

MAYOR
THOMAS F. SLATER

VICE MAYOR
MICHAEL B. OCHSNER

COUNCIL:
ROBERT F. AUWAERTER
RICHARD M. HAVERLAND
DEBORAH H. PENISTON



TOWN MANAGER
ROBERT H. STABE, JR.

TOWN CLERK
LAURA ALDRICH

TOWN ATTORNEY
CHESTER CLEM

6001 Highway A1A, Indian River Shores, FL 32963
(772) 231-1771 FAX (772) 231-4348

August 2018

Dear Prospective Candidate:

Welcome to the Town of Indian River Shores election process. This handbook contains as much information as possible to assist you with your campaign. It is important to **familiarize yourself with the Florida Election Laws** that are provided as a supplement to this handbook. Knowing the rules may save you both time and money, and will keep your campaign open and fair. We have also provided information for you and your appointed campaign treasurer of duties and responsibilities for that position. Keep in mind that all material is subject to change by the Florida legislature.

Congratulations on your decision to run for office as a Council Member for Indian River Shores. Your choice to become involved in the matters of your Town is an important and an admirable one. Please do not hesitate to call me at (772) 231-1771, extension 121 if you have any questions at all regarding your campaign. If an answer is not immediately available, I will quickly research it and find the answer for you.

Sincerely,

Laura Aldrich, MMC
Town Clerk

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TOWN ELECTIONS

Electing Officials for the Town of Indian River Shores

The Town of Indian River Shores holds elections every even-numbered year to elect two or three of the five-member Town Council. This election is normally held on the second Tuesday in November in the Town's Community Center. Due to reconstruction of our facility In 2018, we will be holding our election at **Christ by the Sea** located south of us before Beachland Boulevard at **3755 State Road A1A, Vero Beach**.

The next election for Indian River Shores [Town Council](#) is **November 6, 2018**. We will have two seats available. Vice Mayor Mike Ochsner is eligible for reelection, and Councilman Dick Haverland is term-limited and unable to seek reelection.

The qualifying period for the November 2018 Town Council election begins at noon Monday, August 27th and continues until noon on Friday, August 31st. No qualification packages will be accepted other than during that time. Click [here](#) for the **candidate information package**.

Anyone interested in becoming an Indian River Shores council member must have been a **resident of the Town for at least one year** prior to the election. Our council members are elected "at large," which means that each council member represents the Town as a whole rather than a specific district within the Town. Other important considerations include:

- *Willingness to serve a 4-year term of office;*
- *Availability to meet at least once per month, usually on the fourth Thursday at 9 a.m., to conduct the affairs of the Town;*
- *Availability to represent the Town on one or more boards or committees for normal monthly meetings in the county or state;*
- *Participation in selection of the mayor and vice-mayor for 2-year terms at a special or regular meeting following the elections;*
- *Serving without remuneration.*

Please [contact the Town Clerk](#) for further details or information regarding seeking election to Indian River Shores Town Council.

GENERAL 2018 ELECTION INFORMATION

Pertinent to the Town of Indian River Shores

- Election Day is **November 6, 2018**, always the second Tuesday in November of even-numbered years
- Town Council candidates must:
 1. Be a citizen of the United States
 2. Be a registered Elector of Indian River County and of The Town of Indian River Shores
 3. Have resided in the Town for a period of one (1) year immediately preceding the election in which they are a candidate
 4. Not have served eight (8) or more consecutive years as a Town Council Member immediately preceding the election in which they are a candidate (Indian River Shores Code of Ordinances, 6-1 and 6-2)
 5. Be able to attend Council meetings on the 4th Thursday of every month
 6. Be available to represent the Town on various local boards or committees at monthly meetings
- Indian River Shores Town Council consists of five (5) members (Indian River Shores Charter 2-1)
- Town Council seats are at-large (Charter 2-1)
- Town Council Members serve 4-year staggered terms, with two (2) seats available in the 2018 election year (Charter 2-2)
- The **Qualifying Period** is from *Monday, August 27 – Friday, September 1* (Florida Statute 99.061)
- Town Council **terms begin in November** at which the Mayor and Vice Mayor are elected by and from among the Council Members (Charter 2-4)
- The Town's Qualifying Officer is the Town Clerk, Laura Aldrich.

