STATE OF FLORIDA FLORIDA ELECTIONS COMMISSION

In Re: Behavioral Health Awareness of Florida Case No.: FEC 17-289
PAC

TO: Behavioral Health Awareness of Florida PACNeal McGarry, Chair1715 South Gadsden Street

Tallahassee, FL 32301-2301

Division of Elections 500 S Bronough Street, Room 316 Tallahassee, FL 32399

NOTICE OF HEARING (AUTOMATIC FINE)

A hearing will be held in this case before the Florida Elections Commission on, November 28, 2017 at 8:30 am, or as soon thereafter as the parties can be heard, at the following location: 412 Knott Building, Pat Thomas Committee Room, 404 South Monroe Street, Tallahassee, Florida 32399.

Failure to appear in accordance with this notice will constitute a waiver of your right to participate in the hearing. Continuances will be granted only upon a showing of good cause.

This hearing will be conducted pursuant to Section 106.25, Florida Statutes, which governs your participation as follows:

If you are the Respondent, you may attend the hearing, and you or your attorney will have 5 minutes to present your case to the Commission. However, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless you request to be heard or the Commission requests that your case be considered separately on the day of the hearing, your case will *not* be individually heard.

If you are the Complainant, you may attend the hearing, but you will *not* be permitted to address the Commission. In addition, some cases (including those in which consent orders or recommendations for no probable cause are being considered) may be decided by an *en masse* vote and, unless the Respondent requests to be heard or the Commission requests that the case be considered separately on the day of the hearing, the case will *not* be individually heard.

If you are an Appellant, and you have requested a hearing, you may attend the hearing, and you or your attorney will have 5 *minutes* to present your case to the Commission.

Please be advised that both confidential and public cases are scheduled to be heard by the Florida Elections Commission on this date. As an Appellant, Respondent or Complainant in one case, you will *not* be permitted to attend the hearings on other confidential cases.

The Commission will electronically record the meeting. Although the Commission's recording is considered the official record of the hearing, the Respondent may provide, at his own expense, a certified court reporter to also record the hearing.

If you require an accommodation due to a disability, contact Donna Ann Malphurs at (850) 922-4539 or by mail at 107 West Gaines Street, The Collins Building, Suite 224, Tallahassee, Florida 32399, at least 5 days before the hearing.

See further instructions on the reverse side.

Amy McKeever Toman

Executive Director Florida Elections Commission November 13, 2017 Please refer to the information below for further instructions related to your particular hearing:

If this is a hearing to consider **an appeal from an automatic fine**, the Filing Officer has imposed a fine on you for your failure to file a campaign treasurer's report on the designated due date and, by filing an appeal, you have asked the Commission to consider either (1) that the report was in fact timely filed; or (2) that there were unusual circumstances that excused the failure to file the report timely. You are required to prove your case. If the Commission finds that the report was filed timely or that there were unusual circumstances that excused the failure, it may waive the fine, in whole or in part. The Commission may reduce a fine after considering the factors in Section 106.265, Florida Statutes. If the Commission finds that the report was not timely filed and there were no unusual circumstances, the fine will be upheld.

If this is a hearing to consider a **consent order before a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed and become public. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the case will remain confidential, unless confidentiality has been waived.

If this is a hearing to consider a **consent order after a determination of probable cause has been made**, the Commission will decide whether to accept or reject the consent order. If the Commission accepts the consent order, the case will be closed. If the Commission rejects the consent order or does not make a decision to accept or deny the consent order, the Respondent will be entitled to another hearing to determine if the Respondent committed the violation(s) alleged.

If this is a **probable cause hearing**, the Commission will decide if there is probable cause to believe that the Respondent committed a violation of Florida's election laws. Respondent should be prepared to explain how the staff in its recommendation incorrectly applied the law to the facts of the case. *Respondent may not testify, call others to testify, or introduce any documentary or other evidence at the probable cause hearing.* The Commission will only decide whether Respondent should be *charged* with a violation and, before the Commission determines whether a violation has occurred or a fine should be imposed, Respondent will have an opportunity for another hearing at which evidence may be introduced.

