



**FLORIDA**  
★ DIVISION OF ★  
**ELECTIONS**

# Candidate Qualifying Highlights

# IMPORTANT REMINDER

The responsibility of the qualifying officer is ministerial in nature. Such an official merely examines the face of the qualifying papers presented for completeness. The qualifying officer may not determine whether the contents of the qualifying papers are accurate.

- ❑ Section 99.061(7)(c). F.S.
- ❑ Op. Atty Gen. Fla 76-130 (June 10, 1976)
- ❑ State ex rel Shevin v. Stone, 279 So.2d 17 (Fla. 1972)

# Resign-to-Run Law (s. 99.012)

- ❑ Qualifying officer is not responsible for enforcing the resign-to-run law:
  - ❑ Best practice is to inform your candidates of the law's requirements
  - ❑ Filing officer cannot refuse to qualify a candidate who has not complied.
  - ❑ Filing officer cannot remove a candidate's name from the ballot. Takes court action to remedy.



## Resign-to-Run Law (s. 99.012): Cont'd

### Questions regarding the resign to run?

- ❑ Chapter 2 – SOE Qualifying Handbook
- ❑ Contact the DOE General Counsel's office at 850-245-6536 or email question to [generalcounsel@dos.myflorida.com](mailto:generalcounsel@dos.myflorida.com)
- ❑ Speak with your county attorney

# Candidate Petition Process

(ss. 99.095 & 105.035, F.S.)



# Deadlines

- ❑ Deadline for submitting petitions to the SOE is Noon, on the 28<sup>th</sup> day before the first day of qualifying for office being sought.
  - ❑ April 4, 2016 – Judicial, State Attorney and Public Defender
  - ❑ May 23, 2016 – Federal, State, Multi-county, County and District.
  - ❑ July 15, 2016 - Presidential



## Deadlines Cont.

- ❑ Deadline for SOE certifying petitions to the Division:
  - ❑ NLT 11:59 pm Eastern time on the 7<sup>th</sup> day before the first day of the qualifying period.
  - ❑ For Presidential candidates: on or before the date of the primary election (Aug 30<sup>th</sup>)
  - ❑ Certification is done electronically via the SOE Portal (Guide available in portal)
  - ❑ Certifications entered after the deadline are not accepted.

# Candidate Qualifying





# Time for Submission

- ❑ Section 99.061(8), FS - May accept and hold qualifying papers not earlier than 14 days prior to qualifying period.
- ❑ If done within the 14-day period – the papers are to be processed and filed during the qualifying period.



# Documents Required

## (s. 99.061(7), F.S.)

1. DS-DE 9 - Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates
2. Financial Disclosure Form 1 or 6 (Ethics Form)\*
3. Candidate Oath and if partisan candidate, Statement of Party (= 1 form)
4. Fee or alternative:
  - Pay qualifying fee by properly executed campaign check; or
  - Qualify by the petition method (no fee); or
  - Qualify as a write-in candidate (no fee).

# Qualifying Fee

The qualifying fee must be:

- Not less than the fee required
- Paid by a properly executed check
- Drawn on the campaign account

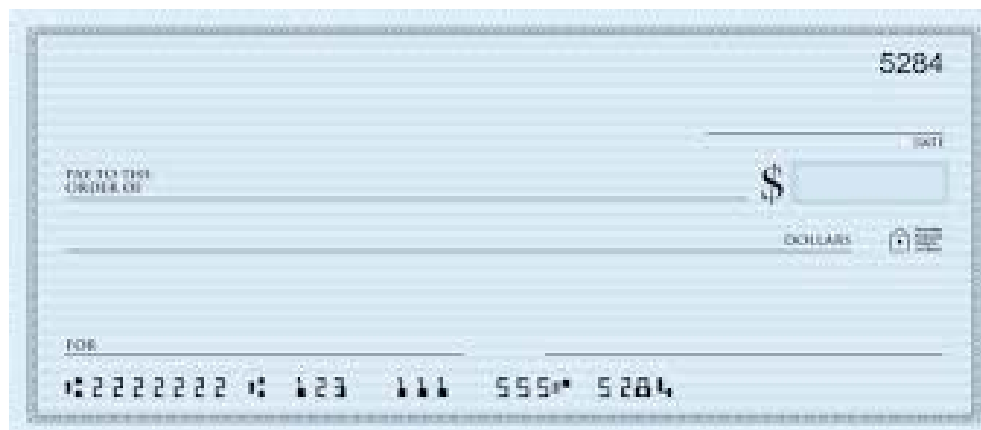


# What Is the Required Fee?

- ❑ **Partisan candidate:** 6% of salary
- ❑ **NPA & Non-partisan:** 4% of salary
- ❑ Based on authorized salary as of preceding July 1st: 12 x monthly salary (excluding any special qualification pay)



# Properly Executed Qualifying Check



- Dated
- Numerical amount
- Written amount
- Signature
- Drawn on campaign account
- Paid to the order of \_\_\_\_\_.