The TOWN OF INDIAN RIVER SHORES, Precinct 16, polling place is **temporarily** at
Christ By The Sea UMC, 3755 Highway A1A, Vero Beach
between Bethel Creek House & Fiddlewood Road

Helpful Links On-Line:

Florida Election Information Home Page <http://dos.myflorida.com/elections/>

Florida Division of Elections – 2016 Election Laws
<http://dos.myflorida.com/media/693802/election-laws.pdf>

Florida Division of Elections – Public Campaign Financing Information
<http://dos.myflorida.com/media/695284/candidate-and-campaign-treasurer-handbook.pdf>

FREQUENTLY ASKED QUESTIONS (FAQs)

1. **When may I announce my candidacy?**

Nothing in the election laws prohibits a person from announcing their intention to become a candidate prior to designating a treasurer or depository, as long as **no contributions** are received and **no expenditures are made** in connection with *that* announcement (Section 106.021, F.S.). You are considered an “announced” candidate when your Qualifying Officer (Town Clerk) receives your *Appointment of Campaign Treasurer and Designation of Campaign Depository – Form DS-DE 9*.

2. **When may I accept campaign contributions?**

Contributions may be accepted after you file the DS-DE 9 form that appoints your Campaign Treasurer and designates your depository. You cannot open a campaign bank account, pay any expenses including the qualifying fee of \$25 or accept campaign contributions until this form has been filed with the Qualifying Officer.

3. **When may I open my campaign bank account?**

You may submit the DS-DE 9, *Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates*, prior to the qualifying period (Monday, August 27th to Friday, September 1st).

4. **How and where do I submit the qualifying fee?**

Once you open your campaign bank account, you must write a check from that account payable to “The Town of Indian River Shores” in the amount of \$25.00 and remit it to the Qualifying Officer (Town Clerk) at Indian River Shores’ Town Hall Administrative Office.

5. **When should I order campaign signs and promotional items?**

The Town of Indian River Shores does allow political signs in a very limited manner. **Election signs**, addressed in a 2016 Ordinance, may be **one square foot** with a maximum height of 12” and may be **placed in a window** not to cover more than 20% of the total area of each window. They must be on **private property with consent** of the owner or lawful occupant, at **least 2’** from public rights-of-way (*not between telephone poles and the center of the street*) and **at least 15’** from rear and side property lines. **One sign per candidate** and one per each side of an issue is allowed. They may not be posted earlier than 30 days prior to election and removed within 7 days following the election. Violations will incur a fine of \$25/per occurrence.

As for other promotional materials, you may order anything you desire once you are able to pay for it from your campaign account.

6. **What is the logical order of procedure if I want to run for Town Council for Indian River Shores?**

Decide to run for office, then:

- a) See the Qualifying Officer for a Campaign Packet.
- b) Arrange for a campaign treasurer.
- c) You and your treasurer complete the DS-DE 9 *Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates*.
- d) Turn the following forms:
 - DS-DE 9, *Campaign Treasurer* *
 - DS-DE 302 NP, *Candidate Oath for Non-Partisan Office*
 - DS-DE 84, *Statement of Candidate* (must be filed within **10 days of DS DE 9**) *
 - *Affidavit of Qualification of Candidacy* (Town form, Charter Section 6-2)
 - Form 1, *Statement of Financial Interests*in to the Qualifying Officer.

- e) Take an original DS-DE 9 Form with you to open your campaign bank account.
- f) Bring a \$25 campaign check from your campaign account for the qualifying fee to the Qualifying Officer made payable to *The Town of Indian River Shores*.
- g) Order promotional or advertising items if desired.

* These two forms **may be submitted 2 weeks prior to start of qualifying period**. See 11 below.

7. **How is the order of names on the ballot determined?**

At the conclusion of the Qualifying Period (12:00 p.m. on Friday, August 31), the Qualifying Officer will have the names of candidates on identical slips of paper folded to conceal any writing to be drawn by an uninterested party from a “hat” to determine placement order on the ballot.

