's resignation does not become effective until it is submitted to the candidate in writing, and a copy of the letter of resignation is filed with the Supervisor of Elections. A candidate's removal of a treasurer does not become effective until written notice of the removal is given to the treasurer and is filed with the Supervisor of Elections.

## **Campaign Expense Reporting Requirements**

All candidates are required to use the free software provided by the SOE Office to report campaign contributions and expenses. The campaign treasurer of each candidate shall keep detailed accounts, current within not more than 2 days after the date of receiving a contribution or making an expenditure, of all contributions received and all expenditures made by or on behalf of the candidate. (See Section 106.06, F.S.) In other words, do not hold expense receipts or donations more than two days before recording the transactions in the reporting program. Accounts kept by the campaign treasurer of a candidate may be inspected under reasonable circumstances before, during, or after the election to which the accounts refer by any authorized representative of the Division of Elections or the Florida Elections Commission. (See Section 106.06, F.S.)

Accounts kept by a campaign treasurer of a candidate shall be preserved by the campaign treasurer for a number of years equal to the term of office of the office to which the candidate seeks election.

Candidates are encouraged to contact the SOE Office when questions relating to financial report content or detail arise. The SOE Office can provide guidance and instruction to aide candidates in financial report maintenance.

## Financial Reporting Dates

Each campaign treasurer designated by a candidate shall file campaign financial reports for the candidate; however, **the candidate is responsible for timely filing campaign reports**. Reports shall be filed on the 10th day following the end of each calendar month from the time the campaign treasurer is appointed, except that, if the 10th day following the end of a calendar month occurs on a Saturday, Sunday, or legal holiday, the report shall be filed on the next following day which is not a Saturday, Sunday, or legal holiday.

### **Please place reminders in your phone or calendar for the report due dates.**

Monthly reports shall include all contributions received and expenditures made during the calendar month.

Primary Election - Following the last day of qualifying for office, campaign financial reports shall be filed on the 60th, 46th, 32nd, 25th, 18th, 11th and 4th days immediately preceding the primary election, for a candidate who is opposed in seeking nomination or election to any countywide or district office. (Exact reporting period dates are provided on the home page of the SOE online reporting software.)

General Election - Following the Primary Election, campaign financial reports shall be filed on the 60th, 46th, 32nd, 25th, 18th, 11th and 4th days immediately preceding the General election, for a candidate who is opposed in seeking election to any countywide or district office. A list of reporting dates are included in the candidate notebook. Please enter the report dates into a calendar with reminders.

Candidates and campaign treasurers should submit completed campaign financial reports for review prior to the due date. If errors are found prior to the report due date, candidates will have the opportunity to make corrections prior to the report due date. If errors are found on the due date, candidates will be notified by email and must submit an amended report, unless Candidate requests immediate access to make corrections. A Candidate pin and Treasurer Pin must be **“assigned”** using the SOE online software. (This serves as your electronic signature)

Campaign financial reports become visible on the SOE Website for public viewing after the reports are accepted by our office.

## Late Reports

Campaign treasurers are tasked with submission of reports but candidates are ultimately responsible for ensuring the timely filing of all required campaign reports. The candidate will be subject to fines if campaign reports are late. (See Section 106.07, F.S.)

Any campaign treasurer, candidate, or political committee chair who willfully certifies the correctness of any report while knowing that such report is incorrect, false, or incomplete commits a misdemeanor of the first degree, punishable as provided in Section 775.082 or 775.083, F.S.

Any report deemed incomplete by the SOE Office will be accepted on a conditional basis and the campaign treasurer will be notified by the SOE Office of why the report is deemed to be incomplete. The SOE Office may notify the campaign treasurer of the incomplete report by:

- Email that the report is incomplete and request the information necessary to complete the report.
- Certified mail explaining why the report is incomplete and giving 7 days from receipt of the notice to file an addendum to the report providing all information necessary to complete the report.

## **Late Report Fines**

Any candidate failing to file a report on the designated due date shall be subject to a fine for each late day payable only from personal funds of the candidate. (See Section 106.07(8), F.S.)

The fine shall be **\$50** per day for the first 3 days late, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

The fine shall be **\$500** per day for each additional late day after the initial 3 days late, not to exceed 25 percent of the total receipts or expenditures, whichever is greater, for the period covered by the late report.

### ***WARNING***

***No exceptions will be allowed for failure to report on time for the 4th day prior due campaign reports.***

The fine shall be **\$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 for reports immediately preceding each primary and general election. (i.e. 4th day reports)

The fine for late Termination Reports shall be \$50 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.

The Supervisor of Elections office will determine the amount of the fine due based upon the earliest of the following:

- When the report is actually received by the SOE.
- When the electronic receipt issued pursuant to Section 106.0705, F.S. is dated.

Fines shall be submitted to our office, payable to the Supervisor of Elections, within 20 days after receipt of the notice of payment due, unless appeal is made to the Florida Elections Commission. Fines are not considered allowable campaign expenditures and must be paid from personal funds of the candidate.

Any candidate may appeal or dispute a fine based upon, but not limited to, unusual circumstances surrounding the failure to file on the designated due date to the Florida Elections Commission, which shall have the authority to waive the fine in whole or in part.

The Supervisor of Elections office highly recommends the timely filing of campaign financial reports to prevent any assessment of late filing fines.

# QUALIFYING

***Our office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during qualifying period. F.S. 105.03(6)***

Pursuant to Section 99.061, F.S., all county and district candidates must file their qualifying papers no earlier than noon of the 71st day prior to the election, but not later than noon of the 67th day prior to the date of the election.

Qualifying papers will be accepted during the qualifying period at the Duval County Supervisor of Elections Office any time during normal office hours (8:00 A. M. TO 5:00 P.M.).

Candidates may qualify by mail. Qualifying papers must be forwarded to the address of the qualifying officer within the appropriate timeline for qualifying. If not received prior to noon on the last day of qualifying or incomplete the candidate shall not be qualified.

Faxed qualification papers will not be accepted as proper qualifying documents.

A qualifying packet will be mailed to all filed local candidates prior to the qualifying period by regular mail and by email.

## **Qualifying Officer**

Pursuant to Section 99.061, F.S., all county and district candidates must file their qualifying papers in the office of the Supervisor of Elections.

## **Qualifying Forms Required**

In addition to the forms required for filing, the forms below are required to qualify to be placed on the ballot. The Supervisor of Elections office may receive these forms and the qualifying fee only during the qualifying period, or 14 days prior to the start of qualifying.

