

2016 Supervisor's Handbook on Candidate Petitions



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Chapter 1: Explanation

This handbook explains the process for collecting, verifying and certifying candidate petitions. Candidates who obtain the required number of signatures are not required to pay a qualifying fee or party assessment.

The information contained in this publication is intended only as a quick reference guide only. To the extent that this handbook covers material beyond that contained in law or rule, the Division of Elections offers such material to supervisors of elections merely as guidelines. Supervisors may find this handbook helpful in handling questions about the signature verification process for candidate petitions. If further assistance is necessary, supervisors may request an advisory opinion from the Division of Elections under Section [106.23\(2\)](#), Florida Statutes.

This publication is not a substitute for the Florida Election Code or applicable constitutional and rule provisions, the text of which controls.

The following statutes and rules should be reviewed in their entirety:

- Section [99.095](#), Florida Statutes (see [Appendix A](#))
- Section [99.09651](#), Florida Statutes (see [Appendix B](#))
- Section [99.097](#), Florida Statutes (see [Appendix C](#))
- Rule [1S-2.045](#), Florida Administrative Code

<https://www.flrules.org/gateway/RuleNo.asp?title=ELECTIONS&ID=1S-2.045>

All Division of Elections forms and publications are available on the Division of Elections' website at <http://dos.myflorida.com/elections/forms-publications/>.

Please direct questions to the Division of Elections at 850.245.6280.

Chapter 2: Forms

1. What petition form should be used?

To obtain signatures of registered voters, all candidates,ⁱ except Presidential candidates, are required to use [Form DS-DE 104, Candidate Petition \(eff. 9/11\)](#). Presidential candidates are required to use [Form DS-DE 18A or 18B \(eff. 9/11\)](#). (See [Appendix D](#).)

Petition forms are available on the Division of Elections' website at <http://dos.myflorida.com/elections/forms-publications/forms/>

Petitions on previous versions of Form [DS-DE 104](#) are **not** valid.

A separate petition is required for each candidate.

2. Who is responsible for reproducing the petition form?

Candidates are responsible for reproducing the petition form.

3. Can the petition form be altered?

If reproduced, [Form DS-DE 104](#) must be reproduced in its exact wording and format without any changes in its text or format.

[Form DS-DE 104](#) may be reduced or enlarged proportionally in size as a whole document. The form may not be less than 3 inches by 5 inches and no larger than 8 1/2 inches by 11 inches.

Candidates may use color highlights, circles, X's, arrows, or similar markings that draw attention to items on the form, as well as using cross-outs, line-throughs, or similar markings on items on the form that are not applicable to their candidacy.

The petition form may be included within a larger advertisement, provided the form is clearly defined by a solid or broken border.

Candidates may choose to have petition forms translated into minority languages at their own expense. Petitions may be two-sided with one side in English and the second side in a minority language. However, regardless of which side is used, the petition may be signed by only one person. If both sides of the form should be completed, only the signature on the English side of the form shall be verified.

A supervisor may provide petition forms in minority languages.

ⁱ Municipal candidates may use a different form if provided for by city charter or ordinance.

Chapter 3: Collecting Signatures

1. How many signatures are needed?

A candidate must obtain the signatures of at least 1% of the total number of registered voters of the geographical area of candidacy, as shown by the compilation by the Department of State for the last preceding general election.

Exceptions: (1) Special district candidates must obtain the signatures of 25 registered voters in the geographical area represented by the office sought. (2) Candidates for offices affected by reapportionment (for the 2016 election cycle, U.S. Representative and State Senate) must obtain signatures equal to the number specified in Secretary of State Directives [15-01](#) and [15-02](#).)

When calculating the number of petitions required, exclude those voters on the inactive list from the number of registered voters. However, inactive voters who sign petitions may have their signatures verified in determining if the candidate obtains the required number of signatures.

See the Division of Elections' website for the 2016 Petition Requirements at

<http://dos.myflorida.com/elections/candidates-committees/qualifying/>

2. If a candidate meets the petition requirements, is the supervisor required to verify any remaining petitions?

Yes. When a candidate provides the supervisor with candidate petitions before the signature verification cutoff deadline (28 days prior to the first day of qualifying), the supervisor has a responsibility under Section [99.095\(3\)](#), Florida Statutes, to verify the signatures on those petitions no later than the 7th day before the first day of qualifying. If the candidate reaches the required number of signatures, you must continue to verify any signatures submitted by the candidate that are timely submitted unless the candidate provides your office a statement indicating that you are not required to verify the petitions.

