



2012 STATE QUALIFYING HANDBOOK

November 2011

Florida Department of State
Division of Elections
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250
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Background

The information contained in this publication is intended as a quick reference guide only and is current upon publication. Chapters 97-106, Florida Statutes, the Constitution of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, county charters, city charters and ordinances, and other sources should be reviewed in their entirety for complete information regarding qualifying.

This handbook explains the qualifying procedures for candidates who qualify with the Division of Elections as party candidates, no party affiliation candidates, nonpartisan candidates or write-in candidates. It gives the qualifications for each office, with both the regular and petition methods of qualifying, along with write-in procedures for each office that qualifies with the Division.

Forms and publications are available on the Division of Elections' website at:

<http://election.dos.state.fl.us>

Please direct any questions to the Florida Department of State, Division of Elections at 850.245.6240.

This publication is available in alternate format upon request by contacting 850.245.6240.

Offices to be Elected that Qualify with the Division of Elections

Multi-county and District Offices

State Attorney (Circuits 1-19)
Public Defender (Circuits 1-19)
State Senator (districts unknown until redistricting is complete)
State Representative (all districts)

Judicial Retention (Nonpartisan)

Justice of the Supreme Court (only those whose terms expire January 2013)
Judge, District Court of Appeal (only those whose terms expire January 2013)

Circuit Judges (Nonpartisan)

Only those whose terms expire January 2013

Multi-County Special Districts:

Varies by district

State Attorney and Public Defender

Qualifications

State Attorney

1. Elector and resident of the circuit upon taking office.
2. Must be a member of the Florida Bar for the preceding five years.
3. Must devote full time to the duties of the office and must not engage in private practice.

(Article V, Section 17, Florida Constitution)

Public Defender

1. Elector and resident of the circuit upon taking office.
2. Must be a member of the Florida Bar for the preceding five years.

(Article V, Section 18, Florida Constitution)

Qualifying Dates and Location

Noon, April 16 – Noon, April 20, 2012

Florida Department of State, Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

(Section 99.061, Fla. Stat.)

Notwithstanding the qualifying dates stated above, the 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.

(Section 99.061 (8), Fla. Stat.)

Qualifying Requirements

The following items must be received by the Division of Elections **no later than noon, April 20, 2012:**

Candidates Paying the Qualifying Fee

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division of Elections, a copy is not required to be filed during the qualifying period.)
2. Party Affiliation Candidates: Form DS-DE 24, Candidate Oath – Candidate with Party Affiliation; **or,**

No Party Affiliation Candidates: Form DS-DE 24B, Candidate Oath – Candidate with No Party Affiliation.

3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

4. Qualifying Fee

Party Affiliation Candidates: \$9,004.62 (6% of annual salary as of July 1, 2011); **or,**

No Party Affiliation Candidates: \$6,003.08 (4% of annual salary as of July 1, 2011).

The qualifying fee must:

- Be on a properly executed check;
- Be made payable to the Department of State;
- Be drawn upon the campaign account; and
- Be in an amount not less than the fee required.

If a candidate's check is returned by the bank for any reason, the Department of State shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided will disqualify the candidate. (See Sections 99.061 and 99.092, Fla. Stat.)

Candidates Qualifying By the Petition Process¹

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division of Elections, a copy is not required to be filed during the qualifying period.)
2. Party Affiliation Candidates: Form DS-DE 24, Candidate Oath – Candidate with Party Affiliation;

OR

No Party Affiliation Candidates: Form DS-DE 24B, Candidate Oath – Candidate with No Party Affiliation.

3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(Sections 99.061, 99.095, 99.0955 and 99.097, Fla. Stat.)

Write-in Candidates

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division of Elections, a copy is not required to be filed during the qualifying period.)
2. Form DS-DE 24A, Candidate Oath – Write-in Candidate.
3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

(Section 99.0615, Fla. Stat.)

A write-in candidate is not entitled to have his or her name printed on any ballot; however, a space for the write-in candidate's name to be written in shall be provided on the general election ballot. A write-in candidate is not required to pay a qualifying fee, election assessment or party assessment, or file petitions.

(Section 99.061, Fla. Stat.)

¹ See the Candidate Petition Handbook on the Division's website for information on qualifying by the petition method: <http://election.dos.state.fl.us/candidate/Qualifying-info.shtml>

Missing or Incomplete Information

If the filing officer receives qualifying papers that do not include all items as required **prior to the last day of qualifying**, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(Section 99.061(7)(b), Fla. Stat.)

Statement of Candidate

Although not required for qualifying, each candidate must file a statement of candidate (DS-DE 84) with the Division of Elections within 10 days after filing the appointment of campaign treasurer and designation of campaign depository. Willful failure to file this form is a violation of chapter 106.

(Section 106.023, Fla. Stat.)

State Senator and State Representative

Qualifications

1. Elector and resident of the district upon election.
2. Must be at least twenty-one years of age.
3. Must be a resident of the state for at least two years prior to election.

(Article III, Section 15, Florida Constitution)

Qualifying Dates and Location

Noon, June 4 – Noon, June 8, 2012

Florida Department of State, Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

(Section 99.061, Fla. Stat.)