**Candidate Oath** - The candidates name will appear on the ballot exactly as it appears on the Candidate Oath and cannot be changed after qualifying.

**Financial Disclosure forms** - Candidates for Constitutional Offices, City Council, School Board and County Judge must file the CE Form 6 Full and Public Disclosure of Financial Interests. Candidates for Special Districts must file the CE Form 1 Statement of Financial Interests.

**Candidate Petition Certification Letter** – A copy of the letter will be in the candidate file in the Supervisor of Elections office for those candidates who collected the necessary number of valid petitions.

## **Qualification Fee**

Each candidate must pay the necessary qualifying fee, unless exempted by collecting the required number of petitions, by a check drawn on the candidate's campaign account before the end of the qualifying period. (Section 99.061(7)(a)(1), F.S.) The qualifying fee must be paid by a check drawn on the candidates campaign account made payable to the Supervisor of Elections.

The total qualifying fee is generally an election assessment of 6% of the annual salary for the office sought for partisan candidates and 4% of the annual salary for the office sought for non-partisan candidates.

## **Qualifying Fee Refund**

Section 99.092(1), F.S., provides for reimbursement of the qualifying fee provided the candidate withdraws before the qualifying period ends.

## **Errors in Qualifying Documents**

A candidate will not be qualified unless all qualifying documents are complete and submitted prior to the end of the qualifying period.

The SOE is required by Section 99.061, F.S. to make a “reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying.”

***The candidate is ultimately responsible for completion and submission of all required qualifying documents and fees.***



# MAIL BALLOTS

## Requesting a Ballot

A request for a vote-by-mail ballot may be made in one of the following ways:

- Go to [www.DuvalElections.com/Vote By Mail](http://www.DuvalElections.com/Vote By Mail)
- Fax a request to (904) 630-2920 (must include date of birth)
- In person at our office, 105 E. Monroe Street
- Call our office at (904) 630-1414

If you are making the request, the following information is required:

- The name of the voter for whom the ballot is being requested;
- The voter's address;
- The voter's date of birth; and
- The voter's signature (if the request is written).

If an immediate family member or legal guardian is requesting a vote-by-mail ballot for you, the following additional information must be provided:

- The requestor's address;
- The requestor's driver's license number (if available);
- The requestor's relationship to the voter; and
- The requestor's signature (if the request is written).

The deadline to request that a vote-by-mail ballot be **mailed** is no later than 5 p.m. on the tenth day before the election. However, the ballot must still be received by our downtown office no later than 7 p.m. on Election Day if the voted ballot is to count. Exceptions exist for overseas military and civilian voters. See our website for further information on Military and Overseas Citizens Voting .

## Who Can Pick Up a Vote By Mail Ballot

A voter can pick up or have delivered his or her own vote-by-mail ballot at any time the ballot becomes available, including up to 7 p.m. on Election Day. A voter can also authorize in writing a designee to pick up the ballot for him or her but the earliest the designee can then pick up the ballot is nine days before Election Day. A designee is limited to picking up two vote-by-mail ballots per elections (not including his or her own ballot and ballots for immediate family members. Additionally, a designee must submit a completed Affidavit to Pick-up a Vote-by-Mail Ballot for a Voter which includes the written authorization from the Voter. If there is no request on record, the voter will also have to submit the request part of the Affidavit.

If a voter or designee waits until Election Day to pick up or have delivered a vote-by-mail ballot, the Election Day Vote-by-Mail Ballot Delivery Affidavit must also be completed in which the voter affirms that he or she has as an emergency that keeps the voter from being able to go his or her assigned polling place instead to vote.

## **How to Vote a Vote by Mail Ballot**

Instructions for completing the vote-by-mail ballot are included with the ballot. The voted ballot must be returned and received by the Supervisor of Elections no later than 7 p.m. on Election Day. Vote-by-mail ballots may be mailed or dropped off at a secure drop box located at the Supervisor of Elections main office and at each early voting location. Other return options are available for Military and Overseas Voters.

If the voter decides to go to the polls to vote instead, the voter should bring the vote-by-mail ballot (whether it has been marked or not). Even if the voter comes to the polls without the vote-by-mail ballot, the voter will still be able to vote a regular ballot if the supervisor of elections' office is able to confirm that it has not received the voter's vote-by-mail ballot. However, if it is confirmed that the voter have already voted a vote-by-mail ballot, the voter cannot vote again at the polls. If the voter believes or insists that the supervisor of elections' office is wrong about receiving the vote-by-mail ballot or if the supervisor of elections' office cannot confirm that the voter has already voted a vote-by-mail ballot, the voter is allowed to vote a provisional ballot.

## **Signing Up Voters to Receive Mail Ballots - F.S. 101.62**

If a candidate would like to sign up voters to receive mail ballots, the information below needs to be included. Please note: we need enough information to identify the voter. A request form is available on our website for photocopy. Our office will not be able to make copies for a candidate's use.

