Miami-Dade County

Candidate's Handbook On Public Financing

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Miami-Dade Elections Department
2700 NW 87th Avenue
Miami, Florida 33172
(305) 499-8410

Public Financing Handbook
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INTRODUCTION

Limited Public Financing for Miami-Dade Mayor and Board of County Commission Candidates

The voters of Miami-Dade County approved a ballot question on November 7, 2000 that required the Board of County Commissioners to adopt an Ordinance providing limited Public Financing. On March 8, 2001, the Miami-Dade County Board of County Commissioners adopted such an Ordinance relating to Campaign Financing and created the Election Campaign Financing Trust Fund to provide limited Public Financing for Mayoral and County Commission elections. On January 29, 2002, June 18, 2002, and December 6, 2005 the Ordinance was amended.

The Miami-Dade Supervisor of Elections was directed by Ordinance to implement rules and procedures for the administration of the limited Public Financing. These procedures are intended as a guideline for all Candidates who wish to make application for funds.

The "Candidate's Handbook on Public Financing" is intended to summarize the applicable provisions. Section 12-22 of the Code of Miami-Dade County is the implementing authority and **must be read** to ensure a proper understanding of the governing law.

Any questions pertaining to the Election Campaign Financing Trust Fund and limited Public Financing for Mayoral and County Commission Candidates should be directed to:

Christina White
Director, Office of Governmental Affairs
Miami-Dade Elections Department
2700 NW 87th Avenue
Miami, FL 33172
(305) 499-8403

Applying for Limited Public Financing

Who may participate in the limited matching funds program?
Any Candidate for Mayor or County Commissioner of Miami-Dade County who desires to receive contributions from the Election Campaign Financing Trust Fund (the "Fund") may do so by following the requirements for eligibility.

What are the requirements for eligibility?

- File an Irrevocable Declaration of Intent to seek Public Financing no later than ninety (90) days after opening a campaign account, or thirty (30) days before the first day of qualifying, whichever shall come first with the Supervisor of Elections using the Form MD-ED 13, Irrevocable Statement and Application for Election Campaign Financing Trust Fund for Participation in Initial and Run-off Elections.

- Submit Form MD-ED 15, Contributions List for Application for Election Campaign Financing Trust Fund before or at least twenty (20) business days prior to the first day of Qualifying for Office after applying for Public Funding.

- Receive the required number of contributions between $100 and $500 from the required number of qualified contributors.

    - A Qualified Contributor is a Miami-Dade County registered voter residing in the Commission district which the Candidate is seeking to represent or a bank, corporation or unincorporated association with a place of business in the Commission District which the Candidate is seeking to represent. A "place of business" means a physical location in the applicable Commission District where business is conducted as evidenced by an occupational license, a permit or license issued by a governmental entity, or income or property tax returns or notices. If running for Mayor, the qualified contributor must reside or conduct business in Miami-Dade County. For the 2006 Election, at least 50% of the contributions for the County Commissioner Candidates must be from the district in which the Candidate is running for office.

- Sign the Form MD-ED 11, Public Financing Acknowledgement Statement which indicates that he/she has received, read, understand and agree to abide by Section 12-22 of the Miami-Dade County Code regarding the Election Campaign Financing Trust Fund.

- Limit loans or contributions from the Candidate's personal funds to twenty-five thousand dollars ($25,000.00).

- Mandatory for Candidates and Campaign Treasurers to attend a seminar conducted by the Miami-Dade County Commission on Ethics and Public Trust regarding State and local Campaign Financing Laws.

- Submit to audits of the Campaign Accounts by the Commission of Ethics and Public Trust and Inspector General's Office.

