

2020 Supervisor's Handbook on Candidate Petitions



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Chapter 1: Introduction

This handbook is for use by supervisors of elections and other filing officers. The handbook explains the process for collecting, verifying and certifying candidate petitions. The information contained herein applies only to candidate petitions and should not be applied to initiative petitions. Candidates who obtain the required number of signatures are not required to pay a qualifying fee or party assessment.

Please direct questions to the Bureau of Election Records help desk at **850.245.6280**.

If further assistance is necessary, supervisors may request an advisory opinion from the Division of Elections under Section [106.23\(2\)](#), Florida Statutes, and Rule [1S-2.010](#), Florida Administrative Code.

Attention: This handbook serves only as a quick reference guide. It is not a substitute for the Florida Election Code or applicable constitutional and rule provisions, the text of which controls. Therefore, 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. See [Appendix G](#) for legal references.

All applicable forms and publications are publicly available on the Division of Elections' website at dos.myflorida.com/elections/forms-publications.

Chapter 2: Forms

Which petition form should be used to obtain signatures?

All candidatesⁱ, except Presidential candidates, must use **Form [DS-DE 104](#), Candidate Petition Form**. Presidential candidates must use **Form [DS-DE 18A](#), President and Vice President Candidate Petition, No Party Affiliation** or **Form [DS-DE 18B](#), President and Vice President Candidate Petition, Minor Political Party**.

The most current versions of [petition forms](#) are available on the Division of Elections' website.

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

Who is responsible for reproducing the petition form?

Candidates are responsible for reproducing the form.

Can the petition form be altered?

Form [DS-DE 104](#) must be reproduced as is without any text or format change subject to the following limited exceptions:

- **Form [DS-DE 104](#)** may be reduced or enlarged proportionally in size as a whole document. However, the form cannot be less than 3 x 5 inches and no larger than 8 1/2 x 11 inches.
- **Form [DS-DE 104](#)** may be included within a larger advertisement, provided the form is clearly defined by a solid or broken border.
- 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.
- Candidates may translate petition forms into a minority language at their own expense. A supervisor may provide petition forms in minority languages. Petition forms may be two-sided with English on one side and a minority language on the

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

other. However, the double-sided petition may be signed by only one person. If both sides of the form are completed, the supervisor of elections will check only the English side of the form for signature verification.

Is a disclaimer required on a petition?

No. A petition is not a political advertisement as defined in Section [106.011](#), Florida Statutes. However, if the petition is included as a part of a larger advertisement that is a political advertisement, the advertisement will need a disclaimer. A missing disclaimer on the advertisement does not invalidate an otherwise properly executed petition but does constitute a violation of [Chapter 106](#), Florida Statutes.

Chapter 3: Collecting Signatures

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 Department of State's compilation for the last general election.

Exception: Special district candidates must obtain the signatures of 25 registered voters in the geographical area represented by the office sought.

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

See the Division of Elections' website for the [Petition Requirements](#) for state candidates.

When and for how long must a supervisor verify petitions?

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 must verify the signed petitions no later than the 7th day before the first day of qualifying. (See [Section 99.095\(3\), Florida Statutes](#).) If the candidate reaches the required number of signatures, continue to verify timely submitted signed petitions until the candidate indicates in writing to stop verification.

When can a candidate start collecting petitions?

A candidate can start collecting 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 C](#)). Petitions signed prior to the date Form [DS-DE 9](#) is filed with the filing officer are not valid.

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

ⁱⁱ After verifying a petition signed by an inactive voter, the voter should be returned to active status.

How long are signed petitions valid?

Signatures for all candidates are valid only for the qualifying period for that office immediately following the filing of the [DS-DE 9](#). If the normal term of office ends early as the result of a resignation, death, or other reason, petitions verified prior to an off-cycle election qualifying period remain valid for the same office in the earlier election.

Example:

Candidate A is a 2020 State Representative candidate. The candidate may not begin collecting signatures until after the 2018 qualifying period.

Example:

Candidate B is a 2020 State Representative candidate. In December of 2019, a special election is called for this office. Candidate B may transfer their petitions to the special election or, if they elect not to participate in the special election, keep them for the 2020 election.