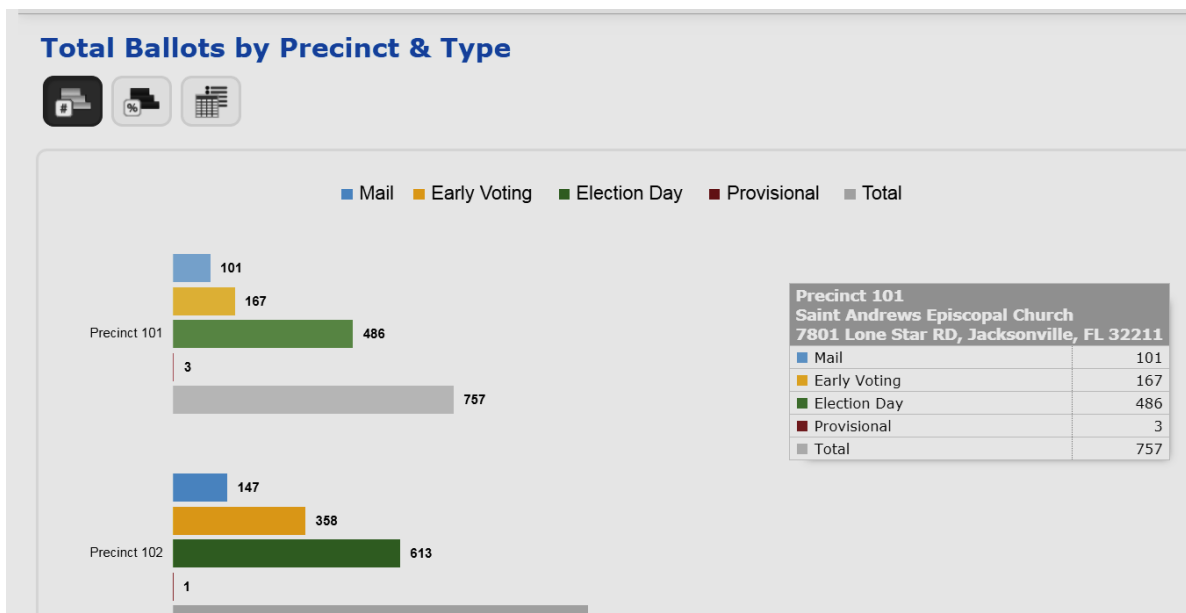
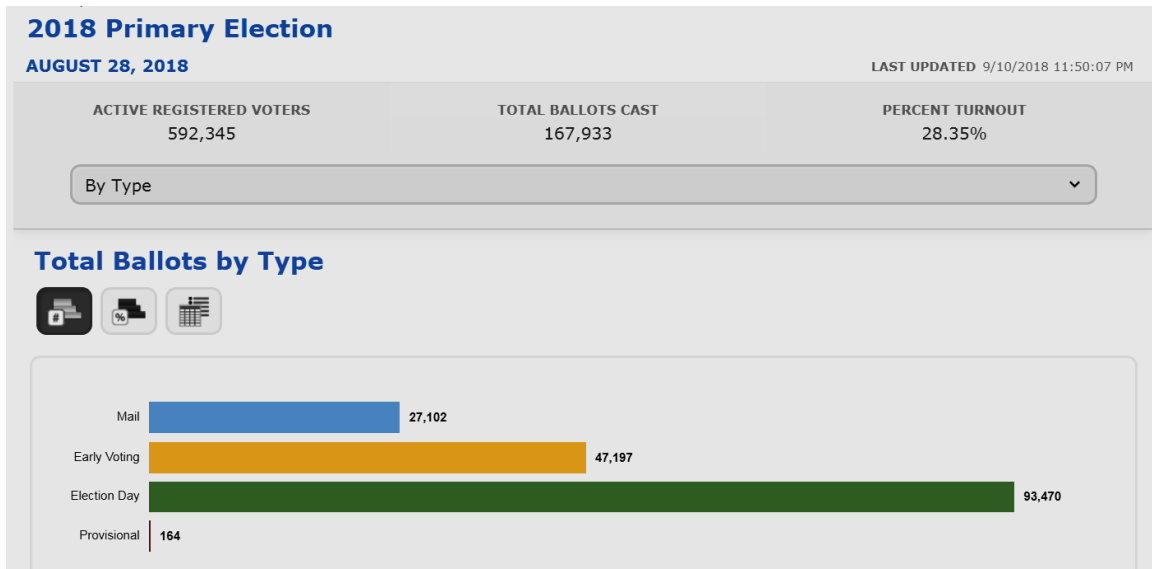
- A statement of "I would like to receive mail ballots for future elections" followed by a check box
- A statement of "I would like to receive a mail ballot for the (state the election)" followed by a check box
- A line for the voter's name (first, middle, last)
- A line for the voter's date of birth and the statement "required"
- A line for the voter's residential address (street address, apt/lot #, city, ZIP code)
- A line for the voter's mailing address (street address, apt/lot #, city, ZIP code)
- A line for the voter's phone number
- A line for the voter's signature and the statement "required"

**Voted mail ballots cannot be accepted at polling places. They must be received at the Supervisor of Elections Office by 7:00 p.m. Election Day. [F.S. 101.67(2) and 101.6103(2)]**

# VOTER TURNOUT

Once our office begins receiving voted ballots from our voters, we will have the voter turnout report on our website. This turnout report lets the website visitor see graphical representations of voting in the county by voting method or type: mail, early, provisional, and Election Day.

The turnout can be viewed by type; by party; precinct & type; date & type; and by party & type.



**Please note: Number of votes for each candidate is not known until after 7:00 PM on election night.**

# AVAILABLE RESOURCES FROM DUVAL COUNTY SUPERVISOR OF ELECTIONS

Data is available to candidates and political parties and committees to be used for mailing of campaign literature, phone calls and door-to-door campaigning.

## **Maps**

Maps are available on our website for viewing and printing. The district maps are best printed to 34" x 44" which we can do in our office. Cost of a large map is \$15 for black/white and \$25 for a color map. Precinct maps on our website are for printing at 8.5" x 11". These are great for use when walking a precinct. If you need a large map, stop by our office and we can print one for you. We only take cash or check and maps must be paid for before printing.

## **Voter Lists**

Voter lists are available to all interested parties free of charge when sent electronically, Voter lists are sent by email, either as an attachment from us or with a link to a file from Serv-U File Sharing Link. Protected voters are excluded from all our files. These files are free when we send them electronically. Send an email with your request and we will get it to you by the next day.

- Voter List – This is usually a text file with comma separated values (csv) and can be opened using Excel or any other database program. Voter lists can include “voter history” (voting activities in prior elections). Voter lists can be specific as to district, party, age, etc.
- Super Voter List – This is a list of voters who vote frequently. For a super voter file let us know the approximate number of voters you want to reach and we can adjust the parameters for the file (voters voting in 4/5 elections, voting in 8/10 elections, etc). This list will usually be a text file.
- Walking List - A walking list is a pdf list of voters in house number order. It can show every voter or it can show just the one address with the last name. The list will not include phone numbers, email addresses or voter history.

## **Labels**

Our office will print labels for candidates and political parties of voters meeting specified criteria. The label size is Avery 5161 (4" x 1" laser labels, 2-up). These labels cost .50 per sheet of labels. It could be more cost effective though to use a printing company with mail house capabilities, even for small jobs of 200 pieces.

## **Vote by Mail Request Data**

Absentee/vote by mail request data is available only to a canvassing board, an election official, a political party official, a candidate who has completed qualifying and has opposition, and a registered political committee. To receive access to this data, a candidate, party or committee must fill out an application verifying that they are allowed access to the information. Once we receive that form, a login number and password is assigned. All the files listed below are included in the portal for the candidate, political party or committee. According to the Division of Elections' rules, the Mail Ballot Status files are sent to the Division each day beginning 60 days before a State-wide primary election and continuing until 15 days after the corresponding State-wide general election.