8. **What if there is the same number of candidates as the number of positions available?**

No ballot will be prepared nor an election held. The candidates will be declared as “election winners” and will be sworn into office in November at a Special Called Town Council Meeting or as late as the regular Town Council meeting set for November 14th, as determined by the majority of the elected officials.

9. **Who is the Qualifying Officer?**

The Town Clerk, Laura Aldrich, serves as the Town’s Qualifying Officer. She is devoted to assisting you with finding the answers to any of your questions before, during or after the campaign. You may contact her by phone (772-231-1771, Extension 121) or by e-mail at townclerk@irshores.com.

10. **What if I turned in my paperwork and decide not to run before the end of qualifying period?**

Let the Qualifying Officer know as soon as possible. There are expenses associated with holding an election, and if there are a number of open seats equal to the number of candidates, it is not necessary to hold the election.

11. **May I turn in my qualifying papers earlier than the designated week?**

The Town follows Florida Statutes on this, which in 99.061(8) states that “... a qualifying 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 the qualifying period.

Important Dates in 2018 for Candidates

August 27th Qualifying Period begins at 12:00 noon
 August 31st Qualifying Period ends at 12:00 noon

Campaign Treasurer’s Reporting Dates:

The Campaign Treasurer’s Reports must be filed with the Town Clerk/Qualifying Officer as follows:

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
8/24/18 - 8/31/18	2018 G1	9/7/2018
9/1/18 - 9/14/18	2018 G2	9/21/2018
9/15/18 - 9/28/18	2018 G3	10/5/2018
9/29/18 - 10/5/18	2018 G4	10/12/2018
10/6/18 - 10/12/18	2018 G5	10/19/2018
10/13/18 - 10/19/18	2018 G6	10/26/2018
10/20/18 - 11/1/18	2018 G7	11/2/2018

Termination Reports

<u>Cover Period</u>	<u>Report Code</u>	<u>Due Date</u>
After April-May Qualifying	TR	8/2/2018
After June Qualifying	TR	9/20/2018
Primary Election	TR	11/26/2018
General Election	TR	2/4/2019

November 6th ELECTION DAY

November 15th (Tentative) Regular Council Meeting at Indian River Shores Town Hall Council Chambers begins with honoring outgoing elected officials, swearing in of newly elected Council, selection of Mayor and Vice Mayor and determining board/committee appointments

February 4, 2019 All Surplus Funds must have been disposed of, Campaign Account closed and the Final Campaign Treasurer’s Report submitted (F.S. 106.141)

Note: These may be filed any time after the election prior to this date.

PLEASE NOTE: It is very important that each candidate understand the specifics of Florida law when it comes to campaign financing. Florida law provides for fines and penalties for violations of campaign financing restrictions.

Refer to the [2018 Candidate and Campaign Treasurer Handbook, Florida Statutes Chapter 106](#) or contact the Florida Department of State Division of Elections at (850) 245-6240 for clarification on any matter that is not clear.

ELECTION QUALIFYING DOCUMENTS

The following forms are to be filled out and returned to the Qualifying Officer during the qualifying period:

- Form DS-DE 9 “**Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates.**” This form may be submitted prior to the qualifying period. Once submitted and a bank account established, a “candidate” may begin receiving contributions and making expenditures. *Your campaign checks must have printed on them, “Campaign Account of _____.”*
- Form DS-DE 302 NP “**Candidate Oath for Non-Partisan Office**”
- Form DS-DE 84 “**Statement of Candidate.**” Read and Understand Chapter 106, Florida Statutes. This must be filed within ten (10) days of candidate filing appointment of campaign treasurer and designation of campaign depository (F.S. 106.023). See Form DS-DE 9 above.
- “**Affidavit of Qualification for Candidacy**” Form (Section 6-2 Town Charter)
- Form 1 - [Financial Disclosure](#) “**Statement of Financial Interests**”

The following forms are held by the candidate until the appropriate reporting period:

- Form [DS-DE 12](#) “**Campaign Treasurer’s Report Summary**”
- [DS-DE 13](#) “**Contributions**”
- [DS-DE 14](#) “**Expenditures**”
- [DS-DE 14A](#) “**Distributions**”

(Three sets of each of the above forms are provided)

Two other forms, the [DS-DE 87](#) “**Waiver of Report**” and [DS-DE-2](#) “**Contributions Returned**” are provided for your convenience and *may not* be needed.