Example:

Candidate C is a 2020 State Representative candidate. In December of 2019, a special election is called for this office. Candidate C wants to qualify for the special election but does not want to transfer the petitions already signed to the special election. Candidate C may accomplish this by filing a new Form [DS-DE 9](#) and opening an entirely separate campaign depository for the special election. Candidate C must start anew with contributions and petition gathering for the special election while maintaining the former campaign account opened for the general election. Candidate C may not use the funds or petitions previously collected for the special election. Candidate C may not use the funds or petitions gathered in the special election for the subsequent general election.

Example:

Candidate D is a 2022 County Commission candidate. The incumbent for that office resigns to run for another office. The office will now appear on the 2020 ballot for a term to end in 2022. Candidate D may transfer their petitions to the 2020 election or keep them for the 2022 election. However, to retain the petitions for the 2020 election, Candidate D must open a separate campaign account for the 2020 election.

Where can candidates collect petitions?

Absent a local prohibition, 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 prohibition 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, including a church, is not addressed in the Florida Election Code.

In the case of a church, a candidate should check with the presiding church official. A church's involvement in political campaigns may threaten the loss of the church's IRS tax exempt status.

Can a candidate pay someone to collect petitions?

Yes. Nothing in the Florida Election Code prohibits a candidate from paying any person to collect petitions.

See [Chapter 5: Fees and Undue Burden Oath](#) for information on what happens when an undue burden oath is filed.

May a voter revoke their 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 their signature after it has been received by the supervisor of elections. (See Rule [1S-2.045\(4\)\(d\)](#), Florida Administrative Code.)

Chapter 4: Verifying Petitions

Where are petitions 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 the supervisor of elections of the 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. If the supervisor of elections determines that the signer of the petition is not registered in their county, the supervisor shall notify the candidate or minor political party, as applicable, that the petition has been misfiled, and shall return the petition to the candidate or minor political party so that it can be refiled.

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

When is the deadline for accepting petitions?

No later than noon on:

- **March 23, 2020** – Representative in Congress, Circuit Court Judge, State Attorney, and Public Defender
- **May 11, 2020** – State Senate, State Representative, County, School Board, and Special District
- **July 15, 2020** – President of the United States

Verification Checklist

See [Appendix D](#), *DE Election Administration Checklist Series 0002, Candidate Petition Validation/Signature Verification*, to determine whether a petition is valid and can be verified.

Is this petition valid?

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

A petition signed and dated before the filing date of 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) by the qualifying officer.

... if the 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.

... if the candidate changes the office that they are running for?

If a candidate changes the office for which they are running, any previously submitted petitions are not valid for the new office. This includes changing seats, groups, or districts.

Example:

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

... if the candidate changes election years?

If a candidate changes from the 2020 election to the 2022 election, the petitions verified for the 2020 qualifying period will not be valid for the 2022 election.

... if the candidate changes to a special election?

If a candidate changes from a regularly scheduled election to an earlier special election being held for that office, the petitions verified for the regular election are valid for the special election.

... if the candidate elects not to participate in an intervening special election?

If there is an intervening special election and the candidate decides not to participate in the special election, any petitions verified prior to the special election will remain valid for the regularly scheduled election.

... if the 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 their 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 they file qualifying documents during the qualifying period.

Example 1 – Invalid Petition:

Candidate A files Form [DS-DE 9](#) indicating that they are running as a Republican candidate. Their petition forms also indicate that they are running as a Republican candidate. After submitting a number of petitions for verification, Candidate A submits a new [DS-DE 9](#) indicating that they are running as a Democratic candidate. All previously verified petitions will not be eligible for qualifying as a Democratic candidate.

Example 2 – Valid Petition:

Candidate B files Form [DS-DE 9](#) indicating that they are running as a Republican candidate. Their petition forms also indicate that they are running as a Republican candidate. Candidate B's voter registration party affiliation is Democrat. After submitting a number of petitions for verification, Candidate B changes their voter registration party affiliation to Republican. All petitions verified prior to Candidate B's change in voter registration remain valid.

Example 3 – Valid Petition:

Candidate C circulates petitions as an NPA candidate but is registered as a voter with party affiliation. As long as Form [DS-DE 9](#) indicates that the candidate is running with no party affiliation, the petitions are valid.

