2018 Supervisor’s Handbook on Candidate Petitions
<table>
<thead>
<tr>
<th>Chapter</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Chapter 1: Introduction</td>
<td>1</td>
</tr>
<tr>
<td>Chapter 2: Forms</td>
<td>2</td>
</tr>
<tr>
<td>Chapter 3: Collecting Signatures</td>
<td>3</td>
</tr>
<tr>
<td>Chapter 4: Verifying Petitions</td>
<td>5</td>
</tr>
<tr>
<td>Chapter 5: Fees and Undue Burden Oath</td>
<td>8</td>
</tr>
<tr>
<td>Chapter 6: Certification to the Division of Elections</td>
<td>10</td>
</tr>
<tr>
<td>Appendix A: DS-DE 104 Candidate Petition Form</td>
<td>12</td>
</tr>
<tr>
<td>Appendix B: DS-DE 18A President and Vice President Candidate Petition, No Party Affiliation and DS-DE 18B President and Vice President Candidate Petition, Minor Political Party</td>
<td>13</td>
</tr>
<tr>
<td>Appendix C: DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates</td>
<td>14</td>
</tr>
<tr>
<td>Appendix D: Checklist –Candidate Petition Validation/Signature Verification</td>
<td>15</td>
</tr>
<tr>
<td>Appendix E: DS-DE 19A Affidavit of Undue Burden - Candidate</td>
<td>17</td>
</tr>
<tr>
<td>Appendix F: Termination Report Notice for Petition Candidates</td>
<td>18</td>
</tr>
<tr>
<td>Appendix G: Links to Legal References and Rules Cited</td>
<td>19</td>
</tr>
</tbody>
</table>
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. Candidates who obtain the required number of signatures are not required to pay a qualifying fee or party assessment.

If further assistance is necessary, supervisors may request an advisory opinion from the Division of Elections under Section 106.23(2), Florida Statutes.

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)

All applicable forms and publications are publicly available on the Division of Elections’ website at:

http://dos.myflorida.com/elections/

Please direct questions to the Division of Elections at 850.245.6280.
Chapter 2: Forms

Which petition form should be used to obtain signatures?

All candidates, except Presidential candidates, must use Form **DS-DE 104**, Candidate Petition. Presidential candidates must use Form **DS-DE 18A** or **18B**.

A separate petition is required for each candidate. The most current version of petition forms is available on the Division of Elections’ website at:

http://dos.myflorida.com/elections/forms-publications/forms/

**NOTE:** Petitions on previous versions of Form **DS-DE 104** are not valid.

Who is responsible for reproducing the petition form?

Candidates.

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 few 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.

- 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 other. The petition may be signed by only one person. If both sides of the form should be 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.

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¹ Municipal candidates may use a different form if provided for by city charter or ordinance.
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 compilation by the Department of State for the last preceding 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 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 2018 Petition Requirements for state candidates at:

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

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 s. 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 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 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 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.

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

- In the case of collecting candidate petitions on church property, 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.

Refer to Chapter 5: Fees and Undue Burden Oath for a discussion on what happens if or when an undue burden oath is filed.

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 15-2.045(4)(d).
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, or if misfiled, forwarded to 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 a registered voter in his or her county, the supervisor of elections shall notify the candidate or minor political party, as applicable, that the petition has been misfiled.

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?

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 2018, these deadlines are:

April 2, 2018 – U.S. Senator, Representative in Congress, Circuit Court Judge, State Attorney and Public Defender

May 21, 2018 – Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, State Senate, State Representative, County, School Board, and Special District

Verification Checklist

See Appendix D, DE Election Administration Checklist Series 0002, Candidate Petition Validation/Signature Verification for use in determining whether a candidate petition is valid and can be verified. The following section contains other questions that may arise about whether a petition is valid.

Is this petition valid?

. . . 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 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.

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 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?


. . . if a voter with a protected address signs the petition?

No special processes apply when voters with protected addresses sign petition forms. Like any other voter, 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.

When such registered voter signs a petition, address information on the petition is not protected until submitted for signature
Supervisor’s Handbook on Candidate Petitions

verification. At that point, it then becomes a public record. If the 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. Section 99.097, Florida Statutes, and Rule 15-2.045, Florida Administrative Code.

... 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. 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 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 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:

- 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 but the candidate must ensure that the campaign reimburses the person.

What is an undue burden oath?

An undue 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 original 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 the candidate has not filed an undue burden oath with you, you have no statutory duty to (and should not) verify the petitions until you receive advance payment. No statutory duty exists either to notify the candidate either orally or in writing. It is the supervisor’s discretion to notify a candidate accordingly.

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.

Note: 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: 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).

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.

Note: 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.

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.
Chapter 6: Certification to the Division of Elections

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:

- 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?

The Division of Elections will determine whether the required number of signatures has been obtained based on the electronically submitted certifications for placement of the candidate’s name on the ballot. If the signature threshold is met, the Division will notify the candidate and the supervisor of elections.

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.

What is the deadline for certifying signatures to the Division?

No later than 5:00 p.m. on the 7th day before the first day of qualifying.