The Oath of Office form is held until after the elections, when the new Council is sworn in.

The following booklets are available online or in the Qualifying Officer’s Office:

- Department of State – 2018 Candidate and Campaign Treasurer Handbook
<https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=2ahUKEwj3rsC9vflcAhVJwlkKHSaQAYIQFjAAegQIABAC&url=http%3A%2F%2Fdos.myflorida.com%2Fmedia%2F699202%2Fcandidate-and-campaign-treasurer-handbook-2018.pdf&usq=AOvVaw03IZA7K5AWuUIQqVMGjwOA>
- Department of State - 2016 Election Laws of the State of Florida (*May have been some revisions*) <http://dos.myflorida.com/media/693802/election-laws.pdf>
- Florida Commission on Ethics – Government-In-The-Sunshine
<http://www.myfloridalegal.com/sun.nsf/sunmanual>
- Chapter 106, Florida Statutes on Campaign Financing
http://www.leg.state.fl.us/statutes/index.cfm?App_mode=Display_Statute&URL=0100-0199/0106/0106ContentsIndex.html

ABOUT POLITICAL SIGNS

As you are well aware, the Town is comprised of 95% gated residential communities. Since the majority of residents do not have access by the general public into their neighborhoods, it has been traditionally disallowed to have political signs in the Town. *However*, in 2016 this was clarified as to how one could display signs as follows.

Sec. 164.15. Election signs.

- (A) Signs shall be either freestanding or window signs a maximum of one square foot in area, a maximum of one foot in height. The cumulative area of all window signs shall be a maximum of 20 percent of the total area of each window.
- (B) Election signs shall be located wholly on private property with the prior consent of the property owner or lawful occupant of the property. Such signs shall be located at least two feet from public rights-of-way and shall be at least 15 feet from rear and side property lines.
- (C) The number of signs allowed per street frontage shall be one per candidate and one per each side of an issue.
- (D) Election signs shall be posted no earlier than 30 days prior to the corresponding election and must be removed no later than seven days after the corresponding election.
- (E) Failure to properly place or remove signs will result in a fine of \$25.00 per occurrence.

(Ord. No. 531, § 1, 9-22-16)

Furthermore, there are two County-maintained streets within Town limits: Old Winter Beach Road and 46th Place (between CVS and 7-11). There is also one State road, A1A. The Town does not have jurisdiction over anything other than traffic on these streets. Chapter 479 is referenced in the Florida Statute 106.1435 (3) which states “. . . no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.”

A copy of the excerpt of Chapter 106.1435 from the Florida Statutes follows this page. Thank you for understanding.

- Home
- Senate
- House
- Citator
- Statutes, Constitution, & Laws of Florida
- Florida Statutes
- Search Statutes
- Search Tips
- Florida Constitution
- Laws of Florida
- Legislative & Executive Branch Lobbyists Information Center
- Joint Legislative Committees & Other Entities
- Historical Committees
- Florida Government Efficiency Task Force
- Legislative Employment
- Legistore
- Links

Select Year: 2018

The 2018 Florida Statutes

Title IX	Chapter 106	View Entire Chapter
ELECTORS AND ELECTIONS	CAMPAIGN FINANCING	

106.1435 Usage and removal of political campaign advertisements.—

(1) Each candidate, whether for a federal, state, county, or district office, shall make a good faith effort to remove all of his or her political campaign advertisements within 30 days after:

- (a) Withdrawal of his or her candidacy;
- (b) Having been eliminated as a candidate; or
- (c) Being elected to office.

However, a candidate is not expected to remove those political campaign advertisements which are in the form of signs used by an outdoor advertising business as provided in chapter 479. The provisions herein do not apply to political campaign advertisements placed on motor vehicles or to campaign messages designed to be worn by persons.

(2) If political campaign advertisements are not removed within the specified period, the political subdivision or governmental entity has the authority to remove such advertisements and may charge the candidate the actual cost for such removal. Funds collected for removing such advertisements shall be deposited to the general revenue of the political subdivision.

(3) Pursuant to chapter 479, no political campaign advertisements shall be erected, posted, painted, tacked, nailed, or otherwise displayed, placed, or located on or above any state or county road right-of-way.