Example 4 – Invalid Petition:

Candidate D files Form [DS-DE 9](#) indicating that they are running as a Republican candidate. After they have begun collecting signatures, the candidate files a new [DS-DE 9](#) changing from a Republican candidate to an NPA candidate. The petitions indicating that the candidate is a Republican candidate are no longer valid and do not count towards the total amount needed to qualify as a petition candidate.

Example 5 – Valid Petition:

Candidate E circulates petitions for a nonpartisan office but is registered as a voter with party affiliation. As long as the petition indicates that the candidate is running for a nonpartisan office, the petitions are valid.

Example 6 – Valid Petition:

Candidate F changes party affiliation on their voter registration record while running for a nonpartisan office. If the candidate is running for a nonpartisan office, changing their voter registration party affiliation will have no effect on previously verified petitions.

... if the candidate puts their 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, they must collect petitions as a nonpartisan candidate and indicate this on the petition. If a nonpartisan candidate indicates that they are running as a party affiliated candidate, it will invalidate the petitions.

Note: If the petition indicates conflicting or incorrect information regarding the candidate's status as a nonpartisan, no party affiliated or party affiliated candidate, the petition is invalid.

... if the petition is signed by a voter who is not registered in the geographical area represented at the time of signing or verification?

If a petition is signed by a voter who is not registered in the geographical area represented, it is not valid. Form [DS-DE 104](#) requires the person to attest that they are 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 have been 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](#), Florida Statutes, at both the time of signing and verification of the petition."

... if a voter signs more than one petition for the same candidate?

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

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. 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. 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.

A voter may sign 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 the petition form is signed by an inactive voter?

A petition signed by an inactive voter is valid as long as it meets all other requirements. A voter's active or inactive status is immaterial.

... if the petition form is incomplete?

See Part I of [Appendix D](#) and Rule [1S-2.045\(5\)\(f\)](#), Florida Administrative Code, for details on what information must be on the petition.

... if the 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 the petition is dated after the date the candidate submits the petition to the supervisor?

Rule [1S-2.045\(5\)\(f\)](#), Florida Administrative Code, requires that the petition form contain “the 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 it should not be counted as valid.

... if a voter with a public records exemption signs the petition?

No special processes apply when voters with public records exemptions sign petition forms. Like any other voter, if the voter with a protected address wants to sign the petition, the voter 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 petition as if the voter had listed the address where the voter is registered.

... if the 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). Thus, on its own, a petition need not contain a disclaimer. However, if the petition is included as a part of a larger advertisement that does meet the definition of a political advertisement, the political advertisement would need a disclaimer. A missing disclaimer on such an advertisement does not invalidate an otherwise properly executed petition but does constitute a violation of [Chapter 106](#), Florida Statutes.

. . . if the petition does not have the voter's original signature?

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

. . . if the 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 the petition contains a shortened version of a political party's name in the block that asks for the name of the political party?

If a supervisor can determine with certainty to which party the shortened version refers, 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 and Undue Burden Oath

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.

Who is responsible for the verification fee?

The candidate must pay the fee in advance to the supervisor (*see Section [99.097\(4\)](#), Florida Statutes*). 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.
- Someone else pays for the verification fees and is reimbursed by the campaign.

What is an undue burden oath?

An undue burden oath is an oath that a candidate may file if paying the verification fee would impose an undue burden on the candidate's resources, (*see [Appendix E](#)*). Candidates must file an undue burden oath with each supervisor of elections' office where petitions will be submitted.

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

If any person is paid to solicit signatures on a petition, a candidate may not subsequently file an undue burden oath.

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.

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.

As a best practice, 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 F](#) for a sample memo to petition candidates used by the Division of Elections.

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. Candidate's failure to comply is a misdemeanor (see Section [104.41](#), Florida Statutes).

How does a supervisor request a reimbursement of fees?

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

If a candidate submits petition verification fees to the supervisor's office after the request has been made for reimbursement from the State, the supervisor may:

- 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.