If this is an **informal hearing**, it will be conducted pursuant Sections 120.569 and 120.57(2), Florida Statutes; Chapter 28 and Commission Rule 2B-1.004, Florida Administrative Code. At the hearing, the Commission will decide whether the Respondent committed the violation(s) charged in the Order of Probable Cause. The Respondent will be permitted to testify. However, the Respondent may not call witnesses to testify.

Respondent may argue why the established facts in the Staff Recommendation do not support the violations charged in the Order of Probable Cause. At Respondent's request, the Commission may determine whether Respondent's actions in the case were willful. The Respondent may also address the appropriateness of the recommended fine. If Respondent claims that his limited resources make him unable to pay the statutory fine, he must provide the Commission with written proof of his financial resources at the hearing. A financial affidavit form is available from the Commission Clerk.

FLORIDA ELECTIONS COMMISSION CASE REPORT

Case Number: FEC-17-289

NAME: BEHAVIORAL HEALTH AWARENESS OF FLORIDA PAC

DATE APPEAL RECEIVED: 08/16/17

DATE REPORT DUE: 07/21/17 (2017 SP2)

DATE OF ELECTRONIC RECEIPT: 07/24/17

DATE FILING OFFICER RECEIVED REPORT: 07/24/17

Number of Days Late: 3

AMOUNT OF FINE: \$250.00

FINE BASED ON: () NUMBER OF DAYS

() 25% of Receipts

CANDIDATE []

POLITICAL PARTY []

PC [X]

CCE []

ECO[]

(X) 25% OF EXPENDITURES

STATE [X]

CITY []

DISTRICT [] COUNTY []

TOTAL RECEIPTS FOR REPORTING PERIOD: \$0

TOTAL EXPENDITURES FOR REPORTING PERIOD: \$1,000.00

DATE FIRST NOTIFICATION WAS SENT: 07/28/17

SUMMARY: Behavioral Health Awareness of Florida is a political committee (PC) registered with the State of Florida. The PC's chair and treasurer is Mr. Neal McGarry.

The PC is appealing the fine and is not claiming any unusual circumstances. Mr. McGarry stated, "Neal McGarry, as Chairman of the above-referenced political committee, hereby requests a hearing on this matter before the Florida Elections Commission and any other relief the Commission deems appropriate."

- The 2017 SP2 Report covers the time period from 06/09/17 through 07/20/17.
- The 2017 SP2 Queued-Transactions Report reflects that this report was created on 07/10/17 at approximately 8:37 pm, before being filed on 07/24/17 at approximately 2:42 pm.
- In an e-mail dated 09/05/17, Ms. Kristi Willis advised commission staff that when a special election has been called, the Division sends out a memo to PCs via the e-mail system, advising that a special election has been called and providing dates and information for filing special election reports. The information is also posted on the Division's website. In addition, the Division also sends out a report reminder to all PCs regarding special election reports, if the PC has provided an e-mail address in order to receive the reminder.
- The PC has provided the Division an e-mail address, in order to receive the reminders.

PRIOR CASES: This PC has been involved in one prior appeal of an automatic-fine and one investigation. In the matter of FEC 14-013, the Commission found unusual circumstances and waived the fine. In the matter of FEC 15-145, there was alleged violations of 106.07(7) and the Commission approved a Consent Order with a civil penalty of \$500.00.

ER

STATE OF FLORIDA

RECEIVED

FLORIDA ELECTIONS COMMISSION

2017 AUG 16 PH: 44

STATE OF FLORIDA FOLIONS COMMISSION

IN RE: Behavioral Health Awareness of Florida PAC 61020

APPEAL OF FINES IMPOSED BY FILING OFFICERS

COMES NOW, Neal McGarry, Chairman of the Substance Abuse Awareness of Florida Political Committee, PAC 61020 hereby appeals the fine imposed pursuant to Section 106.04(8) or 106.07(8) and states as follows:

- 1. That Neal McGarry is the Chairman of the Substance Abuse Awareness of Florida Political Committee whose address is located at 1715 South Gadsden St., Tallahassee, FL 32301-2301, and whose phone number is 850-222-6314; and
- 2. A copy of the notice of imposition of fines issued by the hearing officer is attached.