REQUIRED CONTRIBUTIONS				
	Required number of contributions from qualified contributors	**Maximum number of qualifying contributions that can be submitted**	**Minimum total amount of contributions required**	**Amount of Total Disbursement For General Election**
Mayor	**1,500**	**1,800**	**$150,000**	**$300,000**
(Option 1) Board of County Commissioners	**300**	**360**	**$30,000**	**$50,000**
(Option 2) Board of County Commissioners	**300**	**360**	**$50,000**	**$75,000**

What happens after a Candidate files an "Irrevocable Statement and Application for Election Campaign Financing Trust Funds"?
Once the Candidate submits Form MD-ED 13, Irrevocable Statement and Application for Election Campaign Financing Trust Fund for participation in Initial and Run-off Elections, the Elections Department staff will review the Statement along with the list of contributors to determine whether all of the conditions of eligibility have been satisfied.

The Candidate must be opposed by another Candidate at the end of qualifying period in order to be eligible.

What if a Candidate does not make application for Public Financing during the qualifying period but is in the Run-off election and wishes to apply?
A Candidate may apply for funds by submitting the Form MD-ED 14, Irrevocable Statement and Application for Election Campaign Financing Trust Funds for Run-off Election and Form MD-ED 17, Affidavit for Run-off Election - Expenditure Limits.

Such application must be filed no later than the third business day after the certification of the results of the initial election.

Funds available from the Election Campaign Financing Trust

How much money can a Candidate receive?
Candidates who meet the established eligibility requirements may receive the following:

Candidate		General Election	Run-off Election
Mayor		$300,000	$200,000
Board of County Commissioners	If contributions total $30,000	$50,000	$50,000
	If contributions total $50,000	$75,000	$50,000

Distribution of Funds

When will the Candidate receive the funds?
Once the Supervisor of Elections determines that the Candidate has satisfied the contributions requirement regarding the Election Campaign Financing Trust Fund set forth in Section 12-22 of the Miami-Dade County Code, the Inspector General will perform an independent investigation to determine the Candidate's eligibility and will notify the Supervisor of Elections. Based on the results, the Elections Department will request disbursement of the funds from the Finance Department.

The disbursement will be made as follows for Candidates for Mayor:

- For General Elections: $300,000 shall be disbursed within 7 days after the Supervisor of Elections has certified that the Candidate has received the requisite number of contributions and has met all requirements to be eligible for such contribution.
- For Run-off Elections: $200,000 shall be disbursed within 7 days from the date of the initial election and submitted the Form MD-ED 17, Affidavit for Run-Off Election Expenditure Limits to the Elections Department.

The disbursement will be made as follows for Candidates for Board of County Commissioner:

- For General Elections, the first installment of $50,000 shall be disbursed within 7 days after the Supervisor of Elections has certified that the Candidate has received the requisite number of contributions and has met all requirements to the be eligible for such contribution.

- The second installment, if applicable, of $25,000 shall be disbursed within 7 days after the Candidate has submitted his or her 32nd day Campaign Treasurer's Report, as required by Section 106.07, Florida Statutes, and the Supervisor of Elections has determined that the report contains sufficient information to allow

for the audit of the campaign contributions and expenditures. This report must have the signatures of both the Candidate and the Treasurer.

- For Run-off Elections, $50,000 will be disbursed after the Supervisor of Elections has received a Campaign Treasurer's Report that contains sufficient information to allow for the audit of campaign contributions and expenditures and the Form MD-ED 17, Affidavit for Run-Off Election Expenditure Limits. This report must have the signatures of both the Candidate and the Treasurer.

- A Candidate shall not be entitled to a disbursement of funds which, when combined with the funds raised by the Candidate, would exceed the applicable expenditure limit. Under such circumstances, the Candidate shall only be eligible for an amount which, when combined with the funds raised by the Candidate, equals the applicable expenditure limit.

The Supervisor of Elections will provide a certification of the decision to the Candidate.

When can a Candidate obligate funds from the Campaign Trust Fund?
A candidate who is eligible for a distribution of funds based upon qualifying contributions received and certified to the Supervisor of Elections, may obligate funds not to exceed the amount that the candidate is eligible to receive from the Election Campaign Financing Trust Fund without the funds actually being on deposit in the campaign account.

