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M E M O R A N D U M

TO: Alachua County Charter Review Commission
FROM: Wade C. Vose, Esq., General Counsel
DATE: April 8, 2020
SUBJECT: Legal Analysis and Initial Ballot and Charter Language – Removing Requirement for Paper Candidate Treasurer Reports

Pursuant to the Charter Review Commission's request, this office has evaluated and prepared draft ballot and charter language for Proposal 24, advanced for legal review at the CRC's January 29, 2020 meeting.

This proposal was submitted by Kim Barton, Alachua County Supervisor of Elections. The proposal seeks the removal of language from Section 1.6(D) of the Charter that the Supervisor has previously been advised requires candidates to continue to turn in paper treasurer reports, notwithstanding the fact that the Florida Election Code contemplates electronic submission of candidate treasurer reports for state-level candidates, and many peer counties have moved to solely electronic submission of candidate treasurer reports.

After reviewing the charter language at issue, it is not perfectly clear whether the charter provisions actually require the submission of paper candidate treasurer reports. I have spoken to the Alachua County Attorney's Office, and they are of the same opinion that the language of the provisions are not clear that they require the submission of paper candidate treasurer reports. However, Supervisor Barton has previously been advised that the Division of Elections believes that the provision does require the submission of paper candidate treasurer reports. In any event, the latter interpretation of the provision has long been applied within Alachua County, and the adoption of the charter amendment attached as Exhibit "A" would clarify the issue going forward.

Exhibit “A”

QUESTION #X

Ballot Proposal: The ballot title and ballot summary for Question #X are as follows:

COUNTY CHARTER AMENDMENT
REMOVING REQUIREMENT FOR PAPER
CANDIDATE TREASURER REPORTS

Shall the Alachua County Charter be amended to remove all references to the filing of paper candidate treasurer reports, and to require the filing of candidates treasurer reports in electronic format?

_____ Yes
_____ No

Text Revisions: Upon approval of this question at referendum, the following portions of the Alachua County Charter are amended to read as follows:

Sec. 1.6. - Campaign finance regulation.

...

- (D) Filing financial reports/time for accepting contributions. Candidates shall adhere to the following requirements when accepting campaign contributions and filing financial reports:
- (1) Candidates shall accept only those campaign contributions received on or before midnight on the seventh day prior to the date of the election.
 - (2) Candidates shall file their last period candidate treasurer reports with the Alachua County Supervisor of Elections by no later than 5:00 p.m. on the sixth day prior to the date of the election. ~~This deadline may not be extended by use of a postmark or other courier receipt.~~
 - (3) Candidate treasurer reports shall be filed in electronic format ~~no later than the due date for the paper original reports.~~
 - (4) When reporting their campaign contributions, candidates shall report the source of the contribution as being from those persons and

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entities described in Chapter 106, Florida Statutes; candidates shall also report the type of contributor and the cumulative total contribution amount from each contributor as of the date of the report.