Neal McGarry, as Chairman of the above-referenced political committee, hereby requests a hearing on this matter before the Florida Elections Commission and any other relief the Commission deems appropriate.

Submitted this 16th Day of August, 2017

Neal McGarry

Chairman

Substance Abuse Awareness of Florida

1715 South Gadsden St,

Tallahassee, FL 32301-2301

(850)222-6314







FLORIDA DEPARTMENT OF STATE

Ken Detzner Secretary of State

DIVISION OF ELECTIONS

July 28, 2017

Neal McGarry, Treasurer Behavioral Health Awareness of Florida 1715 South Gadsden Street Tallahassee, FL 32301-2301

Special Election Report Senate 40

PAC 61020

Dear Mr. McGarry:

The campaign treasurer's report that was due on July 21, 2017, was filed on July 24, 2017. By law, you are automatically assessed a late fine of \$250.00.

You have 20 days from the receipt of this notice to either:

Pay the fine to the Florida Division of Elections (For a candidate only, a fine is not an allowable campaign expenditure and must be paid from personal funds) at:

> Florida Division of Elections R.A. Gray Building, Room. 316 500 South Bronough Street Tallahassee, Florida 32399-025011

2. Appeal the fine to the Florida Elections Commission (See Rules 2B-1.005 and 2B-1.0055, Florida Administrative Code) at:

> Florida Elections Commission 107 West Gaines Street, Ste. 224 Tallahassee, Florida 32399-0150

If you appeal, please send a copy also to the Florida Division of Elections so that you will not receive further notices from the Division about this matter.

If you have any questions, please contact the help desk at (850) 245-6280.

ing Willis

Sincerely,

Kristi Reid Willis, Chief Bureau of Election Records





FLORIDA DEPARTMENT OF STATE, DIVISION OF ELECTIONS CAMPAIGN TREASURER'S REPORT SUMMARY

CAMPAIGN TRE	ASUNEN S NEF	OICI GOIVIIVIAICI		
(1) Behavioral Health Awareness of Florida Candidate, Committe or Party Name	(2)	61020 I.D. Number		
(3) 1715 South Gadsden Street	Tallahassee	FL	32301	
Address (number and street)	City	State	Zip Code	,
Check box if address has changed since last report				
(4) Check appropriate box(es):				
 ☐ Candidate (office sought): ☒ Political Committee ☐ Committee of Continuous Existance ☐ Party Executive Committee 		C has DISBANDED CE has DISBANDED		
(5) REPO	RT IDENTIFIERS		·	
Cover Period: From 06/09/2017 To 07	//20/2017	Report Type:	SP2	
	pecial Election Repor	t		
(6) CONTRIBUTIONS THIS REPORT		(7) EXPENDITURES	THIS REPORT	
Cash & Checks \$0.00	Monetary Expe	nditures		\$1,000.00
Loans \$0.00	Transfers to Of	fice Account		\$0.00
Total Monetary \$0.00	Total Moi	netary		\$1,000.00
In-Kind \$0.00	(8) Other Distril	outions		
	·		·	
Collaboration It is a first degree misdemeanor for any	ertification person to falsify a pu	blic record (ss.839.1	3, F.S.)	
I certify that I have examined this report and it is true, correct and complete	I certify that I hat true, correct an	ave examined this re d complete	port and it is	
Name of Treasurer Deputy Treasurer	Name of [Candidate X	Chaiman (PC/	PTY Only
×	X			
Signature	Signature			

SURER'S REPORT - ITEMIZED COE?