3. When can a candidate start collecting petitions?

A candidate can collect signatures as soon as a completed [Form DS-DE 9](#), Appointment of Campaign Treasurer and Designation of Campaign Depository, is filed with the filing officer (see [Appendix E](#)). Petitions signed prior to the date [Form DS-DE 9](#) is filed with the filing officer are **not** valid. (See exceptions on next page.)

Exception: Special district candidates are **not** required to file [Form DS-DE 9](#) prior to collecting signatures. (However, special district candidates must file [Form DS-DE 9](#) if they collect contributions or make expenditures other than the filing fee or signature verification fee.)

Exception: Federal candidates do **not** file [Form DS-DE 9](#).

4. How long are signed petitions valid?

Signatures for all candidates are valid only for the next qualifying period for that office immediately following the filing of the DS-DE 9.

5. Where can candidates collect petitions?

Absent a local ordinance, a candidate can collect petition signatures in any public place including government-owned buildings. Section [106.15\(4\)](#), Florida Statutes, is often misconstrued to prohibit collecting petition signatures in a government-owned building. However, this prohibition only applies to soliciting or knowingly accepting contributions. Therefore, soliciting petition signatures would not be prohibited in a government-owned building unless the petition form is part of a larger document that includes a request for a political contribution or unless a local ordinance precludes petition signature gathering in local government-owned or occupied buildings. Section [104.31\(2\)](#), Florida Statutes, prohibits employees of the state or any political subdivision from participating in a political campaign for an elective office while on duty.

Whether a person is prohibited from collecting candidate petitions on private property is not addressed in the Election Code.

6. Can a candidate pay someone to collect petitions?

Yes. There is nothing in the Election Code that prohibits a candidate from paying persons to collect petitions. However, if any person is paid to solicit signatures on a petition, an undue burden oath may **not** subsequently be filed in lieu of paying the fee to have signatures verified for that petition.

Also refer to answer [# 3](#) in Chapter 5 Fees.

7. May a voter revoke his or her signature on a petition after receipt of the petition by the Supervisor of Elections?

No authority exists for a voter who has signed a petition to revoke his or her signature from a public record (the petition) after it has been received by the Supervisor of Elections. Rule 1S-2.045(4)(d).

Chapter 4: Verifying Petitions

1. Where should petitions be submitted?

Signed petition forms are submitted for verification to the supervisor of elections in the county in which the voter is registered.

It is the responsibility of the candidate to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the appropriate county in which the signee is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

How the supervisor's office handles misfiled petitions is a policy decision to be made by the supervisor. However, we suggest that you notify the candidate that you have received misfiled petitions if there is still time for the candidate to get them to the correct county.

For random sampling purposes, misfiled petitions must be removed before determining whether there are a sufficient number of petitions.

2. When is the deadline for accepting petitions?

The deadline for accepting candidate petitions is noon of the 28th day preceding the first day of the qualifying period for the office sought. For 2016, these deadlines are:

- **April 4, 2016** –Judicial, State Attorney and Public Defender
- **May 23, 2016** – Federal, State-wide, Multi-county, County, School Board, District, and Special District

3. Verification Checklist.

See [Appendix G](#) for a checklist to use in verifying candidate petitions.

4. Is this petition valid?

- **If a petition is signed and dated before the filing date of [Form DS-DE 9](#)?**

A petition signed and dated before the filing date of a completed [Form DS-DE 9](#) is invalid (except for federal candidates and special district candidates who have not collected contributions and whose only expense is the signature verification fee or filing fee). [Form DS-DE 9](#) is not valid until filed (received) and deemed complete by the qualifying officer. The form is not effective upon mailing.

- **If a petition is missing a required group, seat or district designation?**

If a candidate is running for an office that requires a group, seat or district designation, the petition must contain the designation or it is invalid. However, in 2016, petitions for the office of U.S. Representative and State Senate need not include a district designation. See Secretary of State Directives [15-01](#) and [15-02](#).