# Signature on Qualifying Check

- ❑ Must be signed by duly appointed treasurer or deputy treasurer
- ❑ Candidate may not sign the check unless he has been appointed as a treasurer or deputy treasurer



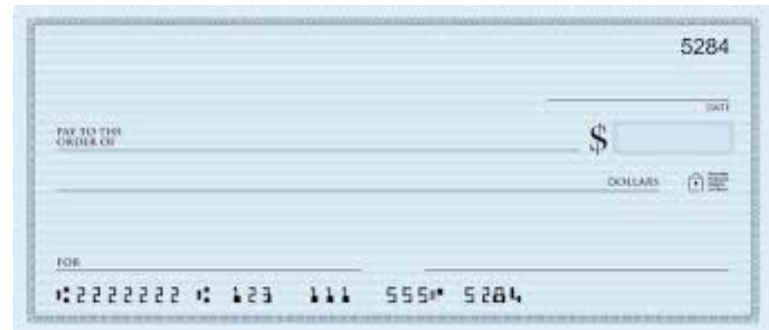
# Drawn on the Campaign Account?

- Cashier checks, *personal* checks and money orders are not acceptable.
- Cashier's checks paid for by funds from the campaign account are not acceptable
- Exception for Special Districts



# Qualifying Check Misc.

- Not dated: Accept (date is date of delivery)
- Starter Checks are acceptable
- Amount more than qualifying fee – OK
- Amount less – ask for new check
- Numerical amount and written amounts differ –  
written amount controls





# Bounced Qualifying Check (s. 99.061(7)(a), F.S.)

- ❑ Immediately notify candidate
- ❑ Candidate has until the end of the qualifying period to pay the fee with a cashier's check purchased with funds of the campaign account
- ❑ Failure to timely provide cashier's check will disqualify candidate
- ❑ **Difference exists for school board and judicial candidates** — given 48 hours after notice to to pay with cashier's check paid from campaign account (s. 105.031(5), F.S.)



# Error in Qualifying Papers (s. 99.061(7)(b), F.S.)

Qualifying officer must make reasonable effort to notify candidate of mistakes in paperwork ***prior to the last day of qualifying.***

May be helpful to create checklists to aid in determining if paperwork is complete.



# End of Qualifying

- ❑ Anyone in line at 12 noon should be allowed to submit qualifying paperwork.
- ❑ No corrections to qualifying papers after the close of qualifying.





## Return of Qualifying Fee

- Candidate Withdraws** - must withdraw in writing prior to the last date to qualify to have fee returned
- Deceased Candidate**
  - If the candidate dies prior to the election, the candidate's beneficiary is entitled to the return of the qualifying fee.
- Candidate Fails to Qualify**
  - Return check with letter indicating that the person did not qualify.

# Qualifying FAQs

- ❑ Must qualifying documents be executed (dated) during the qualifying period or the 14 day pre-qualifying period?
  - ❑ No. The documents are only required to be submitted during that time period.
  
- ❑ Names on Ballots
  - ❑ Nicknames? – Yes, if the candidate is generally know by that name or the name is used as part of his or her legal name. See DE Opinion 86-06, 09-05 and Division memo on DOE website.
  - ❑ Descriptive information? – No. A candidate may not use Dr., Reverend, Colonel, etc. unless two persons of the same name or so similar as to cause confusion see the same office.

# Qualifying FAQs

## Names on Ballots (continued)

- Can a married woman use her maiden name? – **Yes.**
- Can misspelled name be corrected after qualifying? – **No. See section 99.061(7)(b), F.S.**
- May a candidate use just a first or just a last name? – **No. A name consists of one Christian or given name and one surname. See DE Opinion 86-06.**

# Notifying DOE of Qualified Candidates (s. 99.092, F.S.)

- ❑ Immediately after the last day of qualifying, the SOE must submit a list of candidates containing names, party affiliations, and addresses.
  - ❑ Done via the SOE Portal based upon Notice of General Election (Guide available in portal).
  - ❑ Municipal candidates and political party precinct committee persons are **NOT** reported to DOE.
  - ❑ System is locked 10 days after the close of second qualifying.

# Notifying DOE of Candidate List Changes

- ❑ After system is locked, all changes must be reported to DOE
  - ❑ Candidate withdraws or dies prior to election
  - ❑ Corrections – name, office, address, etc.
  - ❑ Additions or deletions
  - ❑ Contact Kristi Bronson by email
    - ❑ [Kristi.Bronson@DOS.MyFlorida.com](mailto:Kristi.Bronson@DOS.MyFlorida.com)
- ❑ After primary and general, system is updated based upon official results. Manual updating is no longer required.





# Distribution of Qualifying Fees

## ❑ **County Judge and School Board Candidates**

- ❑ 4% qualifying fees (1% election assessment and 3% filing fee) - forwarded to Florida Election Commission (FEC)

## ❑ **Partisan Candidates**

- ❑ 1% election assessment - forward to FEC
- ❑ 5% (3% filing fee and 2% party assessment) – forward to the state executive committee of the political party of the candidate

## ❑ **NPA Candidates**

- ❑ 1% election assessment - forward to FEC
- ❑ 3% filing fee – deposit in county general revenue fund

## ❑ **Special District Candidates**

- ❑ \$25 filing fee - deposited in the general revenue fund of the county

# Qualifying Questions



Contact Division of Elections  
Bureau of Elections Records  
Phone: 850-245-6280