

Candidate Petition Scenarios



GARY HOLLAND

ASSISTANT DIVISION DIRECTOR

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Scenario Background

- **Assumption:** You may assume that everything about the candidate petition and its entries are proper in the following scenarios, except the potential issue described in the scenario.
- **WHAT SHOULD YOU DO IN EACH SCENARIO – VERIFY AS VALID OR NOT?**

Scenario #1


- Signer was registered voter at time he signed the candidate petition. At the time the candidate presented the petition for verification, the signer was removed from FVRS due to his recent death.

➤ Valid or not?

Scenario #1 – Suggested Answer

Not valid – The signer must be a registered voter at both time of signing and verification. *See* Rule 1S-2.045(5)(i)5.

Scenario #2

- The candidate has used a yellow highlighter to highlight one or more of the blank fields on the candidate petition form and has placed an  next to the signature box.

➤ Valid or not?

Scenario #2 – Suggested Answer

Not valid – Rule 1S-2.045(3)(b) does not permit changes in format or text.

Highlighting does not change the format or text, but adding the arrow does.

Scenario #3

- The in-county street address on the petition of the signer does not match the voter's street address within the same county on file within FVRS.

➤ Valid or not?

Scenario #3 – Suggested Answer

Valid – See s. 99.097(3)(c), F.S. – if the voter lists an address other than the voter registration address, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

Scenario #4

- On a candidate petition for an at-large county seat, the signer is a registered voter in Florida, but the signer's address is not one within the county where the petition is presented.

➤ Valid or not?

Scenario #4 – Suggested Answer

Not valid -- The voter must be a registered voter in the geographical area represented. Form DS-DE 104 requires the person to attest that he/she is a registered voter in said “county and state” at the time a person signs the petition. Thus, at the time of signing, the person must be a registered voter in the county. *See also* Rule 1S-2.045(5)(i)5.

Scenario #5

- On a candidate petition for school board, the candidate has pre-filled the “No party affiliation” box on all her candidate petitions.

➤ Valid or not?

Scenario #5 – Suggested Answer

Not valid – a candidate running for a nonpartisan office must have the box checked that indicates “Nonpartisan.”

Scenario #6

- A candidate has placed a barcode outside the solid lines of the candidate petition form but on the same page as the petition.

➤ Valid or not?

Scenario #6 – Suggested Answer

Valid – any matter placed outside the borders of the prescribed form would not be changing the text or format of the petition form itself.

Scenario #7

- A voter had signed a candidate petition that was verified as invalid due to a format error on the petition. The candidate had the voter sign a second petition in the proper format and has submitted it for approval.

➤ Valid or not?

Scenario #7 – Suggested Answer

Valid – However, the voter is at risk of violating s. [104.185](#), Fla. Stat., if the voter knowingly signed a second petition for the same candidate in the same election. Rule 1S-2.045(5)(e) provides that the supervisor cannot verify a petition signature “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.*” This implies that the supervisor can verify a second petition if the first petition was not verified as valid. What this means for the SOE office is regardless of the voter’s possible criminal violation of s. [104.185](#), Florida Statutes, a second petition can be verified if the first one was rejected for some reason which has been cured by the second petition. However, the second verification would not necessarily excuse the voter’s criminal violation.

Scenario #8

- The voter who signed the candidate petition is listed as an inactive voter status on the voter rolls at a different address in the county from that listed on the voter registration rolls.

➤ Valid or not?

Scenario #8 – Suggested Answer

Valid – treat address as that on registration rolls, follow up with voter with an address confirmation request. (*See* May 7, 2014 petition verification chart on Division’s SOE website.)

Scenario #9

- The candidate printed and submitted all her candidate petitions on pink paper.
- Valid or not?

Scenario #9 – Suggested Answer

Valid – No restriction exists on the color of paper in law or rule. The restriction is on the size of the paper.

Scenario #10

- A candidate has filed his pre-qualifying paperwork (DS-DE9) with his full, legal name. He has used his nickname by which he is known in his political advertising. The nickname also appears on his candidate petitions.

➤ Valid or not?

Scenario #10 – Suggested Answer

Valid – Nothing precludes the candidate from using the nickname on candidate petitions and in ads, but he should be advised that the nickname should be placed on the candidate oath as the name that the candidate desires placed on the ballot.

Scenario #11

- A candidate petition is signed by a registered voter but it is obvious by the name and address on the petition that the signer has married and is using her new, married name.

➤ Valid or not?

Scenario #11 -- Suggested Answer

If you know that the signer is a registered voter, you should verify the petition as valid even if the name on the form is not substantially the same, but do not change the voter's registration name and signature in FVRS until after receiving an updated voter registration application from the voter.

See 99.097(3)(a), FS.

References

- **References – the following are on Division’s SOE website:**
 - Supervisor’s Handbook on Candidate Petitions
 - Candidate Petition Checklist
 - Chart entitled “Petition Verification: Actions to be taken by SOE” (May 7, 2014)