- **If a candidate changes the office that he/she is running for?**

If a candidate changes the office that he/she is running for, any previously submitted petitions are not valid for the new office. This would include changing seats, groups or districts.

Example

Changing from County Commissioner, Seat 1 to County Commissioner, Seat 5 will invalidate all previously verified petitions.

- **If a candidate's party affiliation on the petition is not the same as the party affiliation listed on the candidate's [Form DS-DE 9](#)?**

The party affiliation listed on the petition must match the party affiliation listed on [Form DS-DE 9](#) or if NPA is listed on the petition, the [DS-DE 9](#) must indicate NPA. If they do not match, the petition is invalid.

The candidate's party affiliation as indicated in his/her registration records is irrelevant and has no bearing on the validity of the petitions. The candidate's voter registration party affiliation does not become an issue until such time as he/she files qualifying documents during the qualifying period.

- **If a candidate puts his/her party affiliation on a petition for a nonpartisan office?**

A candidate for a nonpartisan office must check the block that indicates “Nonpartisan” on the petition when collecting petitions for a nonpartisan office. While the candidate may be a member of a party and still run in a nonpartisan race, he/she must collect petitions as a nonpartisan candidate and indicate this on the petition. If a nonpartisan candidate indicates that he/she is running as a party affiliated candidate, it will invalidate the petitions.

- **If a petition is signed by a voter who is not registered in the geographical area represented?**

If a petition is signed by a voter who is not registered in the geographical area represented, it is not valid unless it is a petition for U.S. Representative or State Senate in 2016 signed by a registered Florida voter. [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. Additionally, Rule [1S-2.045](#), Florida Administrative Code, states a petition is invalid if 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.”

Note 1: A petition signed by an inactive voter is valid as long as: (1) The voter is registered in the county where the petition is submitted at the time of signing the petition and the signature verification; and (2) The voter resides in the geographical area represented by the office sought.

Note 2: An address on a petition signed by a voter that is different from the legal residence where the voter is registered is valid. Section [99.097](#), Florida Statutes, and Rule [1S-2.045](#), Florida Administrative Code, provide that 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.

- **If there is more than one candidate petition per voter?**

Only one candidate petition per voter per candidate may be verified as valid.

Note: Under Section [104.185](#), Florida Statutes, a person who knowingly signs a candidate petition more than one time for a candidate commits a misdemeanor of the first degree.

When a supervisor is confronted with a situation where the same voter signs two or more candidate petitions for the same candidate for the same office, only one petition may be validated. For example, if the first petition submitted by the voter is valid, it remains valid even if a second petition by the same voter is submitted contrary to the above statute; however, the second petition may not be validated. The supervisor must ensure that only one petition per voter per candidate is counted as valid. If the supervisor believes the voter or candidate violated the above statute by the submission of more than one petition per voter per candidate, the supervisor may file an elections fraud complaint with the Division of Elections or refer the matter to the local state attorney.

Note: A voter may submit petitions for different candidates in the same race. There is nothing in the Election Code that prohibits a voter from signing petitions for more than one candidate in the same race or election.

- **If a petition form is incomplete?**

Generally, all of the blocks on the petition must contain some information in order to be valid; however, see the explanations below. Rule [1S-2.045\(5\)\(f\)](#), Florida Administrative Code, provides that a supervisor of elections shall not verify a signature on a candidate petition form unless all of the following information is contained on the form:

- The voter's name - If the name is not substantially in the same form as the name in the voter registration books, the petition may still be verified as valid if the signature on the petition matches the signature in the registration books.
- The voter's address including city and county - Although the petition form includes a block for zip code, the petition is valid if the zip code is omitted as the rule does not require the zip code. Because an address is legally defined as a place where mail or other communication will reach the person, the address listed on the

petition form, even if incomplete, should be sufficient for a letter if mailed to the address to reach the person.

There is no special consideration given to voters who have **protected addresses** when they sign petition forms. When a person signs a petition, it does not become a public record until it is submitted to the supervisor of elections for signature verification. When a person has a protected address which is exempt from being disclosed under the public records law and someone later requests to inspect (view or copy) the petition in the possession of the supervisor's office, the address must be redacted to protect unauthorized disclosure of the address. If the person with a protected address wants to sign the petition, the person may elect to place a business address or some other address. If the voter lists an address other than the legal residence where the voter is registered, the supervisor must treat the signature as if the voter had listed the address where the voter is registered (see below).