Notwithstanding the qualifying dates stated above, the 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.

(Section 99.061 (8), Fla. Stat.)

Qualifying Requirements

The following items must be received by the Division of Elections **no later than noon, June 8, 2012:**

Candidates Paying the Qualifying Fee

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division of Elections, a copy is not required to be filed during the qualifying period.)
2. Party Affiliation Candidates: Form DS-DE 24, Candidate Oath – Candidate with Party Affiliation;

OR

No Party Affiliation Candidates: Form DS-DE 24B, Candidate Oath – Candidate with No Party Affiliation.

3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

4. Qualifying Fee

Party Affiliation Candidates: \$1,781.82 (6% of annual salary as of July 1, 2011);

OR

No Party Affiliation Candidates: \$1,187.88 (4% of annual salary as of July 1, 2011).

The qualifying fee must:

- Be on a properly executed check;
- Be made payable to the Department of State;
- Be drawn upon the campaign account; and
- Be in an amount not less than the fee required.

If a candidate's check is returned by the bank for any reason, the Department of State shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided will disqualify the candidate.

(Sections 99.061 and 99.092, Fla. Stat.)

Candidates Qualifying By the Petition Process²

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division of Elections, a copy is not required to be filed during the qualifying period.)

2. Party Affiliation Candidates: Form DS-DE 24, Candidate Oath – Candidate with Party Affiliation;

OR

No Party Affiliation Candidates: Form DS-DE 24B, Candidate Oath – Candidate with No Party Affiliation.

² See the Candidate Petition Handbook on the Division's website for information on qualifying by the petition method: <http://election.dos.state.fl.us/candidate/Qualifying-info.shtml>

3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(Sections 99.061, 99.095, 99.0955 and 99.097, Fla. Stat.)

Write-in Candidates

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository.
2. Form DS-DE 24A, Candidate Oath - Write-in Candidate.
3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

(Section 99.0615, Fla. Stat.)

A write-in candidate is not entitled to have his or her name printed on any ballot; however, a space for the write-in candidate's name to be written in shall be provided on the general election ballot. A write-in candidate is not required to pay a qualifying fee, election assessment or party assessment, or file petitions.

(Section 99.061, Fla. Stat.)

Missing or Incomplete Information

If the filing officer receives qualifying papers that do not include all items as required **prior to the last day of qualifying**, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(Section 99.061(7)(b), Fla. Stat.)

Statement of Candidate

Although not required for qualifying, each candidate must file a statement of candidate (DS-DE 84) with the Division of Elections within 10 days after filing the appointment of campaign treasurer and designation of campaign depository. Willful failure to file this form is a violation of chapter 106.

(Section 106.023, Fla. Stat.)

Justice of the Supreme Court and Judge, District Court of Appeal

Qualifications

1. Elector and resident of the territorial jurisdiction of the court upon taking office.
2. Must be a member of the Florida Bar for the preceding ten years.
3. No justice shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served.

(Article V, Section 8, Florida Constitution)

Qualifying Dates and Location

Noon, April 16 – Noon, April 20, 2012

Florida Department of State, Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

(Section 105.031, Fla. Stat.)

Notwithstanding the qualifying dates stated above, the 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.

(Section 105.031 (6), Fla. Stat.)

Qualifying Requirements

The following items must be received by the Division of Elections **no later than noon, April 20, 2012:**

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository. If you do not anticipate collecting or expending funds in connection with your candidacy, this form is still required to be filed; however, the campaign account does not have to be physically opened.
2. Form DS-DE 26, Judicial Office Candidate Oath.
3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

4. Form DS-DE 96, Affidavit of Intention must be filed at the time of qualifying if you anticipate receiving no contributions or making no expenditures in connection with your campaign.

(Sections 105.031 and 105.08, Fla. Stat.)

Special Requirements

If Form DS-DE 96, Affidavit of Intention is filed at the time of qualifying the candidate is exempt from filing campaign treasurer's reports. However, Form DS-DE 97, Affidavit of Compliance must still be filed as a final report within 90 days following the general election. If contributions or expenditures are received after filing the above sworn statements, a statement to that effect must be filed, a campaign account opened at the depository previously designated, and campaign treasurer's reports filed.

A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(Sections 105.031 and 105.08, Fla. Stat.)

Statement of Candidate

Although not required for qualifying, each judicial candidate must file statements of judicial candidate (DS-DE 83) and a statement of candidate (DS-DE 84) with the Division of Elections within 10 days after filing the appointment of campaign treasurer and designation of campaign depository. Willful failure to file this form is a violation of chapters 105 and 106.

(Section 105.031(5)(a) and 106.023, Fla. Stat.)

Circuit Judge

Qualifications

1. Elector and resident of the circuit upon taking office.
2. Must be a member of the Florida Bar for the preceding five years.
3. No judge shall serve after attaining the age of seventy years except upon temporary assignment or to complete a term, one-half of which has been served.

(Article V, Section 8, Florida Constitution)

Qualifying Dates and Location

Noon, April 16 – Noon, April 20, 2012

Florida Department of State, Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

(Section 105.031, Fla. Stat.)

