

1S-2.045 Candidate Petition Process.

(1) Qualification by Petition.

(a) A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this rule and Sections 99.095 and 105.035, F.S., is not required to pay the qualifying fee or party assessment required by Chapters 99 and 105, F.S.

(b) Persons who seek to have their names printed on the ballot as candidates for President and Vice President of the United States as no party affiliated candidates and minor political parties that are not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States shall comply with the petition requirements in this rule to have the candidates' names placed on the ballot.

(2) Required Number of Signatures. Except in a year of apportionment as specified in Sections 99.095 and 99.09651, F.S., a candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election. Special district candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought. Except for special district candidates who have not collected contributions and whose only expense is the signature verification fee and federal candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S.

(3) Format of Petition.

(a) Except for presidential and vice presidential candidates, the format of a candidate petition shall be in accordance with Form DS-DE 104 (effective 09/11), entitled "Candidate Petition" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00623>). The format of a candidate petition for presidential and vice presidential candidates seeking ballot position as no party affiliated candidates shall be in accordance with DS-DE Form 18A (effective 09/11), entitled "President and Vice President Candidate Petition – No Party Affiliation" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00624>), and the format of the candidate petition for a minor political party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States shall be in accordance with Form DS-DE 18B (effective 09/11), entitled "President and Vice President Candidate Petition – Minor Political Party" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00625>). Forms DS-DE 18A, 18B and 104 are hereby incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850) 245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://elections.myflorida.com>.

(b) Forms DS-DE 18A, 18B, and 104 must be reproduced for use by candidates in their exact wording and formats without any changes in their text or formats, except the forms may be reduced or enlarged proportionally in size as a whole document. The forms may not be less than 3 inches by 5 inches and no larger than 8 1/2 inches by 11 inches. Each form must be submitted for verification as a separate card or individual sheet of paper. Candidates may have the forms translated into a minority language if the format of the forms and their blank entries remain the same. If a translated version is made, the forms may be made into a two-sided form with one side in English and the other side in a minority language; however, a voter shall complete only one side of the form. If both sides should be completed, the supervisor of elections to whom the form is submitted shall verify only the signature on the English side of the form.

(c) Except for the signature of the voter and date the voter signs the form, the entries on Forms DS-DE 18A, 18B and 104 may be completed prior to the voter signing and dating the form.

(d) A separate petition form is required for each candidate.

(e) The petition form may be included within a larger advertisement, provided the form is clearly defined by a solid or broken border. If included within a larger advertisement, the petition form may have information from the advertisement on the reverse of the petition form; otherwise, when used as a standalone petition form, it may only have a translation into a minority language on its reverse.

(4) Submission of Petition.

(a) Each Form DS-DE 104 must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which the signee is registered to vote.

(b) Each Form DS-DE 18A or Form DS-DE 18B must be submitted no later than July 15 of each presidential election year to the supervisor of elections of the county in which the signee is a registered voter.

(c) It is the responsibility of the candidate or minor political party, as applicable, to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the county in which the signee is a registered voter. If

the supervisor of elections determines that the signer of the petition is not a registered voter in his or her county, the supervisor of elections shall notify the candidate or minor political party, as applicable, that the petition has been misfiled. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms and payment of applicable signature verification fees, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing the petition form is a registered voter in the county, district, or other geographical area represented by the office sought, unless otherwise specified in Sections 99.095 and 99.09651, F.S.

(b) Except for special district candidates who have not collected contributions and whose only expense is the signature verification fee and federal candidates, the supervisor of elections shall also verify that the date the voter signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., with the appropriate filing officer.

(c) If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid, unless otherwise specified in Sections 99.095 and 99.09651, F.S.

(d) No signature on a candidate petition form shall be counted toward the number of signatures required unless it is on the candidate petition form prescribed by the Division in this rule.

(e) A signature on a candidate petition form shall not be counted toward the number of signatures required if the voter has previously signed a candidate petition form for the same candidate for the same office in the same election that had been verified as valid.