An address on a petition signed by a voter that is different from the legal residence where the voter is registered is valid. Section [99.097](#), Florida Statutes, and Rule [1S-2.045](#), Florida Administrative Code, provide that 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.

Example

Voter X's address on record is in the correct geographical area for the candidate. The address provided by Voter X on the candidate petition is different from the address on record and is not in the correct geographical area for the candidate. The address on the petition is ignored, and assuming everything else is correct, the petition would be valid.

- The voter's date of birth to include the month, day, and year that matches the voter's registration application or complete voter registration number - If the date of birth or voter registration does not match what is on file in the voter registration records, the petition may not be verified even if the signature matches.
- The voter's original signature.
- The date the voter signed the petition to include the month, day, and year as recorded by the voter.

- **If a petition is prefilled by the candidate?**

The only entries that must be filled in by the voter are the signature and the date. Therefore, a candidate or petition gatherer is allowed to prefill all other information.

- **If a petition is dated after the date the candidate submits the petition to the supervisor?**

Rule [1S-2.045\(5\)\(f\)5](#), Florida Administrative Code, requires that the petition form contain the “[t]he date the voter signed the petition as recorded by the voter.” If the date has not occurred, or occurred after the date the supervisor receives the petition, the voter obviously could not have signed the petition on that date, and therefore is invalid.

- **If a petition does not have a disclaimer?**

A petition does not meet the definition of a political advertisement as defined in Section [106.011](#), Florida Statutes, as it does not expressly advocate the election of a candidate. If the petition is included as a part of a larger advertisement that meets the definition of a political advertisement, the political advertisement would need a disclaimer. However, a missing disclaimer does not affect the validity of the petition.

- **If a petition does not have an original voter's signature?**

Rule [1S-2.045\(5\)\(f\)4](#), Florida Administrative Code, provides that the supervisor of elections shall not verify a signature on a candidate petition unless the petition form contains the voter's original, ink signature. Thus, copies of petitions, electronic submission (such as email) or a petition with an electronic signature are invalid.

- **If a candidate is not registered to vote in the geographical area represented by the office sought?**

Only the voter's registration status affects the validity of the petition. The candidate's eligibility for office has no bearing on the validity of the petitions.

- **If a petition contains a shortened version of a political party's name in the block that asks for the name of the political party?**

If you can determine with certainty which party the shortened version refers to, the petition should be verified.

Example

Form [DS-DE 9](#) indicates that the candidate is running as a Republican candidate. The petition has the acronym RPOF in the name of political party block. This would be acceptable as there is only one party commonly known as RPOF, i.e., Republican Party of Florida.

Chapter 5: Fees

1. What is the verification fee?

There is a fee of 10 cents per signature or the actual cost of checking such signatures, whichever is less, to be paid to the supervisor of elections for the cost of verifying the signature.

The fees should always be collected in advance of verifying the petitions.

2. Who is responsible for the verification fee?

Section [99.097\(4\)](#), Florida Statutes, provides that the supervisor shall be paid in advance by the candidate. Thus, there are three ways to pay for the verification fees:

- The verification fee is paid with a campaign check or the campaign's petty cash;
- The candidate pays the verification fee with personal funds and reports it as an in-kind contribution or is reimbursed by the campaign; or,
- Someone else pays for the verification fees and is reimbursed by the campaign.

Because the statute specifically states that the candidate shall pay the verification fee, ultimately, the candidate is responsible for paying the fee. If someone else pays the verification fee, it is the candidate's responsibility to ensure that the person is reimbursed by the campaign.

3. What is an undue burden oath?

If a candidate cannot pay this fee without imposing an undue burden on the candidate's resources, the candidate may file an undue burden oath (see [Appendix F](#)) with the supervisor of elections to have the fee waived.

Note: Supervisors should send reminders to petition candidates after they become unopposed, eliminated, or elected reminding them that prior to disposing of excess campaign funds they must reimburse the waived petition signature verification fees. See [Appendix H](#) for a sample memo to petition candidates used by the Division of Elections.

