

### **1S-2.047 State Campaign Matching Funds Program.**

(1) ~~Form of~~ Request. A candidate for the office of Governor or member of the Cabinet who desires to receive state matching funds pursuant to the Florida Election Campaign Financing Act shall complete Form DS-DE 98, "Candidate for Governor or Cabinet ~~Member~~ ~~Office~~ Request for Campaign Financing Act Matching Funds ~~Contributions~~" (eff. \_\_\_\_\_ ~~03/09~~) (insert hyperlink to form), and submit it to the Division of Elections (Division) no later than the date the candidate qualifies for office.

(2) Filing of campaign finance reports and documentation.

(a) Candidates requesting matching funds must file their campaign finance reports with the Division electronically as provided in Section 106.0705, F.S., and Rule 1S-2.017, F.A.C. For purposes of processing requests and distributing matching funds, a report and its supporting documentation are deemed:

1. Timely filed only if they are filed no later than 12:00 Noon (Eastern Time), on the due date of the campaign finance report.

2. Untimely filed if they are filed after 12:00 Noon (Eastern Time), on the due date of the campaign finance report.

(b) A candidate requesting state matching funds must include in the campaign finance report all information required by Sections 106.07 and 106.30 – .36, F.S. and must also provide all information and documentation required by paragraph (2) of this rule.

(c) If a candidate requesting state matching funds submits a campaign finance report listing contributions and subsequently amends such report or resubmits supporting documentation, any adjustment to the candidate's distribution of funds will be made as provided in paragraph (3) of this rule.

(d) Documentation to support a reported contribution may be submitted in paper or electronic format.

1. Regardless of the format, documentation must be submitted in the corresponding sequence order as recorded on the filed campaign finance report beginning with the smallest sequence number.

2. Paper documentation must be submitted on 8 1/2 by 11 paper. The top, right portion of each page must include the candidate's last name, candidate identification number, the report name (e.g., P1, G3, etc.), and the contribution sequence number or numbers to which the documentation pertains. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.

3. Electronic submission of documentation must be done via a separate file for each corresponding filed campaign finance report. The filename for the electronic submission must contain the candidate's last name followed by the type

of report (e.g., JonesP1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.

(e) The supporting documentation must satisfy the requirements of this rule to permit verification of the applicable contribution on the campaign finance report for which matching funds are requested.

(f) The Division must receive the following legible and complete documentation:

1. For a contribution made by check or cashier's check, a copy of the check or cashier's check;

2. For a contribution made by credit or debit card, a copy of the credit or debit card receipt;

3. For an in-kind contribution, a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution and the fair market value of the contribution; and

4. For a cash contribution, a copy of the bank deposit slip. The deposit slip must itemize cash deposits by contributor name and contribution amount.

(g) Documentation that does not conform to the specifications in paragraph (2) of this rule will not be processed and the Division will notify the candidate. Upon the Division's subsequent and timely receipt and verification of documentation that is in compliance with these specifications, matching funds will be distributed as provided in paragraph (3) of this rule.

(3) Distribution of state matching funds.

(a) For purposes of distribution of state matching funds, the Division shall process campaign finance reports and documentation in order of receipt and prioritize those that are timely submitted over those that are untimely submitted.

(b) Distributions shall be based on verified matching contributions that were received after September 1 of the calendar year prior to the election.

1. The first distribution of funds shall be distributed to eligible candidates on the 32nd day prior to the primary election based both on timely filed campaign finance reports which are required to be filed on or before the 60th day before the primary election and the documentation as specified in this rule.

2. The second distribution of funds shall be distributed to eligible candidates on the 25th day prior to the primary election based both on timely filed campaign finance reports which are required to be filed after the 60th day but no later than the 32nd day prior to the primary election and the documentation as specified in this rule.

3. Each subsequent distribution of state matching funds to eligible candidates shall be based on the prior week's timely filed report or reports and documentation as specified in this rule.

(c) Subject to the further restrictions specified in this subparagraph and subparagraph (d), distribution of funds based on untimely documentation or reports, amended reports, or supplemental documentation will be distributed no later than the weekly cycle occurring three weeks after receipt of such documentation or report. However, no distribution shall occur based upon the applicable campaign finance contribution report and its supporting documentation if the following final deadlines for campaign finance reports and documentation are not met:

1. Campaign finance reports and documentation due on the 25th, 18th, and 11th day before the primary or general election must be received no later than noon on the day the report and documentation are due.