### **Candidate Label Export File**

The Candidate Label Export File lists voters who have requested a mail ballot for an election. It is a comma-delimited text file that can be imported into applications such as Excel, Word, and Access. These files will give the mailing address for the vote by mail ballot. It is a district specific file according to the office the candidate is running in.

### **Absentee Ballot Request Information File**

This text file is a State-required list of county voters who have requested a mail ballot for an election, the status of the request, and other relevant data. Voters with protected addresses are excluded from the file.

The file is sent to the State system daily beginning 60 days prior to an election and ending on the 15th day after the election. If a general election is preceded by a primary, a separate file is sent for each election.

The file contains information processed up to close of business on the day prior to the daily run. Each daily file contains all vote-by-mail voters to date, not just new additions. It can contain vote-by-mail data for multiple elections.

The file name is:

<county ID>\_ABL\_<FVRS election number>\_<date of run>\_<time of run>.txt

### **Early Voting Summary**

For each early voting site, this State-required text file lists the number of early votes cast to date. The file is sent to the State system daily beginning the Tuesday after the Monday when early voting begins and ending the day after early voting finishes. If multiple elections have early voting in progress on a given day, a separate file for each election is sent to the State.

The file name is:

<county ID>\_EVS\_<FVRS election number>\_<date of run>\_<time of run>.txt

### **Early Voting Voters List**

This State-required text file lists county voters who have early voted in an election to date. The file is sent to the State system daily beginning the Tuesday after the Monday when early voting begins and ending the day after early voting finishes. If multiple elections have early voting in progress on a given day, a separate file for each election is sent to the State.

The file name is:

<county ID>\_EVL\_<FVRS election number>\_<date of run>\_<time of run>.txt

### **Get Out the Vote**

This report gives staff, candidates, parties, and others an up-to-the-minute look at who has/has not voted in an election so far. This file is only available on Election Day. This report is output as a Microsoft Excel file. For each voter, it shows their residential address, precinct, and party.

## **E-mail Policy for Candidates**

E-mail addresses are collected by the Supervisor of Elections from two separate sources and are treated differently by us depending on the source. The largest number of e-mail addresses comes to us through the vote-by-mail request process. E-mail addresses acquired this way are considered a part of the vote-by-mail address and distribution is limited to candidates, parties and political committees. The other source we have for e-mail addresses is from voters who opt to receive their sample ballots by e-mail at the time they register to vote. Addresses from these voters are a public record. Candidates, parties and political committees are eligible to receive both categories of e-mail addresses from our office.

While most voters expect campaign e-mails as a matter of course, some may view your messages as intrusive. Our office recommends the following guidelines:

1. Please do not send campaign emails to city email addresses. It is against city policy to use any city property, including but not limited to, city issued cell phone, computers, faxes, e-mail systems or office phones for any political purpose other than official job related functions.
2. Be careful not to use language in your campaign materials that suggests that the Supervisor of Elections is the originator of potentially unwanted e-mails.
3. Include an unsubscribe feature in your e-mails. Recipients should have the opportunity to opt out of future campaign related e-mails. There are relatively inexpensive web based products to facilitate such a feature.
4. Mass e-mails should not expose the e-mail addresses of others. One way to accomplish this is to list the recipients in the "Blind Carbon Copy" or "Bcc" portion of the e-mail.
5. Use discretion in the frequency of your messages. Although the political disclaimer is not required on your e-mail messages, unless you have employed a service to assist you in your e-mails, we suggest you use it on all official campaign messages.

# CANVASSING BOARD AND MAIL BALLOT CHALLENGES

## **Testing the Ballot Tabulating Equipment- F.S. 101.5612**

Before any election, the Canvassing Board tests the ballot scanning equipment to verify it is accurately counting the votes cast for all candidates in all offices and on all issues. All candidates opposed in the primary election will be given a notice of the date, time and location of the test in their qualifying packets. The notice of the test for the general election will be sent to all candidates appearing on the ballot.

The ballot scanning equipment is tested no earlier than 10 days prior to the start of Early Voting for any election. Tests are conducted at the Election Service Center and are verified by the Canvassing Board. These tests are open to candidates, political parties and committees and their representatives, the public and the media..

## **Canvassing Mail Ballots- F.S. 101.68**

The Canvassing Board may begin canvassing mail ballots at 7:00 a.m. 22 days prior to the election, including processing the ballots through the scanning equipment. However, results shall not be released until after 7:00 p.m. on Election Day.

If a certificate return envelope is returned unsigned or if a voter's signature on their certificate return envelope does not match their signature on file with the Supervisor of Elections Office, the voter may "cure" the unsigned certificate or signature mismatch by submitting the subscribed affidavit and copy of identification by 5:00 p.m. on the 2<sup>nd</sup> day after the election. The Canvassing Board will determine whether or not to accept a "cured" ballot.

## **Challenge of Mail Ballots - F.S. 101.6104**

Mail ballots may be reviewed for possible challenge before they are opened and separated from the return certificate ballot envelopes.

If any voter present for the canvass of mail ballots believes that any ballot is illegal due to any defect apparent on the voter's certificate envelope, the voter may, at any time before the ballot is removed from the return certificate envelope, file with the Canvassing Board a protest against the canvass of such ballot, specifying the reason he or she believes the ballot to be illegal.

**No challenge based upon any defect on the voter's return certificate envelope shall be accepted after the ballot has been removed from the envelope.**

## **Public Inspection of Ballots- F.S. 101.572 & 101.5614**

Official ballots may be reviewed while in the custody of the Supervisor of Elections or the Canvassing Board at any reasonable time, under reasonable conditions, after the election. However, no persons other than the Supervisor of Elections or his or her employees or the Canvassing Board shall handle any official ballot.

# POLITICAL ACTIVITY AT POLLING LOCATIONS

Florida Statute 102.031(4) limits activities at polling places during early voting and on Election Day. Only designated poll watchers are allowed inside the polling place while voting is taking place (see Poll Watchers).

Outside of the polling place the law creates a 150 ft. zone from the entrance, where soliciting voters is prohibited. This area is referred to as the “no solicitation zone.”

**Definition of Solicitation – F.S. 102.031(4)9b)** – Solicitation shall include, but not be limited to, seeking or attempting to seek any vote, fact, opinion, or contribution;; distributing or attempting to distribute any political or campaign material, leaflet, or handout; conducting a poll except as specified below in this paragraph; seeking or attempting to seek a signature on any petition; and selling or attempting to sell any item.

Giving items such as bottled water, candy or other items to voters is strictly prohibited within the 150 ft. no solicitation (no political activity) area.