Page 1 of 1

Name:

Behavioral Health Awareness of Fเด้าโซล์

Period: 06/09/2017

to 07/20/2017

Seq#	Full Name (Last, Suffix, First, Middle	Contributor	Occupation		Amount
Date	Street Address & City, State, Zip	Туре	In-Kind Description	Amend	
	1				

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SURER'S REPORT - ITEMIZED EY

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Page 1 of 1

Name: Behav

Behavioral Health Awareness of Fiorica

Report: 2017 SP2

Period: 06/09/2017

to 07/20/2017

Seq #	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip	Туре	Purpose .	Amount Amend
06/09/2017	DIAZ, JOE FELIX (Office: STS 040) 8567 CORAL WAY, UNIT 374 MIAMI, FL 33155	CAN	POLITICAL CONTRIBUTION	\$1,000.00

CAMPAIC

ROW ASURER'S REPORT - ITEMIZ

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Page 1 of 1

Name:

Behavioral Health Awareness of Fiorida

Report: 2017 SP:

Period: 06/09/2017

to 07/20/2017

Seq#	Full Name (Last, Suffix, First, Middle	Recipient	Purpose	Amount
Date	Street Address & City, State, Zip	Туре	Related Expenditure	Amend

SURER'S REPORT - ITEMIZED FU!

Name:

Behavioral Health Awareness of Fioriaa

Period: 06/09/2017

to 07/20/2017

Seq #	Full Name (Last, Suffix, First, Middle Street Address & City, State, Zip		Nature of Account	Amount Amend



Queued Items for 2017-SP2

Account: 61020

Behavioral Health Awareness of Florida

Rpt Seq: 94

ProcessDescription	Status	Submitter	Created	LastUpdate	
Create Pending Report	Processing Complete	61020	7/10/2017 8:37:50 PM	7/10/2017 8:37:50 PM	
Review Pending Report	Processing Complete	61020	7/10/2017 8:40:48 PM	7/10/2017 8:40:48 PM	
Review Pending Report	Processing Complete	61020	7/24/2017 2:41:09 PM	7/24/2017 2:41:09 PM	
Review Pending Report	Processing Complete	61020	7/24/2017 2:41:32 PM	7/24/2017 2:41:32 PM	
File Pending Report	Processing Complete	61020	7/24/2017 2:42:00 PM	7/24/2017 2:42:01 PM	



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Florida Department of State - Division of Elections

Florida Election System Reports

Candidate/Com	mittee Loo	kup			me: Behavi	oral He	alth Av	vareness of	Florida		
Name: behavioral				Acco	unt: 61020						
Election:			Date Due	Туре	Date Filed	Status	Days Late	Fine Assessed	Appealed	Amount Fined	Amount Paid
			8/10/2017	М7	8/10/2017						
Acct: 61020			7/21/2017		7/24/2017	SNT	3	\$250.00		\$250.00	\$0.00
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		J	6/12/2017	M5	6/9/2017						
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			3/10/2017	М2	3/14/2017	CLO	4	\$0.00		\$0.00	\$0.00
			2/10/2017	M1	2/7/2017						
			1/10/2017	M12	1/9/2017						
•					12/13/2016	CLO	1	\$0.00		\$0.00	\$0.00
			11/4/2016	D6	11/3/2016						
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			9/16/2016		9/14/2016						
			9/9/2016	G1	9/9/2016					•	
			9/2/2016	P7A	9/2/2016						
			8/26/2016	P7	8/26/2016						
			8/19/2016	P6	8/19/2016						
			8/12/2016	P5	8/11/2016						
•			8/5/2016		8/3/2016						
•			7/29/2016		7/29/2016						
			7/22/2016		7/22/2016						
			7/15/2016		7/15/2016						
			7/8/2016		7/8/2016						
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					11/10/2015						
			10/13/2015								
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8/10/2015	М7	8/10/2015					
7/10/2015	M6	7/10/2015					
6/10/2015	M5	6/10/2015					
5/11/2015	M4						
4/10/2015		4/8/2015					
3/10/2015		3/10/2015				4	
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		11/11/2014	EEC	1	\$0.00	\$0.00	\$0.00
10/31/2014		11/3/2014	FEC	3	\$0.00	\$0.00	\$0.00
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	P7	8/23/2014	EOL	4	\$0.00	\$0.00	\$0.00
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8/15/2014	P5	8/15/2014					
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6/27/2014	P1						
6/10/2014		6/10/2014					•
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4/10/2014		4/7/2014					
3/10/2014		3/10/2014					
2/14/2014		2/11/2014					
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		11/20/2013	rUI	8	\$1,365.00	\$0.00	\$0.00
10/10/2013	иs	10/8/2013					