In the event that the supervisor has already been reimbursed by the State but it is determined that the candidate owes verification fees, the supervisor must repay the State immediately for the amount reimbursed and seek verification fees directly from the candidate.

Chapter 6: Certification to the Division of Elections

Which candidate petitions must be certified to the State?

Supervisors of elections must certify the number of verified petitions for the following offices to the Division of Elections:

- President of the United States
- U.S. Senate
- Representative in Congress
- Governor
- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- State Senator
- State Representative
- Circuit Court Judge
- State Attorney
- Public Defender
- Multi-county Special District

Who determines whether the candidate's name is placed on the ballot?

After receipt of the certifications from the supervisors of elections, 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.

How do I submit verified candidate petitions to the Division of Elections?

Supervisors of elections shall electronically certify verified candidate petitions to the Division of Election using the Candidate Petitions application on the Division's SOE Portal.

Once on the portal, click on the "Candidate Petitions" link. If you do not have access to the program, contact your county security manager. For more details, see the User Guide in the SOE Portal.

What is the deadline for certifying signatures to the Division?

No later than 5:00 p.m. on:

- **April 13, 2020** – Representative in Congress, Circuit Court Judge, State Attorney, and Public Defender
- **June 1, 2020** – State Senate, State Representative, and Multi-county Special District
- **August 18, 2020** – President of the United States

Certifications received from the supervisors of elections after the deadlines will not be accepted.

Prior to the deadline, supervisors should check the candidate list for each candidate in the Division of Elections SOE Portal for whom petitions have been certified to the Division or the candidate list on the Division of Elections website.

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 one year following the election for which the petitions were circulated.

Appendix A: DS-DE 104 Candidate Petition Form

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>			
<div style="border: 1px solid black; padding: 2px;"> Date of Birth (MM/DD/YY) or Voter Registration Number </div>		<div style="border: 1px solid black; padding: 2px;"> Address </div>	
<div style="border: 1px solid black; padding: 2px;"> City </div>	<div style="border: 1px solid black; padding: 2px;"> County </div>	<div style="border: 1px solid black; padding: 2px;"> State </div>	<div style="border: 1px solid black; padding: 2px;"> Zip Code </div>
<div style="border: 1px solid black; padding: 2px;"> Signature of Voter </div>		<div style="border: 1px solid black; padding: 2px;"> Date Signed (MM/DD/YY) [to be completed by Voter] </div>	
<small>Rule 1S-2.045, F.A.C.</small>		<small>DS-DE 104 (Eff. 09/11)</small>	

Appendix D: Checklist - Candidate Petition Validation/Signature Verification



Checklist - Candidate Petition Validation/Signature Verification

DE Election Administration Checklist Series – 0002 (Updated 1/2018)

(SECTION 99.097, FLA. STAT. AND RULE 1S-2.045, FLA. ADMIN. CODE)

These procedural checklists are for optional use by election offices only. Election offices are advised to consult with applicable state, federal and case law and governing rules. Any discrepancy or conflict between the information provided here and rules and laws is not intended and should be resolved in favor of the rules and laws.

I. A signature may not be verified on a candidate petition form unless all of the following exist on the form:

- ☐ The voter's¹ name. **Note:** If the name is not substantially the same as the name in the statewide voter registration system, the petition may still be validated if all other requirements for the petition are met after comparing the signatures on the form, and the supervisor of Elections determines that the petition signer is the registered voter. Section 99.097(3)(a), Fla. Stat., and Rule 1S-2.045(5)(g), Fla. Admin. Code.
- ☐ The voter's address (including city and county). **Note:** A missing zip code will not invalidate a petition. The address may be a business or PO Box address. The address need not be the same address on the voter's registration record. If a voter lists an address other than the registration address, the supervisor shall process the petition as if the voter had listed the voter's registration address. See s. 99.097(3)(c), Fla. Stat. and Rule 1S-2.045(5)(h), Fla. Admin. Code.
- ☐ The voter's date of birth or voter registration number. **Note:** The date of birth must include the month, day, and year and match the date of birth on the voter's registration record.
- ☐ The voter's original, ink signature. **Note:** The only entries that must be completed by the voter are the signature and the date. An electronic signature is not valid. See Rule 1S-2.045(5)(f)4., Florida Administrative Code, A candidate or petition gathered may prefill all other information.
- ☐ The date (month, day, and year) the voter signed the petition. **Note:** The voter must date the petition. A petition dated after the date the candidate submitted the petition to the supervisor is invalid.
- ☐ The group, seat or district designation for the office is listed if the candidate is running for an office that requires a group, seat or district designation. (**Note:** In a year of apportionment, a district # is not required.)