2. Campaign finance reports and documentation due on or before the 32nd day prior to the primary election must be received no later than noon on the 25th day prior to the primary election.

3. The campaign finance report and documentation due on the 4th day prior to the primary election must be received no later than noon on the 3rd day following the primary election.

4. Campaign finance reports and documentation due between the 60th day and the 32nd day prior to the general election must be received no later than noon on the 25th day prior to the general election.

5. The campaign finance report and documentation due on the 4th day prior to the general election must be received no later than noon on the 3rd day following the general election.

(d) Distributions shall not be made to any person after the person withdraws his or her candidacy, becomes an unopposed candidate, or is eliminated as a candidate or elected to office, even if the person submitted nonconforming documentation while the person was a candidate and then corrects the deficiencies in the documentation after withdrawing, becoming unopposed, being eliminated, or being elected. The only exception is that a distribution can be made to a candidate based upon qualifying matching contributions received and certified to the Division on the campaign finance report due on the 4th day prior to the election, as long as the documentation conforms to the requirements of this rule.

(4) Review of agency action.

(a) An adverse final decision by the Division regarding the distribution of matching funds constitutes a notice of agency decision for purposes of Rule 28-106.111, F.A.C.

(b) Pursuant to Section 120.569(2)(a), F.S., and Rule 28-106.111, F.A.C., the person receiving the adverse action may request a hearing by filing such request with the Division within 21 days of the notice of agency decision. Failure to timely file a request shall constitute a waiver of any such entitlement.

1. Upon specific request by the aggrieved person, the Florida Elections Commission shall be designated by the Division to serve as the presiding officer for purposes of Chapter 120 and Rule 28-106.102, F.A.C., and as provided in Section 106.35(1), F.S. The Florida Elections Commission shall conduct the hearing in accordance with its own rules and in accordance with Chapter 28-106, F.A.C. After conducting the hearing, the Florida Elections Commission shall enter with the Division, through the agency clerk, a recommended order pursuant to Rule 28-106.216, F.A.C.

2. If no specific request is made that the Florida Elections Commission be substituted as the presiding officer, the Division will assign a presiding officer in accordance with Rule 28-106.102, F.A.C.

(c) Appeal of final order by the Division. An aggrieved person may appeal the Division of Elections' final order to the District Court of Appeal as provided by law and appellate rules.

#### Distribution of Funds.

~~(a) State matching funds shall be distributed to eligible candidates beginning on the 32nd day prior to the primary election and every 7 days thereafter. Distributions are based on verified matching contributions as shown on campaign finance reports, required to be filed by Section 106.07(1)(a), F.S., listing the contributions received after September 1 of the calendar year prior to the election.~~

~~(b) Funds shall be distributed as follows: —~~

~~1. The first distribution of funds is based on campaign finance reports required to be filed on or before the 60th day before the primary election.~~

~~2. The second distribution of funds is based on campaign finance reports required to be filed after the 60th day but no later than the 32nd day prior to the primary election.~~

~~3. Each subsequent distribution of funds will be based on the prior week's timely filed report or reports.~~

~~4. Distribution of funds based on untimely documentation or reports, amended reports, or supplemental documentation will be distributed no later than the weekly cycle occurring three weeks after receipt of such documentation or report.~~

~~(3) Filing of Reports.~~

~~(a) A report of contributions filed by candidates requesting matching funds must be filed with the Division electronically as provided in Section 106.0705, F.S., and Rule 1S 2.017, F.A.C., except such report is timely for purposes of matching funds only if it is filed no later than 12:00 Noon (Eastern Time), on the date it is due.~~

~~(b) If a report is filed after 12:00 Noon (Eastern Time), on the due date, the report will be deemed late for matching fund purposes and any eligible matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.~~

~~(c) Reports of contributions filed by candidates requesting matching funds must include all information required by Sections 106.07 and 106.30 .36, F.S. If information related to a matchable contribution is missing, incomplete, or cannot be verified, no match will be made for that contribution and the Division will notify the candidate. Upon the Division's receipt and verification of the missing or incomplete information, matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.~~