RICK SCOTT Governor KEN DETZNER
Secretary of State

MEMORANDUM

TO:

Political Parties, Affiliated Party Committees, Political Committees, and

Electioneering Communication Organizations

FROM:

Kristi Reid Bronson, Chief

Bureau of Election Records

uph

DATE:

May 10, 2017

SUBJECT:

Special Election - State Senate, District 40

A special election has been called for the office of State Senate, District 40. The special primary election for this race is scheduled for July 25, 2017. The special election for this race is scheduled for September 26, 2017.

When a special election is called to fill a vacancy in office, all political committees, electioneering communication organizations, political parties and affiliated party committees <u>making</u> contributions or expenditures to influence the results of such special election shall file campaign treasurer's reports with the filing officer on the dates set by the Department of State.

Committees or organizations are required to file special election campaign treasurer's reports <u>only</u> if the committee or organization makes a contribution to a special election candidate during the special election reporting periods (see chart on next page) or makes an expenditure to influence the results of the special election.

Please note that activities reported on special election reports are only expenditures that are made to influence the results of the special election. All other activity (e.g., contributions) is reported on the appropriate campaign treasurer's report.

Once a committee or organization has participated in the special election and has filed a special election campaign report, all remaining special election reports must be filed even if there is no further special election activity. If there is no further activity, a waiver must be filed.







MEMORANDUM May 10, 2017 Page Two

All reports must be filed through the Electronic Filing System (EFS) not later than midnight, Eastern Time, of the due date. Reports not filed by this time are late filed and subject to the penalties in Sections 106.07(8) and 106.29, Florida Statutes.

In the event that the EFS is inoperable on the due date, the report will be accepted as timely filed if filed no later than midnight, Eastern Time, of the first business day the EFS becomes operable. No fine will be levied during the period the EFS was inoperable.

The campaign reporting schedule for this special election is as follows:

Report	Due Date	Covered Period
SP1	06-12-17	05-08-17 - 06-08-17
SP2	07-21-17	06-09-17 - 07-20-17
SG1	08-23-17	07-21-17 - 08-18-17
SG2	09-22-17	08-19-17-09-21-17

Please contact our office at (850) 245-6280 if you have any questions.

KRB/mcc





RE: Home Care PAC - 60864 Willis, Kristi R. to:

Cole Kekelis 10/25/2017 02:18 PM Hide Details

From: "Willis, Kristi R." <Kristi Willis@DOS.MyFlorida.com>
To: Cole Kekelis <Cole.Kekelis@myfloridalegal.com>
History: This message has been forwarded.

2 Attachments





Email Log - S40 special election.xls Memo - Committees.pdf

The email is done through a program so I do not have a "copy of the email" that goes out.

Here is an excerpt from the log showing that an email was sent:

DSBrown	6/1/2017 8:05:48 AM	Report Reminders	2017,95,6/12/2017;	Report Reminder		N.
krbronson	12:02:41	General Information Memos		Special Election - Senate 40 / House 116	Select file attachment	
krbronson	5/11/2017 12:05:02 AM	Untimely Filings	(2017.P4.571077017:	2017 M4 - Late Report		

I have attached a copy of the memo that was attached to the email.

I have attached also a spreadsheet that is generated by the program that lists the entitles that were sent the memo. I have highlighted the entry for PC 60864.

The body of the email provided:

Please review the attached memoranda regarding the special elections that have been called for the offices of **State Representative**, **District 116**, **and Senate**, **District 40**.