II. Other requirements before petition can be validated as verified²:

- ☐ The candidate petition form submitted is the most current adopted Form DS-DE 104 with exact wording and format. **Note:** Exceptions to this requirement, the form: (1) Was reduced or enlarged proportionally in size; (2) Has acceptable 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) Is translated into a minority language (but the format and blank entries must be the same as the adopted 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 may only verify the signature on the English side.
- ☐ At both the time of signing and verifying the petition, the signer, based on the address on record, was a registered voter in the county, district, or other geographical area represented by the office being sought.³

¹ A voter's inactive status does not affect the validity of an otherwise valid and verifiable petition.

² See Rule 1S-2.045 (5)(i) for examples of items that will make a candidate petition invalid.

³ 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. The next year of apportionment for congressional and state legislative candidates will be 2022. See sections 99.095(2) and 99.09651, F.S.

- ☐ The voter signed the petition on or after the date the candidate filed Form [DS-DE 9](#) (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. Form [DS-DE 9](#) is not valid until filed (received) and deemed complete by the qualifying officer. The form is not effective upon mailing. See Rule [1S-2.045\(5\)\(f\)5](#), Fla. Admin. Code
- ☐ The party affiliation listed on the petition matches the party affiliation listed on Form [DS-DE 9](#) or if No Party Affiliation (NPA) is listed on the petition, the Form [DS-DE 9](#) must indicate NPA. **Note:** The candidate's party affiliation as indicated in his/her registration records 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.
- ☐ The voter 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.⁴ An invalid one does not invalidate a previously validated one.
- ☐ 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.

⁴ See section [104.185](#), Fla. Stat., a person who knowingly signs a candidate petition more than one time for a candidate commits a 1st degree misdemeanor.

Appendix E: DS-DE 19A Affidavit of Undue Burden - Candidate

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

Print Candidate's Name

Address

City

()

State

Zip

Telephone Number

State of Florida

County of _____

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 F: Termination Report Notice for Petition Candidates



FLORIDA DEPARTMENT of STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

MEMORANDUM

TO: 20__ General Election Petition Candidates

FROM: Kristi Reid Willis, Chief
Bureau of Election Records

DATE: _____, 20__

SUBJECT: Termination Report Notice

SAMPLE

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.

KRW/

Division of Elections
R.A. Gray Building, Suite 316 • 500 South Bronough Street • Tallahassee, Florida 32399
850.245.6240 • 850.245.6260 (Fax) • DOS.MyFlorida.com/elections



Appendix G: Legal References and Rules Cited

Florida Statutes

- [99.095](#) Petition process in lieu of a qualifying fee and party assessment.
- [99.097](#) Verification of signatures on petitions.
- [104.185](#) Petitions; knowingly signing more than once; signing another person's name or a fictitious name.
- [104.31](#) Political activities of state, county, and municipal officers and employees.
- [104.41](#) Violations not otherwise provided for.
- [106.011](#) Definitions.
- [106.15](#) Certain acts prohibited.
- [106.23](#) Powers of the Division of Elections.

Florida Election Code

- [Chapters 97 – 106, Florida Statutes](#)

Florida Administrative Code

- [Rule 1S-2.010](#) Advisory Opinions
- [Rule 1S-2.045](#) Candidate Petition Process

Forms

- [DS-DE 9](#) Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates
- [DS-DE 18A](#) President and Vice President Candidate Petition, No Party Affiliation
- [DS-DE 18B](#) President and Vice President Candidate Petition, Minor Political Party
- [DS-DE 19A](#) Affidavit of Undue Burden - Candidate
- [DS-DE 104](#) Candidate Petition Form

Checklist

- [DE Election Administration Checklist Series – 0002](#) Checklist - Candidate Petition Validation/Signature Verification