## **Exit Polling – F.S. 102.031 and United States District Court (Case No. 06-22463-CIV-HUCK/SIMONTON)**

Persons conducting exit polling must still comply with the political activities restrictions and other matters related to political issues and campaigns outlined in F.S. 102.031(4).

**Definition of Exit Polling** – Exit polling is defined in Judge Paul Huck’s order as, “the collection of data from a random sample of voters after they leave the polling place in a scientifically pre-determined pattern and asking if they would be willing to fill out a brief, anonymous questionnaire.” Exit polling can take place inside the 150 foot zone and **only** after voters leave the polling place.

## **Poll Deputy:**

- Appointed by the Supervisor of Elections to maintain order and ensure that the no solicitation zone is adhered to.
- Determines the boundaries of the no solicitation zone by placing a marker or markers identifying the restricted area.
- Answers questions regarding the no solicitation zone.
- Individuals who persist in impeding the access of voters and engaging in prohibited conduct will be asked to leave, even if they are beyond the no solicitation zone.

The poll deputy may request the assistance of the Sheriff’s Office if necessary to maintain order.

## **Tips for Campaigning outside the 150’ No Solicitation Zone:**

- Campaigners may have signs which must be held or in close proximity (approximately 1 ft.) to the individual. All signs must be attended to at all times if visible.
- Allow unimpeded access for all voters.
- Be respectful of voters and the polling place property.



## **Prohibited Practices:**

- No signs, tents or other campaign items may be freestanding, affixed to, planted or erected on the polling place property, land or adjacent road rights-of-way. Items found in violation are subject to removal without notification to the owner.
- Amplified sound (bull horn, loudspeaker, etc.) is not permitted.

## **Vehicles:**

- Box trucks, motor homes or trailers used to carry signs are not allowed to be parked at polling places. This includes early voting sites and the Supervisor of Elections office downtown while early voting is taking place.
- Other vehicles with political signs or decorations are not allowed to park within the no solicitation zone unless they are driven by a voter who is parking to vote and leaving immediately after voting.
- Political signs on permitted vehicles outside of the no solicitation zone must be affixed to or inside the vehicle. For example, bumper stickers, magnetic signs, paint or vehicle wraps would be acceptable while leaning a yard sign against or on a vehicle would not be acceptable.

## **Conduct:**

The majority of complaints the Elections Office receives are from voters upset with the tactics of campaign volunteers electioneering at polling places. The conduct of campaign workers may 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 may react negatively to aggressive electioneering.

We have many churches that want to be a part of the election process and offer a part of their facilities for voting. However, they do not appreciate the political signs that litter their private property. We ask that each candidate instruct their campaign workers to refrain from placing political signs on government property and any private property without the permission of the owner.

\*Each polling place may have unique aspects that are not directly expressed in this section. All solicitation activities at polling places are subject to review for compliance of the law by the Supervisor of Elections office.

## **Poll Watchers**

Candidates may choose to appoint poll watchers to observe polling place procedures during early voting and on Election Day. Only one poll watcher per candidate is allowed in the polling place at any time during voting. Poll watchers may only represent one candidate or organization during an election. Poll watchers must be registered voters of Duval County. Poll watcher training is the sole responsibility of the candidate, committee or party.

Poll watcher designations must be submitted by the required date to the Supervisor of Elections on State form DS-DE 125 (Excel format please). Duval County does not require you to assign poll watchers a specific schedule or location for each election.

The Supervisor of Elections has seven days to approve designations and reserves the right to reject any poll watcher. Poll watchers must be registered voters in the county and may not be law enforcement officers or a candidate on the ballot.

Upon acceptance of poll watcher designations, the Supervisor of Elections will issue identification badges to the candidate; who will then distribute them to the individual poll watchers.

For more information regarding poll watchers you should review Florida Statute 101.131 and see our full list of guidelines on our website. Below are some of the poll watcher guidelines.

**Poll Watcher Guidelines:**

NO candidate who appears on the ballot, sheriff, deputy sheriff, police officer or other law enforcement officer may be designated as a poll watcher.

Poll watchers must check in with the Precinct Manager when arriving at a polling place, show badge and photo identification for verification of name on the list.

Poll watchers are required to wear the badge provided to them by the elections office at all times while in the polling location.

Poll watchers are required to furnish their own materials and necessities

Poll watchers may not wander around the voting area or ask questions of poll workers other than the precinct manager.

Poll watchers are not allowed to wear any clothing or buttons identifying a candidate or cause.

A poll watcher must inform the Precinct Manager if he/she wishes to challenge a voter's right to vote. The Precinct Manager will follow the procedures for a challenged voter.

A poll watcher must inform the Precinct Manager if he/she sees anything that does not comply with election laws.

A poll watcher may not volunteer to help voters who need assistance. A poll watcher may only provide assistance to a voter if specifically requested by that voter and the proper procedures for providing assistance are followed.

Poll watchers may not bring radios, television sets, cameras or newspapers into the polling room/early voting site.

Poll watchers may not obstruct the orderly conduct of any election. The poll watchers must be respectful and mindful of the service being provided to the voters.

Poll watchers are afforded ONE WARNING of a violation. The warning will be called into the elections office by the precinct manager for validation.

Poll watchers may not talk or interact in any way with voters in the polling place.

Poll watchers need to mute their ring tone on their cell phones.

Any calls should be conducted away from the voting area - preferably outside.

# POLITICAL SIGNS

The information in this section is general information regarding placement of political advertisement signs or advertising displays and does not include all the laws for Duval County and the municipalities. Candidates should read F.S.106.143 and 106.1435 and also become acquainted with Duval County and municipal sign ordinances.

***No signs may be placed on any property (either public or private) without the consent of the owner.***

If the posts for your signs extend deeper than 16” into the ground, the law requires you to call **1-800-432-4770 two business days before erecting your signs**. This allows utility companies to locate and mark their buried utilities with color-coded paint, flags or stakes. **Failure to comply may result in severe penalties and personal liability for any damages incurred.**

***Candidates are responsible for complying with the sign codes of Duval County and securing any necessary permits before posting any political signs. Violations of county and municipal sign codes should be reported to the proper code enforcement agency. Any fines for violation of the sign codes may be paid from personal funds or the campaign account.***

## How to File a Complaint Regarding a Political Sign

**The Supervisor of Elections Office does not have the authority to investigate, enforce or impose penalties for violations of sign ordinances.**

If a person believes that a candidate has violated the sign ordinance of the county or one of the municipalities, he/she may contact City of Jacksonville Code Enforcement at (904) 255-7000 or the municipality to file a complaint. You may also submit an issue regarding signs online <http://630city.coj.net/>.