The undue burden oath must be an original and properly notarized. A copy of such document is not acceptable.

If the candidate has not filed an undue burden oath with you, you have no statutory obligation to **(and should not)** verify the petitions until you receive advance payment. Whether the supervisors must notify the candidate is left to the supervisor's discretion. As a good customer service practice, the supervisor may elect to notify the candidate that the petitions will not be verified until payment is received but there is no statutory obligation to so notify the candidate either orally or in writing.

If any person is paid to solicit signatures on a petition, a candidate may not subsequently file an undue burden oath in lieu of paying the fee to have signatures verified for that petition.

If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the oath is no longer valid and a fee for all signatures previously submitted to the supervisor and any that are submitted thereafter shall be paid by the candidate that submitted the oath.

If a candidate receives monetary contributions, as defined in Section [106.011](#), Florida Statutes, after the candidate has filed an undue burden oath and subsequently paid a signature gatherer, the monetary contributions must first be used to reimburse the supervisor for any signature verifications fees that were not paid because of the filing of the oath.

Note: A supervisor has no duty to check a candidate's financial reports to verify that the candidate has not received any monetary contributions. However, if a supervisor becomes aware that a candidate has received monetary contributions after the candidate had filed an undue burden oath and subsequently paid a signature gatherer, the supervisor should advise the candidate that those contributions must be first applied toward paying for petition signature verification fees. Failure to comply is a misdemeanor (see Section [104.41](#), Florida Statutes).

4. How does the supervisor request a reimbursement of fees?

To be reimbursed for the verification of the signatures that were verified at no charge, submit the total number of such signatures to the Division of Elections by December 1st only in general election years. The Division will forward the request for reimbursement to the Chief Financial Officer.

If a candidate submits petition verification fees to your office after you have made a request for reimbursement from the State:

- Submit an amended request for reimbursement if the State has not processed the request;
- Return the State's reimbursement check with an amended request for reimbursement; or
- Deposit the reimbursement check and repay the State for the amount paid by the candidate.

Chapter 6: Certification to the Division of Elections

1. Which candidate petitions must be certified to the state?

The supervisors of elections must certify the number of verified petitions for the following offices to the Department of State, Division of Elections:

- Federal
- State (Circuit Court Judge, State Attorney and Public Defender)
- Legislative
- Multi-county

The Division of Elections will determine whether the required number of signatures has been obtained in order for the name of the candidate to be placed on the ballot and will notify the candidate and the supervisor of elections.

2. What do I submit to the Division of Elections?

Supervisors of Elections shall electronically certify verified candidate petitions to the Division of Election using the Windows Live program for candidates who qualify with the Division of Elections.

The Candidate Petitions application can be accessed via the Division's DOE Portal at:

<https://soesecure.elections.myflorida.com/SOEAdminServices/>

Click on the "Candidate Petitions" link. For more details, see the **SOE Certifying Candidate Petition Handbook** on the SOE Portal.

3. What is the deadline for certifying signatures to the Division?

No later than the 7th day before the first day of qualifying.

- **April 25, 2016** –Judicial, State Attorney and Public Defender
- **June 13, 2016** – Federal, State, Multi-county and District

Certifications received after the deadline will not be accepted.

Prior to the deadline, check the candidate list for each candidate in the Division of Elections SOE Portal that you have certified petitions to the Division or the candidate list on the Division of Elections website

4. How long do I keep the signed petitions?

Section [99.097\(4\)](#), Florida Statutes, provides that petitions must be retained by the supervisor for a period of 1 year following the election for which the petitions were circulated.

Appendix A

99.095 Petition process in lieu of a qualifying fee and party assessment.—

(1) A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this section is not required to pay the qualifying fee or party assessment required by this chapter.

(2)(a) Except as provided in paragraph (b), a candidate must 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 for the immediately preceding general election. Signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to s. [106.021](#) and are valid only for the qualifying period immediately following such filings.

(b) A candidate for a special district office shall obtain 25 signatures of voters in the geographical area represented by the office sought.

(c) The format of the petition shall be prescribed by the division and shall be used by candidates to reproduce petitions for circulation. 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. A separate petition is required for each candidate.