~~(d) If a candidate requesting matching funds submits a contribution report and subsequently amends such report, any adjustment, to the candidate's distribution of funds will be made as provided in subparagraph (2)(b)4. of this rule.~~

~~(4) Documentation.~~

~~(a)1. Documentation for each contribution report must satisfy the requirements of this rule to permit verification of the applicable contribution on the campaign finance report for which matching funds are requested.~~

~~2. Documentation for each contribution report is timely if it is received by the Division no later than 12:00 Noon (Eastern Time) on the date the report is due.~~

~~3. If documentation for such report is received by the Division after 12:00 Noon (Eastern Time) on the due date, the documentation will be deemed late for matching fund purposes and any eligible matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.~~

~~4. Documentation for the first distribution must be received by the Division on or before the 60th day prior to the primary election.~~

~~5. Documentation for the second distribution must be received by the Division on or before the 32nd day prior to the primary election.~~

~~6. Documentation for subsequent distributions must be received weekly by the Division each Friday.~~

~~7. If documentation for a report is untimely, any eligible matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.~~

~~(b) Documentation may be submitted in paper or electronic format.~~

~~1. Regardless of the format, documentation must be submitted in the corresponding sequence order as recorded on the filed contribution report beginning with the smallest sequence number.~~

~~2. Paper documentation must be submitted on 8 1/2 by 11 paper. The top, right portion of each page must include the candidate's last name, candidate identification number, the report name, and the contribution sequence number or numbers to which the documentation pertains. Information may be submitted in portrait or landscape format; however, all pages within the documentation submission must be in the same format.~~

~~3. Electronic submission of documentation must be done via a separate file for each corresponding filed contribution report. The filename for the electronic submission must contain the candidate's last name followed by the type of report (e.g., JonesF1, SmithG2, etc.), unless the candidate had previously requested and the Division had specifically exempted the candidate from the file name requirement because of character limitations in the filename. The documentation must clearly identify the contribution sequence number or numbers to which the image pertains. All electronic documents within the file must be submitted in a horizontal format, readable from left to right, so that the Division can read the document on a computer screen without having to rotate any image.~~

~~(c) In order to verify contributions, the Division must receive the following documentation:~~

~~1. For a contribution made by check or cashier's check, a copy of the check or cashier's check;~~

~~2. For a contribution made by credit or debit card, a copy of the credit or debit card receipt;~~

~~3. For an in-kind contribution, a written statement signed by the contributor that includes the date the contribution was made, a description of the contribution and the fair market value of the contribution; and~~

~~4. For a cash contribution, a copy of the bank deposit slip.~~

~~(d) Documentation that does not conform to the specifications in this paragraph will not be processed and the Division will notify the candidate. Upon the Division's receipt and verification of documentation that is in compliance with these specifications, matching funds will be distributed as provided in subparagraph (2)(b)4. of this rule.~~

~~(5) Appeal. An adverse decision regarding the distribution of matching funds may be appealed to the Florida Elections Commission, pursuant to Rule 2B-1.006, F.A.C.~~

~~(6)~~ Voluntary Expenditure Limits. Candidates not participating in public campaign finance who wish to voluntarily abide by the expenditure limits of Section 106.34, F.S., and the contribution limits on personal and party funds set forth in Section 106.33, F.S., shall file an irrevocable statement to this effect on Form DS-DE 90, “Irrevocable Statement to Voluntarily Abide by the Expenditure and Contribution Limits on Personal and Party Funds” (eff. ~~03/09~~)(insert hyperlink to form), upon qualifying for office.

~~(6)~~~~(7)~~ Forms Incorporated by Reference. All forms contained in this rule are incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, from the Division’s website at: <http://dos.myflorida.com/elections/forms-publications/forms/http://election.dos.state.fl.us>, or by calling (850) 245-6240.

*Rulemaking Authority 20.10(3), 106.33, 106.35(1), (5) FS. Law Implemented Fla. Const., Art VI, s. 7, 106.30-.36 FS. History—New 4-15-09, Amended 2-2-14, \_\_\_\_\_.*