(f) In addition to the above requirements, the supervisor of elections shall not verify as valid signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The voter's name;
2. The voter's address (including city and county);
3. The voter's complete voter registration number or date of birth (to include the month, day, and year) that matches the date of birth on the voter's registration application;
4. The voter's original signature; and
5. The date the voter signed the petition (to include the month, day, and year) as recorded by the voter.

(g) If all other requirements for the petition are met, a signature on a petition shall be verified and counted as valid for a registered voter if, after comparing the signature on the petition and the signature of the registered voter in the voter registration system, the supervisor is able to determine that the petition signer is the same as the registered voter, even if the name on the petition is not in substantially the same form as in the voter registration system.

(h) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(i) The following represents a nonexclusive listing of examples based upon the requirements in this rule that will make the candidate petition invalid:

1. The petition is signed and dated before the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., unless the candidate is a special district candidate who has not collected contributions and whose only expense is the signature verification fee or the candidate is a candidate for federal office.

2. The petition has a different party affiliation or office being sought by the candidate than that listed by the candidate on the current form the candidate has on file for the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S.

3. The petition fails to list a group, seat, or district designation, except when otherwise provided by law.

4. The petition indicates the candidate is running for a non-partisan office or the petition indicates the candidate is running as a non party affiliated candidate and the petition lists the candidate's political party.

5. The petition is signed by a voter who is not a registered voter in the county, district, or other geographical area represented by the office sought, unless otherwise specified in Sections 99.095 and 99.09651, F.S., at both the time of signing and verification of the petition.

6. The petition is dated after the date the petition is submitted to the supervisor of elections.

7. The petition fails to contain the original signature of the voter. (Photocopied, scanned, or facsimile signatures are not original for purposes of this rule.)

8. The petition is in a different format than the applicable candidate petition form incorporated by reference in this rule.

9. The petition was circulated for a different election than the election for which the candidate is seeking to qualify, unless the candidate seeks to qualify in an intervening special election for the identical office for which the candidate was originally seeking to qualify. (If the candidate does not seek to qualify for the intervening special election, the candidate may continue to use his or her petitions to qualify in the subsequent general election for the office being sought.)

(6) Determination of Required Number of Signatures.

(a) No later than 5:00 p.m. on the 7th day before the first day of the qualifying period, the supervisor of elections shall submit to the Division of Elections a certificate indicating the number of valid signatures received on Form DS-DE 104 for each candidate for federal, state, multicounty district, or multicounty special district office. Certificates may be submitted to the Division via facsimile or e-mail in order to meet the deadline, followed by an original copy by mail. The Division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district or special district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(c) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to Section 99.061 or 105.031, F.S., as applicable.

(d) Supervisor of elections shall verify the signatures on Forms DS-DE 18A and 18B and submit to the Division of Elections a certificate indicating the number of valid signatures for each candidate for President and Vice President and minor political party, as applicable, on or before the date of the primary election held in the presidential election year. Certificates may be submitted to the Division via facsimile or e-mail in order to meet the deadline, followed by an original copy by mail. The Division shall determine whether the required number of signatures has been obtained and shall notify the candidate and minor political party, as applicable.

(e) A minor political party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States and that has obtained the requisite number of signatures on DS-DE 18B shall file with the Department of State no later than September 1 of the year in which the election is held a certificate naming its candidates for President and Vice President of the United States and listing the required number of persons to serve as presidential electors.

(7) Effect on Previously Approved Candidate Petition Form. Any candidate petition form which contains the substantive requirements of subsections (3) and (5) and which was approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering until July 16, 2012.

Rulemaking Authority 20.10(3), 97.012(1), 99.095, 105.035(2) FS. Law Implemented 99.095, 99.061, 99.097, 103.021, 105.031, 105.035 FS. History—New 10-23-07, Amended 11-7-10, 12-5-11.