(d) In a year of apportionment, any candidate for county or district office seeking ballot position by the petition process may obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries. The candidate shall obtain at least the number of signatures equal to 1 percent of the total number of registered voters, as shown by a compilation by the department for the immediately preceding general election, divided by the total number of districts of the office involved.

(3) Each petition 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 such petition was circulated. Each supervisor shall check the signatures on the petitions to verify their status as voters in the county, district, or other geographical area represented by the office sought. No later than the 7th day before the first day of the qualifying period, the supervisor shall certify the number of valid signatures.

(4)(a) Certifications for candidates for federal, state, multi-county district, or multi-county special district office shall be submitted to the division no later than the 7th day before the first day of the qualifying period for the office sought. 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.

(5) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to s. [99.061](#).

Appendix B

99.09651 Signature requirements for ballot position in year of apportionment.—

(1) In a year of apportionment, any candidate for representative to Congress, state Senate, or state House of Representatives seeking ballot position by the petition process prescribed in s. [99.095](#) shall obtain at least the number of signatures equal to one-third of 1 percent of the ideal population for the district of the office being sought.

(2) For the purposes of this section, "ideal population" means the total population of the state based upon the most recent decennial census divided by the number of districts for representative to Congress, state Senate, or state House of Representatives. For the purposes of this section, ideal population shall be calculated as of July 1 of the year prior to apportionment. The ideal population for a state Senate district and a state representative district shall be calculated by dividing the total population of the state by 40 for a state Senate district and by dividing by 120 for a state representative district.

(3) Signatures may be obtained from any registered voter in Florida regardless of party affiliation or district boundaries.

(4) Petitions shall state the name of the office the candidate is seeking, but shall not include a district number.

(5) Except as otherwise provided in this section, all requirements and procedures relating to the petition process shall conform to the requirements and procedures in nonapportionment years.

Appendix C

99.097 Verification of signatures on petitions.—

(1)(a) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

1. A check of each petition; or

2. A check of a random sample, as provided by the Department of State, of the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures has been obtained with a reliability of at least 99.5 percent.

(b) Rules and guidelines for petition verification shall be adopted by the Department of State. Rules and guidelines for a random sample method of verification may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria or if the petitions are prescribed by s. [100.371](#), the use of the random sample method of verification is not available to supervisors.

(2) When a petitioner submits petitions which contain at least 15 percent more than the required number of signatures, the petitioner may require that the supervisor of elections use the random sampling verification method in certifying the petition.

(3)(a) 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.

(b) In any situation in which this code requires the form of the petition to be prescribed by the division, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the division.

(c) 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.

(4) The supervisor shall be paid in advance the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the signatures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Chief Financial Officer no later than December 1 of the general election year, and the Chief Financial Officer shall

cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(5) The results of a verification pursuant to subparagraph (1)(a)2. may be contested in the circuit court by the candidate; an announced opponent; a representative of a designated political committee; or a person, party, or other organization submitting the petition. The contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the petition covers more than one county within 10 days after midnight of the date the petition is certified; and the complaint shall set forth the grounds on which the contestant intends to establish his or her right to require a complete check of the petition pursuant to subparagraph (1)(a)1. In the event the court orders a complete check of the petition and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless the candidate has filed the oath stating that he or she is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition, unless such person or organization has filed the oath stating inability to pay such charges, shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

(6)(a) If any person is paid to solicit signatures on a petition, an undue burden oath may not subsequently be filed in lieu of paying the fee to have signatures verified for that petition.

(b) If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the undue burden oath is no longer valid and a fee for all signatures previously submitted to the supervisor of elections and any that are submitted thereafter shall be paid by the candidate, person, or organization that submitted the undue burden oath. If contributions as defined in s. [106.011](#) are received, any monetary contributions must first be used to reimburse the supervisor of elections for any signature verification fees that were not paid because of the filing of an undue burden oath.

