

A Case Study of the Write-in Candidate Loophole Collier County Commission Race - 2022

In 2022, incumbent Penny Taylor (R) sought reelection to the Collier County Commission representing District 4. Three additional Republicans, including Dan Kowal, also sought the seat, triggering a primary election. As there was no Democrat candidate, per Florida law, the primary was to be open to all voters.

At the time of the election, the voter makeup of the 4th District was:

Republican	Democrat	NPA & Other	Total
28,591 (52%)	12,011 (22%)	14,081 (26%)	57,198

Local businessman Alfie Oakes was supporting a group of what he called his “America First” candidates, including Dan Kowal. Oakes held a rally he called “Patriot Fest” at Sugden Park providing a platform for his candidates to speak. When it was Dan Kowal’s turn, he told the crowd, “I’m not gonna sugarcoat this in any way, but I probably have the toughest race up here. It’s an open primary I’m running in, and she (Penney Taylor) has about 2,000 Democrats” that will vote for her. He added “If this election stays the way it is right now, where I stand, with three Republicans going into this race, we divide the vote, and she wins. We need to work together.”

Bill Oppenheimer, a supporter of Dan Kowal, submitted his paperwork to become a write-in candidate on June 15, thereby closing the primary. When he did so, he disenfranchised over 26,000 voters, 48% of District 4 voters.

When Oppenheimer filed his write-in paperwork, he told the elections qualifying officer that he had no intention of fundraising. Though he lived in District 4 when he filed his write-in paperwork on June 15 as the law requires, he put his house on the market on June 16, the day after he filed and sold it on July 23, a month before the primary.

Oppenheimer never formally announced his candidacy, never set up a website, never answered phone calls or emails from the Naples Daily News, raised and spent no money, never made campaign signage, never distributed campaign materials, and never showed up at any candidate forums as a candidate.

Oppenheimer supported Kowal’s candidacy on social media before he filed, and continued to support Kowal while he was a write-in candidate.

On August 23, Dan Kowal won the primary. The next day, Oppenheimer wrote on Facebook, “There’s a new Sheriff in District 4! Bye Penny Taylor.” A day later Oppenheimer shared a photo of Alfie Oakes, Kowal’s backer, with Kowal and Chris Hall (another Oakes backed successful candidate) with the caption, “SUCCESS!!”

On August 25, two days after the primary, Oppenheimer withdrew from the race.

Dan Kowal won the Republican primary with less than 4,400 votes in a district with over 57,000 registered voters. He will serve as County Commissioner for 4 years. The 26,000 voters disenfranchised by Bill Oppenheimer’s apparently sham write-in candidacy had no say in the matter.

Everything Bill Oppenheimer did was legal under Florida law. It shouldn't be.