Notwithstanding the qualifying dates stated above, the 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.

(Section 105.031 (6), Fla. Stat.)

Qualifying Requirements

The following items must be received by the Division of Elections **no later than noon, April 20, 2012:**

Candidates Paying the Qualifying fee

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division of Elections, a copy is not required to be filed during the qualifying period.)
2. Form DS-DE 26, Judicial Office Candidate Oath.
3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

4. Qualifying Fee: \$5,687.12 (4% of the annual salary as of July 1, 2011).

The qualifying fee must:

- Be on a properly executed check;
- Be made payable to the Department of State;
- Be drawn upon the campaign account; and
- Be in an amount not less than the fee required.

If a candidate's check is returned by the bank for any reason, the Department of State shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided will disqualify the candidate.

(Sections 99.092(1) and 105.031, Fla. Stat.)

Candidates Qualifying By the Petition Process³

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository. (If the original DS-DE 9 was previously filed with the Division of Elections, a copy is not required to be filed during the qualifying period.)
2. Form DS-DE 26, Judicial Office Candidate Oath.
3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(Section 105.035, Fla. Stat.)

Write-in Candidates

1. Form DS-DE 9, Appointment of Campaign Treasurer and Designation of Campaign Depository.
2. Form DS-DE 26A, Judicial Office Candidate Oath - Write-in Candidate.

³ See the Candidate Petition Handbook on the Division's website for information on qualifying by the petition method: <http://election.dos.state.fl.us/candidate/Qualifying-info.shtml>

3. Form 6, Full and Public Disclosure of Financial Interests for the year 2011 (and any other forms applicable as identified on Form 6). A public officer who has filed the full and public disclosure or statement of financial interests for the year 2011 with the Commission on Ethics prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(Sections 105.031 and 105.041, Fla. Stat.)

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

(Section 99.0615, Fla. Stat.)

A write-in candidate is not entitled to have his or her name printed on any ballot; however, a space for the write-in candidate's name to be written in shall be provided on the general election ballot. A write-in candidate is not required to pay a qualifying fee, election assessment or party assessment, or file petitions.

(Section 99.061, Fla. Stat.)

Missing or Incomplete Information

If the filing officer receives qualifying papers that do not include all items as required prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(Section 105.031(5)(b), Fla. Stat.)

Statement of Candidate

Although not required for qualifying, each judicial candidate must file statements of judicial candidate (DS-DE 83) and a statement of candidate (DS-DE 84) with the Division of Elections within 10 days after filing the appointment of campaign treasurer and designation of campaign depository. Willful failure to file this form is a violation of chapters 105 and 106.

(Section 105.031(5)(a) and 106.023, Fla. Stat.)

Multi-County Special District

Qualifying Dates and Location

Noon, June 4 – Noon, June 8, 2012

Florida Department of State, Division of Elections, R. A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250

(Section 99.061, Fla. Stat.)

Notwithstanding the qualifying dates stated above, the 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.

(Section 99.061 (8), Fla. Stat.)

Qualifying Requirements

The following items must be received by the Division of Elections **no later than noon, June 8, 2012:**

Candidates Paying the Qualifying Fee

1. Form DS-DE 25, Candidate Oath – Nonpartisan Office.
2. Qualifying fee of \$25.00.
3. Form 1, Statement of Financial Interests for the year 2011. A public officer who has filed a financial disclosure statement for 2011 with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file **a copy** with this office for qualifying.

Candidates Qualifying by the Petition Method⁴

1. Form DS-DE 25, Candidate Oath – Nonpartisan Office.
2. Certified petition signatures from 25 registered electors of the geographical area of candidacy.
3. Form 1, Statement of Financial Interests for the year 2011. A public officer who has filed a financial disclosure statement for 2011 with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file **a copy** with this office for qualifying.

⁴ See the Candidate Petition Handbook on the Division's website for information on qualifying by the petition method: <http://election.dos.state.fl.us/candidate/Qualifying-info.shtml>

Write-in Candidates

1. Form DS-DE 24A, Candidate Oath – Write-in Candidate.
2. Form 1, Statement of Financial Interests for the year 2011. A public officer who has filed a financial disclosure statement for 2011 with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file **a copy** with this office for qualifying.

A write-in candidate is not entitled to have his or her name printed on any ballot; however, a space for the write-in candidate's name to be written in shall be provided on the general election ballot. A write-in candidate is not required to pay a qualifying fee, election assessment or party assessment, or file petitions.

(Section 99.061, Fla. Stat.)

At the time of qualifying, all write-in candidates must reside within the district represented by the office sought.

(Section 99.0615, Fla. Stat.)

Missing or Incomplete Information

If the filing officer receives qualifying papers that do not include all items as required **prior to the last day of qualifying**, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(Section 99.061(7)(b), Fla. Stat.)

Statement of Candidate

Although not required for qualifying, each candidate must file a statement of candidate (DS-DE 84) with the Division of Elections within 10 days after filing the appointment of campaign treasurer and designation of campaign depository. Willful failure to file this form is a violation of chapter 106.

(Section 106.023, Fla. Stat.)