Appendix D

CANDIDATE PETITION			
<p>Notes: - All information on this form becomes a public record upon receipt by the Supervisor of Elections. - It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes] - If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.</p>			
<p>I, _____ the undersigned, a registered voter (print name as it appears on your voter information card)</p>			
<p>in said state and county, petition to have the name of _____ placed on the Primary/General Election Ballot as a: [check/complete box, as applicable]</p>			
<p><input type="checkbox"/> Nonpartisan <input type="checkbox"/> No party affiliation <input type="checkbox"/> _____ Party candidate for the office of _____ (insert title of office and include district, circuit, group, seat number, if applicable)</p>			
SAMPLE			
Date of Birth (MM/DD/YY)	or Voter Registration Number	Address	
City	County	State	Zip Code
Signature of Voter		Date Signed (MM/DD/YY) [to be completed by Voter]	
<p style="font-size: 0.8em;">Rule 1S-2.045, F.A.C. DS-DE 104 (Eff. 09/11)</p>			

PRESIDENT & VICE PRESIDENT CANDIDATE PETITION - NO PARTY AFFILIATION			
<p>Notes: - All information on this form becomes a public record upon receipt by the Supervisor of Elections. - It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes] - If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.</p>			
<p>I, _____ the undersigned, a registered voter (print name as it appears on your voter information card)</p>			
<p>in said state and county, petition to have the name of _____ for President and _____ for Vice President placed on the General Election Ballot for the presidential election occurring in _____ as no party affiliation candidates. (insert year)</p>			
SAMPLE			
Date of Birth (MM/DD/YY)	or Voter Registration Number	Address	
City	County	State	Zip Code
Signature of Voter		Date Signed (MM/DD/YY) [to be completed by voter]	
<p style="font-size: 0.8em;">Rule 1S-2.045, F.A.C. DS-DE 18A (Eff. 09/11)</p>			

PRESIDENT AND VICE PRESIDENT CANDIDATE PETITION - MINOR POLITICAL PARTY

Notes: - All information on this form becomes a public record upon receipt by the Supervisor of Elections.
- It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will not be valid as a Candidate Petition form.

I, _____ the undersigned, a registered voter
(print name as it appears on your voter information card)

in said state and county, petition to have the candidates for President and Vice President nominated by

(insert name of minor political party)

placed on the General Election ballot for the presidential election occurring in _____
(insert year)

SAMPLE

Date of Birth (MM/DD/YY)	or	Voter Registration Number	Address
_____		_____	_____

City

County

State

Zip Code

Signature of Voter

Date Signed (MM/DD/YY) [to be completed by voter]

Appendix F

AFFIDAVIT OF UNDUE BURDEN
(Section 99.097(4), Florida Statutes)

IMPORTANT: (1) Paying signature gatherers will preclude or invalidate the filing of an undue burden oath. Section 99.097(6), Florida Statutes, provides: (a) If any person is paid to solicit signatures on a petition, an undue burden oath may not subsequently be filed in lieu of paying the fee to have signatures verified for that petition. (b) If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the undue burden oath is no longer valid and a fee for all signatures previously submitted to the supervisor of elections and any submitted thereafter shall be paid by the candidate, person, or organization that submitted the undue burden oath. If contributions as defined in s. 106.011 are received, any monetary contributions must first be used to reimburse the supervisor of elections for any signature verification fees that were not paid because of the filing of the undue burden oath. [Note: The second sentence in (b) applies only when payment is made to a signature gatherer after an undue burden oath had been filed.]
(2) Upon a candidate terminating the campaign, any candidate who qualified by the petition process and who has surplus funds, must first apply the surplus funds to the reimbursement of the signature verification fee (if applicable). See s. 106.141(7), Florida Statutes.

I certify under oath that I intend to qualify as a candidate for the office of _____ and that I am unable to pay the fee for verification of petition signatures for that office without imposing an undue burden on my personal resources or on resources otherwise available to me.

X

Signature of Candidate P C Candidate's Name

Address City

State Zip Telephone Number
State of Florida
County _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____
by _____.

Personally Known: _____ or

Produced Identification: _____

Type of Identification Produced:

Signature of Notary Public – State of Florida
Print, Type or Stamp Commissioned Name of
Notary Public

Appendix G

CANDIDATE PETITION SIGNATURE VERIFICATION CHECKLIST (rev. 12/14/2015)

I. A signature may not be verified on a Candidate Petition (Form DS-DE 104) unless all of the following exist on the form:

- The voter's name.