(4) The officer before whom a candidate qualifies for office shall notify the candidate, in writing, of the provisions in this section.

(5) This provision does not preclude municipalities from imposing additional or more stringent requirements on the usage and removal of political campaign advertisements.

Interpreter Services for the Deaf and Hard of Hearing



TOWN OF INDIAN RIVER SHORES

Sunshine Law Guidance **for members of Boards, Committees, and Council**

It is an absolute necessity that any volunteer serving on a Town Committee or Board have more than a passing acquaintance with the Florida Government in the Sunshine Law (“Sunshine Law”).

The Sunshine Law was passed by the Florida Legislature in 1967 and is found in the Florida Statutes at Chapter 286. A copy of an explanatory note of the Attorney General about the law is included with this outline and should be referenced.

It is noted that the Sunshine Law covers practically every level of government, including state agencies, county agencies, municipal governments, and agencies.

From the standpoint of the Town, it is most important to note that the Sunshine Law covers the Town Council and Town Boards, including the Planning, Zoning & Variance Board, Code Enforcement Board, and Police-Fire Pension Board. Committees that may be included are the Finance Committee and Building & Grounds Committee. If there are additional committees formed from time to time, they should be closely reviewed to see if the Sunshine Law applies.

The law is directed at meetings of the covered boards and committees. One of the ongoing problems in understanding what is and what is not a violation is understanding what constitutes a “meeting.” Essentially, any communication between two members of the same board or committee can be a “meeting” and is prohibited by this law, unless it has been properly advertised and minutes are taken.

This outline is not meant to be comprehensive, but a few examples of potential violations are:

1. A telephone call from one board member to another regarding a matter that could be addressed by that board.
2. An email from a fellow board/committee member to another member about issues that could come before the Board they serve on.
3. A casual conversation between two members of the same board or committee at a social function can be construed as a violation. It is the content of the conversation that could lead to a violation.

You get the idea – Be alert to the potential of a violation and take every effort to avoid the conflict.

The idea behind the Sunshine Law is that public bodies performing business for the public should do so in the open and at a public place. Thus, we have notices published informing of meetings with disclosure of what will take place at the meeting. The Florida legislature and our courts insist on transparency in matters of public business. The idea is good, but is contrary (in some respects) to the way we conduct our private business and private affairs. Understanding the law will prevent an inadvertent violation.

(Continued)

For anyone who wants more depth information, it is suggested that a publication printed yearly is the “Bible” reference source. The publication is titled “Government-In-The-Sunshine Manual.” It can be downloaded at the following web link: <http://www.myfloridalegal.com/sun.nsf/sunmanual> or a hard copy of the Manual can be ordered from:

The First Amendment Foundation
336 East College Avenue, Suite 101
Tallahassee FL 32301
Telephone: (850) 224-4555
Facsimile: (850) 224-0435
www.floridafaf.org

or please contact the Town Clerk, Mrs. Laura Aldrich, for assistance in obtaining a copy of the manual. A copy of the manual may also be reviewed at the Town Clerk’s office.

A few comments on the Public Records Law which is closely associated with the Sunshine Law should be made. The Public Records Law is closely followed by the Town which must maintain literally all written communications relating to Town matters.

This is of importance to committee and board members since written communications between members on matters that relate to Committee business (real or potential) may have to be retained at the office of the Town Clerk.

A little reflection would show that an email or note between two or more members of the same board could lead to a Sunshine Law violation as well as involving the Public Records law. It is best to simply follow the rule or practice of having no written or oral communications regarding Town business with another member of the same committee, board, or council.

If there is a violation of the Sunshine Law, is there a penalty? The answer is yes, and penalties are spelled out in the Manual referenced above. In general, a violation where no intent to violate is involved, could lead to a fine of up to \$500. A knowing violation is a misdemeanor of the second degree and there could be a term of imprisonment of up to sixty (60) days and/or a fine up to \$500. A serious violation could lead to removal from office.

If a committee or board member has a question about coverage of the Sunshine Law or the Public Records Law, please feel free to contact the Town Attorney. See contact information on the Town’s website (www.irshores.com)