Additional information can be found at the following link on the Division's website:

http://dos.myflorida.com/elections/for-voters/special-elections/

Please contact our office at (850) 245-6280 if you have any questions.

If you need additional information, please let me know.

From: Cole Kekelis [mailto:Cole Kekelis@myfloridalegal.com]
Sent: Wednesday, October 25, 2017 1:54 PM
To: Willis, Kristi R. Kristi. <a href=

Ms. Willis:

Previously, you sent our office a sample memorandum regarding special election reporting dates that is emailed to PACs when special elections are called.

Could you please forward me a copy of such an email that was sent to the above PAC regarding a special election for which the PAC had to file a 2017 SP1 report?

This relates to an auto fine appeal with regard to the 2017 SP1 report.

Thanks,

Cole Kekelis FEC

The Department of State is committed to excellence. Please take our <u>Customer Satisfaction Survey</u>.





AcctType	AcctNum	email	sentDate	SentStatus
1.12.10			5/26/2017	
PAC	61020	dphillips@flcertificationboard.org	12:03	ОК







RE: Question RE: Special Election Reports

Willis, Kristi R.

Samantha Spore 09/21/2017 11:55 AM

Hide Details

From: "Willis, Kristi R." < Kristi. Willis@DOS.MyFlorida.com> To: Samantha Spore <Samantha.Spore@myfloridalegal.com>

Behavioral Health Awareness of Florida PAC (Acct # 61020) yes

Substance Abuse Awareness of Florida PAC (Acct # 61021) yes

From: Samantha Spore [mailto:Samantha.Spore@myfloridalegal.com]

Sent: Thursday, September 21, 2017 11:17 AM

To: Willis, Kristi R. < Kristi. Willis@DOS. MyFlorida.com > Subject: RE: Question RE: Special Election Reports

That is what I thought. Is it something that your office would be able to find? I have been asked to see if the following PCs have registered their e-mail addresses:

Behavioral Health Awareness of Florida PAC (Acct # 61020) Substance Abuse Awareness of Florida PAC (Acct # 61021)

If not, that's okay! I appreciate your time! Samantha

▼"Willis, Kristi R." ---09/21/2017 09:58:17 AM---There is no way for you to check. From: Samantha Spore [mailto:Samantha.Spore@myfloridalegal.com]

From: "Willis, Kristi R." < Kristi.Willis@DOS.MyFlorida.com > To: Samantha Spore < Samantha.Spore@myfloridalegal.com > Date: 09/21/2017 09:58 AM

Subject: RE: Question RE: Special Election Reports

There is no way for you to check.

From: Samantha Spore [mailto:Samantha.Spore@myfloridalegal.com]

Sent: Thursday, September 21, 2017 9:37 AM

To: Willis, Kristi R. <Kristi.Willis@DOS.MyFlorida.com>

Subject: Question RE: Special Election Reports

Good morning!

If this is a dumb question, I apologize.



Is there a way for me to personally check and see if a PC has submitted an e-mail address into the EFS, so that they can get the reminders regarding the special elections? Or would I need to send an e-mail when trying to find out this information?

Thank you for your patience and help! Samantha

Samantha Spore

Investigation Specialist
Florida Elections Commission
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Campaign Expenditures Behavioral Health Awareness of Florida

This information is being provided as a convenience to the public, has been processed by the Division of Elections and should be cross referenced with the original report on file with the Division of Elections in case of questions.

About the Campaign Finance Data Base

Rpt Yr	Rpt Type	Date	Amount	Expense Paid To	Address	City State Zip
2017	м6	06/21/2017	200.00	BEAN AARON	305 BONNIEVIEW RD	FERNANDINA BEACH, FL 32034
			200.00			
1 Expe	nditure(s)	Selected		Query the Car	mpaign Finance Data Base	
			F 3 C C C C C C C C C C C C C C C C C C		e. O service de la companya de la comp	
			(Departmen	t of State] [Division of Elections]	[Candidates and Races] [Campaign Finance Information]	