(**Note:** Per s. 99.097(3)(a), Florida Statutes, and Rule 1S-2.045(5)(g), Fla. Admin. Code, if all other requirements for the petition are met, a name on the petition that is not in substantially the same form as the name in the voter registration system shall be counted as a valid signature if, after comparing the signatures on the form and in the voter registration system, the supervisor of elections determines that the petition signer is the same as the registered voter.)
- The voter's address, to include the city and county.

(**Note:** The address may be a business or PO Box address. The address need not be the address on the voter's registration record. See s. 99.097(3)(c), Florida Statutes and Rule 1S-2.045(5)(h), Fla. Admin. Code - if a voter lists an address other than the registration address, the supervisor of elections shall treat the address as if the voter had listed the voter's registration address. The absence of a zip code on the form will not prevent a candidate petition from being verified.)
- The voter's date of birth (to include the month, day, and year) that matches the date of birth on the voter's registration application **or** voter registration number.
- The voter's original, ink signature.
- The date (to include the month, day, and year) the voter signed the petition, as recorded by the voter.
- The group or district designation for the office is listed on the office if the candidate is running for an office that requires a group or district designation. (In a year of apportionment, a district # is not required.)

II. Also, before a signature may be verified, the supervisor must ensure:

- The candidate petition form submitted is a Form DS-DE 104 containing the exact wording and format of the form incorporated by Rule 1S-2.045, Fla. Admin. Code. (The only exceptions to using the exact wording and format are: (1) The form may be reduced or enlarged proportionally in size; (2) The form may have color highlights, circles, X's, arrows, or similar markings that draw attention to items on the form, as well as cross-outs, line-throughs, or similar markings for items that do not apply to the candidate's candidacy; (3) The form may be translated into a minority language, but the format and blank entries must be the same as the incorporated form.) Form DS-DE 104 may be a two-sided form if one side is in a minority language. If both sides are completed, the Supervisor of Elections may only verify the signature on the English side.
- The signer was a registered voter in the county, district, or other geographical area represented by the office being sought at the time of signing based on the address on record.ⁱ
- The signer is a registered voter in the county, district, or other geographical area represented by the office being sought at the time of verification of the petition.ⁱⁱ
- The voter signed the petition on or after the date the candidate filed the appointment of campaign treasurer and designation of depository. The only exceptions are if the candidate is: (1) a federal candidate; or (2) a special district candidate who has not collected contributions and whose only expense is the signature verification fee or filing fee.
- The signer has not previously signed a candidate petition form (for the same candidate for the same office in the same election) that has been already verified as valid.
- The form was submitted before noon of the 28th day before the first day of qualifying for the office sought to the Supervisor of Elections of the county in which the signee is a registered voter.

Note: See Rule 1S-2.045(5)(i) for examples of items that will make a candidate petition invalid.

ⁱ In a year of apportionment: (1) For any federal, state senate, or state representative candidate, the signatures may be obtained from any registered voter in Florida regardless of district boundaries; and (2) Any candidate for county or district office may obtain signatures from any registered voter in the county regardless of district boundaries. Note: 2016 is considered a year of apportionment for congressional and state senate candidates. DOS Directives 15-01 & -02.

ⁱⁱ See i, above.

Appendix H



FLORIDA DEPARTMENT OF STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

MEMORANDUM

TO: 20__ General Election Petition Candidates

FROM: Kristi Reid Bronson, Chief
Bureau of Election Records

DATE: _____ __, 20__

SUBJECT: Termination Report Notice

Candidates must dispose of all funds on deposit in the campaign account pursuant to the provisions of Section 106.141, Florida Statutes, within 90 days of the election. Therefore, your termination report (TR) must be filed using the Electronic Filing System (EFS) no later than _____ __, **20__**. You are not required to close the campaign prior to the due date; however, you must have written checks disposing of all surplus funds in the account by this date. You may file your report at any time prior to the deadline once you have disposed of all funds.

Before disposing of surplus funds, if you submitted petitions to a supervisor of elections and did not pay to have signatures verified because you filed an undue burden oath, you must reimburse the county for verifying the signatures pursuant to Section 106.141(7), Florida Statutes. Please contact any supervisor of elections that verified signatures for your campaign to determine the amount that must be reimbursed.

If you have any questions, please contact this office at 850-245-6280.

KRB/



Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street •
Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) <http://dos.myflorida.com/elections/>
Promoting Florida's History and Culture VivaFlorida.org