## Florida State Political Sign Laws

Usage and Removal of Political Campaign Advertisements:

- No signs may be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.
- Candidates shall make a good faith effort to remove all political signs within 30 days after withdrawing as a candidate, being eliminated as a candidate, or being elected to office.
- If a candidate does not remove his or her campaign advertisements within 30 days, a political subdivision or government entity has the authority to remove the signs and may charge the candidate the actual cost for such removal.
- A municipality may impose additional or more stringent requirements on the use or removal of political advertisements.
- If a candidate wishes to reuse campaign signs left at the polls on Election Day, the signs must be collected by the candidate’s campaign staff prior to our poll workers removing and disposing of them after the polls close.
- Failure to remove signs within 30 days of the end of an election is a violation of F.S. 106.1435, and complaints can be directed to the Florida Elections Commission. **Again, county or municipal law may be more restrictive than state law.**

## Political Signage Guidelines

*State and local laws regulate the usage and placement of political signs.*

- Political signs may be placed/erected only on private property and with the permission of the property owner
- It is unlawful to place political signs on public property. This includes:
  - Roads/Medians
  - Right of Way (ROW) – Defined as:
    - Road shoulders      Sidewalks
    - Swales                      Property adjacent to road containing utilities

State or county road ROW (Section 106.1435 (3), *Florida Statutes*)

  - Utility poles
  - Public parking
  - Public Parks
  - Government buildings
  - May not be tacked, tied or pasted to a hydrant, tree, lamppost, telephone, telegraph or electric utility pole, fence or building (326.104 (b) JOC)
- While ROW is not always easily defined, proper placement is generally behind utility poles, behind sidewalks on private property, behind drainage ditches or other utilities and behind fences.
- Please call 811 or go to [www.sunshine811.com](http://www.sunshine811.com) before digging to place a sign
- Political signs can be double faced as long as the faces are parallel (Sec. 656.1302, JOC)
- Signs are limited to one sign per candidate and one sign per ballot issue on the same property
- Political sign sizes are limited as follows:
  - Residential Property – 4 sq. ft. (Sec. 656.1302, JOC)
  - All other zoning districts – 16 sq. ft. (Sec. 656.1302, JOC)
- Political sign heights:
  - Residential Property – Top of sign is not more than six (6) feet off the ground
  - All other zoning districts – Top of sign is not more than six (6) feet off the ground
- Political sign placement:
  - An election sign may be displayed as an attached sign or freestanding. If freestanding, it must be set back from the Right of Way (ROW) not less than 10 feet. (Sec. 656.1314, JOC)
- Signs placed on ROW may be removed by the appropriate department of the city or any other person (Sec. 601.105, JOC)
- Candidate must remove all campaign signs within seven (7) calendar days after the candidate has been defeated, elected or withdrawn. (Sec. 656.1314, JOC)
- See Chapter 609 Code Enforcement Citations
- See Chapter 741 Zero Tolerance on Litter: Increased fines for violations, 1<sup>st</sup> offense \$150; 2<sup>nd</sup> offense \$300; 3<sup>rd</sup> and after \$500 per sign! (this is a revision of Chap. 609 fines)

**Where county requirements are more restrictive than State law, City of Jacksonville restrictions will apply. For additional information, contact City of Jacksonville Code Enforcement at (904) 255-7000 or go to the city website: <http://630city.coj.net/>.**

## USE OF CITY SEAL, FLAG, OR OTHER INSIGNIA

Please do not use the city seal or flag on your business cards, palm cards, political signs, mail outs or on your websites. Below is the City of Jacksonville ordinance which makes it a class C offense.

Sec. 601.106. - Use of City seal, flag or other insignia.

It is unlawful and a class C offense for any person knowingly to display any printed or other likeness of the City seal adopted in Section 130.101, the City flag adopted in Section 130.102 or any other device or logograph officially adopted by a City agency or unit of government or registered under the trademark laws of the state or the United States by the City, or any facsimile thereof, in, or in connection with, any advertisement, circular, book, pamphlet or other publication, play, motion picture, telecast or other production for the purpose of conveying and in a manner reasonably calculated to convey the false impression that all or any part of the advertisement, circular, book, pamphlet or other publication, play, motion picture, telecast or other production is sponsored or approved by the City or any agency or unit of government thereof.

(Ord. 83-591-400, § 1; Ord. 2011-232-E, § 2)

# THIRD PARTY VOTER REGISTRATION ORGANIZATIONS

## **Definition of Third-Party Voter Registration Organization - F.S. 97.021(37)**

A Third-Party Voter Registration Organization means any person, entity or organization collecting voter registration applications. A third-party voter registration organization does not include a person who seeks to register to vote or collect voter registration applications from that person's spouse, child, or parent, or a person engaged in registering to vote or collecting voter registration applications as an employee or agent of the Division of Elections, Supervisor of Elections, Department of Highway Safety and Motor Vehicles, or an official voter registration agency.

## **Definition of an Affiliate Organization (of a Third-Party Voter Registration Organization) - Division of Elections Rule 1S-2.042**

An affiliate organization of a third-party voter registration organization means any person, as defined in F.S. 1.01(3) that is associated with the third-party voter registration organization as a subordinate, subsidiary, member, branch, chapter, as a central or parent organization, or through direct or indirect ownership or control. Ownership or control means substantial and effective, though not necessarily predominant, ownership or control.

## **Engaging in Third-Party Voter Registration Activities - F.S. 97.0575**

Prior to engaging in any voter registration activities, the third-party voter registration organization shall file form DS-DE 119 to provide required information about its registered agent and officers. This form must also list all employee/paid registration agents collecting applications on behalf of the organization. No Voter Registration Applications can be provided to the organization until the Division assigns it an identification number, which must be listed on each application.

For each registration application collected and not turned in promptly by the third-party voter registration organization, there are fines associated:

- \$50 for each registration application collected and turned in or postmarked more than 10 days after it was delivered by the applicant; \$250 for each application collected and turned in or postmarked more than 10 days after it was delivered by the applicant if the agent acting on behalf of the third-party registration organization acted willfully.
- \$100 for each application collected and turned in or postmarked after the voter registration deadline (book closing); \$500 for each application collected and turned in or postmarked after the voter registration deadline (book closing) if the agent acting on behalf of the third-party registration organization acted willfully.
- \$500 for each application collected and never turned in; \$1,000 for each application collected and never turned in if the agent acting on behalf of the third-party registration organization acted willfully. Total aggregate fines for any third-party voter registration organization are capped at \$1,000 per calendar year. The Secretary of State has the ability to waive fines upon a showing that failure to deliver the voter registration applications resulted from *force majeure* or impossibility of performance.