What if the Supervisor of Elections finds a Candidate ineligible to receive funds?
An adverse decision may be appealed to a hearing examiner. Such appeal shall be filed with the Clerk of the Board and the County Attorney within 10 days of the filing of the Supervisor of Elections decision.

Such appeal shall be in writing. The appeal must state the particular grounds on which it is based, shall include all pertinent documents and evidence and be accompanied by a bond in the amount of $500 in a form and with a surety acceptable to the Supervisor of Elections. Any grounds not stated shall be deemed waived. The bond will be retained by the Clerk of the Board and shall be returned at the conclusion of the appeal proceedings unless the hearing examiner imposes costs against the appellant.

The Clerk of the Board shall refer an appeal to a hearing examiner within 3 business days of receipt of the notice of appeal.

The hearing examiner will hear the appeal within 3 business days unless otherwise agreed to by the appellant.

The decision of the hearing examiner may be appealed pursuant to the Florida Rules of Appellant Procedure.

Where does the Candidate deposit the funds received from the Public Trust Fund?
All funds received by a candidate from the Fund shall be deposited in a sub-account, with separate checks, in the candidate's primary campaign depository as defined in section 106.021, Florida Statutes. All expenditures from the sub-account shall be subject to the expenditure requirements and limitations on the use of funds as provided in this section.

Use of the Funds

Are there any prohibitions on the use of the funds?

Yes, funds shall not be used for the following expenditures:

1) Clothing for a Candidate or immediate family member of the Candidate (Exception is clothing that is a political advertisement as defined in FS 106.001(17).
2) Purchase or rental of any vehicle for a Candidate.
3) The enhancement of any vehicle owned by a Candidate or immediate family member.
4) Personal grooming or cosmetic enhancements for a Candidate.
5) Payment to the Candidate or an immediate family member for purchase of any goods or services.
6) Payment to any corporation, firm, partnership or business entity owned or controlled by the Candidate or immediate family member, for the purchase of any goods or services.

Trigger Reporting

What is trigger reporting?
When a Candidate who has elected to participate in the Public Trust Fund, has received contributions or made expenditures that exceed 100% of the applicable expenditure limits must file a Trigger Report within 24 hours per Miami-Dade County Code Section 12-22.

	100% Applicable Expenditure Ceiling for Initial Election	100% Applicable Expenditure Ceiling for Runoff Election
Mayor	$650,000	$450,000
Board of County Commissioners	$200,000	$150,000

The Trigger Report must be filed with the Miami-Dade Elections Department using the Form MD-ED 16, Trigger Report Form together with a Campaign Treasurer's Report covering the period from the date of the last report to the date that the ceiling was reached. Additionally, the Campaign Treasurer's Report must be filed electronically thru the website provided by the Elections Department. This report will be electronically posted on the Elections Department website at: http://elections.miamidade.gov.

What happens if a Candidate fails to file a "Trigger Report"?
Candidates who fail to file a Trigger Report as required by the Miami-Dade County Code Section 12-22 shall be subject to fines imposed by the Miami-Dade County Commission on Ethics and Public Trust and the State Attorney's Office.

Expenditure Limits

Are there any limits to the amount of expenditures that can be made for Candidates participating in the Election Campaign Financing Trust Fund?
Yes, Candidates for Mayor or Board of County Commissioners who request contributions from the Election Campaign Financing Trust Fund must limit their total expenditures during the election period as follows:

EXPENDITURE LIMITS		
	Initial Election	**Run-off Election**
Mayor	$650,000	$450,000
Board of County Commissioners	$200,000	$150,000

What happens if a Candidate participating in the Election Campaign Financing Trust Fund receives contributions or makes expenditures that exceed the applicable expenditure limits provided in the Miami-Dade County Code Section 12-22?
Any Candidate who requests contributions from the Fund who subsequently exceeds the limit set forth in this section, shall within 15 days from the date of exceeding the limit, pay to the Election Campaign Financing Trust Fund an amount equal to the excess expenditures. The total amount to be paid shall not exceed the total Public Financing received by the Candidate.