- **April 23, 2018** – U.S. Senator, Representative in Congress, Circuit Court Judge, State Attorney and Public Defender

- **June 11, 2018** – Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, State Senate, State Representative, Multi-county Special District
Certifications received from the Supervisors of Elections 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.

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 B: DS-DE 18A President and Vice President Candidate Petition, No Party Affiliation and DS-DE 18B President and Vice President Candidate Petition, Minor Political Party
## Appendix C: DS-DE 9 Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates

### Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates

**Section 106.0211, F.S.**

**PLEASE PRINT OR TYPE**

**NOTE:** This form must be on file with the qualifying officer before opening the campaign account.

<table>
<thead>
<tr>
<th>1. <strong>CHECK APPROPRIATE BOX(ES):</strong></th>
<th>OFFICE USE ONLY</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Initial Filing Form</td>
<td>[ ] Treasurer/Deputy</td>
</tr>
<tr>
<td>[ ] Re-filing to Change</td>
<td>[ ] Depository</td>
</tr>
<tr>
<td>[ ] Office</td>
<td>[ ] Party</td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>2. <strong>Name of Candidate</strong></th>
<th>3. <strong>Address</strong> (include post office box or street, city, state, zip code)</th>
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<tr>
<td>(First, Middle, Last)</td>
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<tr>
<th>4. <strong>Telephone</strong></th>
<th>5. <strong>E-mail address</strong></th>
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<tr>
<th>6. <strong>Office sought</strong> (include district, circuit, group number)</th>
<th>7. <strong>If a candidate for a</strong> nonpartisan office, check if applicable:</th>
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<tr>
<td></td>
<td>[ ] My intent is to run as a Write-In candidate.</td>
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<tr>
<th>8. <strong>If a candidate for a</strong> partisan office, check block and fill in name of party as applicable:</th>
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<tbody>
<tr>
<td>[ ] Write-In</td>
</tr>
<tr>
<td>[ ] No Party Affiliation</td>
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<tr>
<td>[ ] Party Candidate</td>
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<tr>
<th>9. <strong>I have appointed the following person to act as my</strong></th>
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<tbody>
<tr>
<td>[ ] Campaign Treasurer</td>
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<tr>
<td>[ ] Deputy Treasurer</td>
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<tr>
<th>10. <strong>Name of Treasurer or Deputy Treasurer</strong></th>
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<tr>
<th>11. <strong>Mailing Address</strong></th>
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<thead>
<tr>
<th>12. <strong>Telephone</strong></th>
<th>13. <strong>City</strong></th>
<th>14. <strong>County</strong></th>
<th>15. <strong>State</strong></th>
<th>16. <strong>Zip Code</strong></th>
<th>17. <strong>E-mail address</strong></th>
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<tr>
<th>18. <strong>I have designated the following bank as my</strong></th>
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<tbody>
<tr>
<td>[ ] Primary Depository</td>
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<tr>
<td>[ ] Secondary Depository</td>
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</tbody>
</table>

<table>
<thead>
<tr>
<th>19. <strong>Name of Bank</strong></th>
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<table>
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<tr>
<th>20. <strong>Address</strong></th>
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</tbody>
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<table>
<thead>
<tr>
<th>21. <strong>City</strong></th>
<th>22. <strong>County</strong></th>
<th>23. <strong>State</strong></th>
<th>24. <strong>Zip Code</strong></th>
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<td></td>
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</tbody>
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**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.**

<table>
<thead>
<tr>
<th>25. <strong>Date</strong></th>
<th>26. <strong>Signature of Candidate</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>X</td>
</tr>
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</table>

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<tr>
<th>27. <strong>Treasurer’s Acceptance of Appointment</strong> (fill in the blanks and check the appropriate block)</th>
</tr>
</thead>
<tbody>
<tr>
<td>[ ] Designated above as: [ ] Campaign Treasurer [ ] Deputy Treasurer.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>28. <strong>Date</strong></th>
<th>29. <strong>Signature of Campaign Treasurer or Deputy Treasurer</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>X</td>
<td></td>
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**DS-DE 9 (Rev. 10/10)**

**Rule 15-2.0001, F.A.C.**

14
Appendix D: Checklist – Candidate Petition Validation/Signature Verification

Checklist - Candidate Petition Validation/Signature Verification

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


These procedural checklists are for optional use by election officials only. Election officials 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's 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 signers is the registered voter. Section 99.097(3)(a), Fla. Stat., and Rule 15-2.045(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 15-2.045(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 15-2.045(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 verified:

- 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.

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1 A voter's inactive status does not affect the validity of an otherwise valid and verifiable petition.
2 See Rule 15-2.045(5)(f)4. 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 99.0965, 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), 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. 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.

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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(4), 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

DS-DE 19A (Rev. 6/15)

17
MEMORANDUM

TO: 20__ General Election Petition Candidates

FROM: Kristi Reid Willis, 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.

KRW/

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/
Appendix G: Links to 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 1-S-2.045, F.A.C.](#)

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

Candidate Petitions Application via the Division’s DOE Portal

- [https://soesecureelections.myflorida.com/SOEOrganizationServices/](https://soesecureelections.myflorida.com/SOEOrganizationServices/)

Checklist

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