# PROVISIONAL BALLOTS

## **When is a Voter Entitled to Vote a Provisional Ballot? - F.S. 101.048 & F.S. 101.045**

A voter is entitled to vote a provisional ballot for the following reasons:

- Voter's name cannot be found on the EViD and eligibility cannot be verified. (F.S. 101.045(2)(e))
- Voter refutes the supervisor's office confirmation that he or she is not eligible. (F.S. 101.048(1))
- The electronic pollbook shows that the voter has requested a mail ballot and the poll worker cannot verify that the voter has not voted. (F.S. 101.69(3))
- There is an indication on the precinct register that the voter has returned the mail ballot or has voted in the office or at an early voting site, but the voter maintains that he or she has not voted, even after a call to the office. (F.S. 101.69(1))
- There is an indication on the precinct register that the voter's registration information has not been verified by the Department of State. (F.S. 97.053(6))
- Voter did not provide picture and signature identification. (F.S. 101.043(2))
- There is an indication on the precinct register that the voter has been challenged in this election (F.S. 101.111(c))
- Voter is challenged at the precinct. (F.S. 101.111(1)(b))
- A voter whose signature differs from the ID presented and the voter refuses to complete the affidavit. (F.S. 101.49(2))
- A voter who makes an out-of-county address change at the polls must vote a provisional ballot, unless the county uses electronic poll books at the polling place. (F.S. 101.045(2)(c))

A provisional ballot is a conditional ballot whose validity is determined by the Canvassing Board. A voter who casts a provisional ballot has the right to present written evidence supporting his/her eligibility to vote to the Canvassing Board by no later than 5:00 p.m. on the second day following the election.

Provisional ballots that are accepted by the Canvassing Board will be tabulated and included in the first set of unofficial results and in the final official results. If the Canvassing Board determines the voter was not eligible to vote, the certificate envelope containing the ballot will not be opened and the voter will be notified in writing why his/her ballot was not accepted.

# ELECTION NIGHT RESULTS

## **Election Results Provided Election Night - F.S. 102.141(4) & Division of Elections Rule1S-2.013**

The Supervisor of Elections Office will post unofficial results to our website at DuvalElections.com after 7:00 p.m. election night. The first results posted are early voting returns and partial mail ballot returns. Precinct results will be added as they are received (via modem) from the polling places. Provisional ballot and write-in results are not available election night. For countywide General Elections, 10-day overseas mail ballot returns will not be available until 10 days after the election (this includes ALL contests and questions, including local contests and questions, on the 10-day overseas ballots).

## **Unofficial Results & Determining a Recount - F.S. 102.141(5)(7), 102.166**

The first set of unofficial results must be submitted to the Division of Elections no later than Noon of the third day after the Primary Election and no later than Noon of the fourth day after the General Election. The first set of unofficial results must include provisional ballots and votes for qualified write-in candidates. If the first set of unofficial results reflect that a candidate for any office was defeated or eliminated by one-half of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-half of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-half of a percent or less of the votes cast on such measure, a MACHINE RECOUNT will be ordered. The results of a machine recount are considered the second set of unofficial results.

If the second set of unofficial results reflect that a candidate for any office was defeated or eliminated by one-quarter of a percent or less of the votes cast for such office, that a candidate for retention to a judicial office was retained or not retained by one-quarter of a percent or less of the votes cast on the question of retention, or that a measure appearing on the ballot was approved or rejected by one-quarter of a percent or less of the votes cast on such measure, a MANUAL RECOUNT will be ordered.

**A candidate can choose NOT to proceed with a machine or manual recount by submitting a written request to the Supervisor of Elections office if the contest is within the boundaries of Duval County. Multi-County, State and Federal candidates must submit their requests to the Department of State.**

The second set of unofficial results must be submitted to the Division of Elections no later than 3:00 p.m. on the fifth day after the Primary Election and no later than 3:00 p.m. of the ninth day after the General Election.

## **Final Official Results - F.S. 102.112**

Final Official Results must be submitted to the Division of Elections by 5:00 p.m. of the 7th day after the Primary Election and by Noon of the 12th day following the General Election.



# CONTEST OF ELECTION

## **Filing a Contest of Election - F.S. 102.168**

The certification of election or nomination of any person to office, or of the result on any question submitted by referendum, may be contested in circuit court by any unsuccessful candidate for such office or nomination thereto or by any elector qualified to vote in the election related to such candidacy, or by any taxpayer respectively.

A contest of election must be filed with the fees prescribed with the clerk of the circuit court within 10 days after midnight of the date the official results were certified. The grounds for filing a contest of election are as follows:

- Misconduct, fraud, or corruption on the part of any election official or any member of the Canvassing Board sufficient to change or place in doubt the result of the election.
- Ineligibility of the successful candidate for the nomination or office in dispute.
- Receipt of a number of illegal votes or rejection of a number of legal votes sufficient to change or place in doubt the result of the election.
- Proof that any elector, election official, or Canvassing Board member was given or offered a bribe or reward in money, property, or any other thing of value for the purpose of procuring the successful candidate's nomination or election or determining the result of any question submitted by referendum.

# MANUAL POST-ELECTION AUDIT

## **Conducting the Manual Post-Election Audit - F.S. 101.591 & Division of Elections**

### **Rule 1S-5.026**

Immediately following the certification of each election, the Canvassing Board must conduct a manual postelection audit of the voting system. However, if a manual recount is undertaken pursuant to F.S. 102.166, the Canvassing Board is not required to perform the manual post-election audit.

The Canvassing Board must randomly select a contest or question that appears on the ballot. From the contest or question that is selected, the Canvassing Board must then randomly select 2% of the precincts that were eligible to vote for that contest or question. For example, if the Canvassing Board selected a state house district contest, the Canvassing Board would select 2% of the precincts that were eligible to vote for that contest. If the Canvassing Board selected a countywide referendum question, the Canvassing Board would select 2% of all the precincts in the county.