Such amount must be paid from the personal funds of the Candidate and is not an allowable campaign expense.

Can a Candidate choose to abide by the expenditure limits without requesting public funds?
Yes, any Candidate who is **not** a participant in the Election Campaign Financing Trust Fund but wishes to voluntarily abide by the applicable expenditure limits may do so by filing Form MD-ED 12, Irrevocable Statement for Candidates Voluntarily Abiding by Campaign Financing Limits with the Supervisor of Elections at the time of qualifying for office.

What happens if the Candidate files Form MD-ED 12, Irrevocable Statement for Candidates Voluntarily Abiding by the Campaign Financing Limits and exceeds the limits?
Candidates who have filed an irrevocable statement that subsequently receives contributions or makes expenditures that exceed the limit must within 15 days from the date they exceeds the limits, pay to the Election Campaign Financing Trust Fund an amount equal to the amount of the excess expenditures and/or the amount of the excess personal contributions or loans.

Such amount must be paid from the personal funds of the Candidate and is not an allowable campaign expense.

What happens if any Candidate exceeds the applicable expenditure limits?
Any Candidate for Mayor or Board of County Commissioner who did not received Public Financing and did not sign Form MD-ED 12, Irrevocable Statement for Candidates Voluntarily Abiding by Campaign Financing Limits **do not** have a limit on the contributions or expenditures.

Any Candidate for Mayor or Board of County Commissioner who received Public Financing and exceeds the limit **must pay** the difference to the Campaign Financing Trust Fund even if the ceiling has been broken by another Candidate in the district.

Enforcement and Penalties

The Ethics Commission enforces section 12-22 of the Miami-Dade County Code. In addition to any other penalties which may be applicable, a finding by the Ethics Commission that a person has violated the Code shall subject to a publics reprimand and/or a fine of two hundred and fifty dollars ($250.00) for the first such violation and five hundred dollars ($500.00) for each subsequent violation. The Ethics Commission may also order a person to pay restitution when the person or a third party has received a pecuniary benefit as a result of the person's violation.

In addition to any other penalties the State Attorney can prosecute any individual who violates the Miami-Dade County Code, shall be subject to a fine up to five thousand dollars ($5,000.00) or imprisonment not to exceed three hundred sixty-four (364) days, or both.

Any person who has pled guilty, pled nolo contendere, been found guilty or been convicted of a violation of the Miami-Dade County Code, or of any offense arising out of or relating to the distribution of funds to a candidate shall be barred from receiving funds from the Fund for a period of eight (8) years.

Post Election Procedures

What does a Candidate who has participated in the Election Campaign Financing Trust Fund do with any surplus campaign funds?
Any Candidate required to dispose of surplus funds pursuant to Section 106.141, Florida Statutes, who has received contributions from the Election Campaign Financing Trust Fund, shall return all surplus campaign funds to the Election Campaign Financing Trust Fund up to the amount received from the Fund.

Any surplus funds in excess of the amount contributed to the Candidate by the Election Campaign Financing Trust Fund shall be disposed of as provided in Section 106.141, Florida Statutes.

What happens after the election with all Candidates who have participated in the Election Campaign Financing Trust Fund?
The Miami-Dade County Commission on Ethics and Public Trust will conduct a post-election audit of all Candidates who participated in the Election Campaign Financing Trust Fund.

Candidates participating in the Fund must within 90 days after the election provide the Supervisor of Elections with detailed information to substantiate all campaign contributions and expenditures which have not been previously substantiated, including, but not limited to, all original cancelled checks, invoices, bank statements, receipts that include the name and business address of the person or the entity providing the receipt and any other information required by the Supervisor of Elections.

Each Candidate receiving contributions from the Fund shall submit to a post-election audit of his or her campaign account and shall within ninety (90) days after the election provide the Commission on Ethics and Public Trust with detailed information to substantiate all campaign contributions and expenditures.