Once the contest/question and precinct(s) have been randomly selected, the mail, early voting, election day and provisional ballots cast would be retrieved and the Canvassing Board or audit teams would manually audit the votes for the contest/question selected. The results of the manual audit would be compared to the results from the tabulation system. The Division of Elections provides the Canvassing Board with tally sheets and a report form to be completed. The results of the audit must be made available to the public within seven days of certification and must be sent to the Division of Elections within 15 days after the completion of the audit.

The random selection of the contest/question and precinct(s) and the audit process are open to the public. Notices are posted to our website at [DuvalElections.com](http://DuvalElections.com) and at each of the entrances to our offices (notices must be posted at least 24 hours before each meeting).

# ETHICAL CONDUCT OF CANDIDATES

**Note: Judicial candidates should also be familiar with Canon 7, Code of Judicial Conduct.**

**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; or
- 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; or
- 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.

**104.047 Absentee ballots and voting; violations.—**

(1) Except as provided in s. 101.62 or s. 101.655, any person who requests an absentee ballot on behalf of an elector is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(2) Any person who marks or designates a choice on the ballot of another person, except as provided in s. 101.051, s. 101.655, or s. 101.661, is guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

History.—s. 26, ch. 98-129; s. 34, ch. 99-2; s. 57, ch. 2001-40; s. 54, ch. 2005-278.

**104.31 Political activities of state, county, and municipal officers and employees**

(2) An employee of the state or any political subdivision may not participate in any political campaign for an elective office while on duty.

(3) Any person violating the provisions of this section is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082 or s. 775.083.

(4) Nothing contained in this section or in any county or municipal charter shall be deemed to prohibit any public employee from expressing his or her opinions on any candidate or issue or from participating in any political campaign during the employee’s off-duty hours, so long as such activities are not in conflict with the provisions of subsection (1) or s. 110.233.

***It is strongly suggested you review Chapter 104 of the Florida Statutes which deals specifically with violations of the Elections Code.***

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  
Voter Fraud Hotline is 1-877-VOTERFRAUD (1-877-868-3737) M-F 8:00 a.m. - 5:00p.m. EST

Please see our website, DuvalElections.com for more information. Go to Election Information, Campaign Violations/Election Fraud

# COMMON REPORTING ERRORS AND SUGGESTIONS

- Don't accept contributions or get 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).**
- Candidates can only give \$50 cash to their campaign. Please write a check when loaning yourself money for your campaign. A candidate may loan themselves any amount for their campaign.
- Don't wait until the due date to file your report. Give yourself time in case of a problem or question.
- Print out your bank statements and reconcile your deposits and expenses. You can export your finance report into a spreadsheet and this is a good way to check for errors. It's a lot easier to do it periodically than to wait until the end of your campaign to reconcile and discover the source of an error.
- Keep an eye out for multiple contributions which may violate the \$1,000 limit per individual.
- Remember to have an address for all contributions and an occupation for those over \$100
- Never list an in-kind contribution under your expenditures...it's not money and can't be spent.
- Stay away from cash as much as possible. Cash contributions are limited to \$50.
- You may withdraw petty cash from the campaign account by writing a check. Report this withdrawal in expenditures as "Petty Cash Withdrawn." Then as you spend the cash, you will report it as "Petty Cash Spent" in expenditures.
- All bank deposits must be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.
- Keep all your receipts and a copy of your bank deposits listing the contributors and amounts.
- Your campaign legally needs to always operate in the black; you should never have a negative balance!
- Campaign checks must be endorsed by treasurer
- Don't forget to notify the filing officer of changes in treasurers, depositories, or other contact information
- You must show a distribution when a reimbursement is made to the candidate or a campaign worker
- Do not use "business owner" or "business man" for the occupation. It must be specific.
- Watch for husband and wife contributions. They each can give up to \$1,000, however they will need to issue separate checks as all joint checks are attributed to the signer.
- If you have a question regarding campaign finance, the first step is to consult the "Treasurer's Handbook" and Chapter 106 and if the answer still isn't clear to you, contact our office. We are not a substitute for contacting an attorney and cannot offer you legal advice; however, we can help you find an answer to most questions. As a candidate, you are also free to contact the Florida Division of Elections directly.
- Your report is a public record. Once the Supervisor of Elections office receives your reports, it becomes a public record. It will be posted on our 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.

# AFTER THE ELECTION

Once the election is certified, a termination report is due from candidates who were defeated or elected. Our office will notify the candidate of the due date of their final report. This report will show the disposition of funds from the campaign account.

Prior to disposing of surplus funds, a candidate may be reimbursed by the campaign for any previously reported contributions by the candidate to the campaign, in full or in part.

A candidate who filed an oath stating that he/she was unable to pay the fee for verification of petition signatures without imposing an undue burden on his/her personal resources or on resources otherwise available to him/her, must reimburse the Supervisor of Elections office for such waived fee prior to disposing of any funds under the surplus provisions contained in F.S. 106.141(4).

A candidate who has been elected to office will receive a letter from the Division of Elections along with form DS-DE 56, Oath of Office. The form is to be notarized and sent to the Division of Elections in Tallahassee. On this form the new official will be taking the oath of office and accepting the office to which they have been elected. The letter also asks that the new official send in \$10.00 from their personal funds. **DO NOT OMIT THIS PROCESS.** This is the final step in becoming an elected official.

**OATH OF OFFICE**  
(Art. II, § 5(b), Fla. Const.)

STATE OF FLORIDA  
County of \_\_\_\_\_

I do solemnly swear (or affirm) that I will support, protect, and defend the Constitution and Government of the United States and of the State of Florida; that I am duly qualified to hold office under the Constitution of the State, and that I will well and faithfully perform the duties of \_\_\_\_\_  
(Title of Office)

on which I am now about to enter, so help me God.  
[NOTE: If you affirm, you may omit the words: "so help me God." See § 92.52, Fla. Stat.]

\_\_\_\_\_  
Signature  
Sworn to and subscribed before me this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_  
\_\_\_\_\_  
Signature of Officer Administering Oath or of Notary Public  
\_\_\_\_\_  
Print, Type, or Stamp Commissioned Name of Notary Public  
Personally Known  OR Produced Identification   
Type of Identification Produced \_\_\_\_\_

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**ACCEPTANCE**

I accept the office listed in the above Oath of Office.  
Mailing Address:  Home  Office

\_\_\_\_\_  
Street or Post Office Box  
\_\_\_\_\_  
City, State, Zip Code

\_\_\_\_\_  
Print Name  
\_\_\_\_\_  
Signature

DS-DE 56 (Rev. 11/16)

Our office has a notary available for notarizing any forms needing a notarized signature.