

2018 Federal Qualifying Handbook



Florida Department of State
Division of Elections
R.A. Gray Building,
Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6240

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Chapter 1: Background

The information contained in this publication is intended 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 candidates merely as guidelines.

It is the responsibility of the person seeking to qualify to read, understand, and comply with applicable federal and state law requirements, procedures and timelines for qualifying. [Chapters 97-106](#), Florida Statutes, the [Constitution of the State of Florida](#) and Division of Elections [opinions](#) and [rules](#), the texts of which control, should be reviewed in their entirety for complete information regarding qualifying.

This handbook explains the qualifying procedures for candidates who qualify with the Florida Department of State's Division of Elections (Division) for federal offices as party candidates, no party affiliation candidates, or write-in candidates. It gives the qualifications for each office, with both the regular and petition methods of qualifying, along with write-in procedures for each office that qualifies with the Division.

Forms and publications are available on the Division's website at:

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

Please direct any questions to the Division at 850.245.6280.

Chapter 2: Offices that Qualify with the Division

- Federal Offices
 - United States Senator
 - Representative in Congress

Chapter 3: Resign-to-Run Law

Governing Law - [Sections 99.012 \(3\) and \(4\), Fla. Stat.](#)

No “officer” may qualify as a candidate for another state, district, county or municipal public office if the terms or any part of the terms run concurrently with each other without resigning from the office he or she presently holds. Also, any officer who qualifies for federal public office must resign from the office he or she presently holds if the terms, or any part, thereof, run concurrently with each other. (See, however, the “[Exceptions to the resign-to-run law.](#)”)

Who is an “officer”?

An “officer” means a person, whether elected or appointed, who has the authority to exercise the sovereign power of the state pertaining to an office recognized under the State Constitution or laws of the state. With respect to a municipality, an “officer” means a person, whether elected or appointed, who has the authority to exercise municipal power as provided by the State Constitution, state laws, or municipal charter.

(Section [99.012\(1\)](#), Fla. Stat.)

“Officers” include, but are not limited to: mayors, city and county commissioners, state legislators, supervisors of elections, sheriffs, property appraisers, judges, school board members, superintendents of school, state attorneys and public defenders, municipal fire chiefs, medical examiners, and elected hospital board and airport authority members.

Exceptions to the Resign-to-run Law

- Political party offices.
- Persons serving without salary on an appointed board or authority.
- Persons holding any federal office.
- An elected officer running for federal office if the term of office he or she presently holds is scheduled to expire and be filled by election in the same primary and general election period as the federal office he or she is seeking.

Resignation Process

- The resignation must be in writing at least 10 days prior to the first day of qualifying for the office the officer seeks.
 - For elected district, county, or municipal officers, submit:
 - To the officer before whom he or she qualified for the office he or she holds.
 - Copy to the Governor and the Department of State.
 - For appointed district, county, or municipal officers, submit:
 - To the officer or authority which appointed him or her to the office he or she holds.
 - Copy to the Governor and the Department of State.
 - For all other officers, submit:
 - To the Governor
 - Copy to the Department of State.

Address Information

Address for Governor's office
The Honorable Rick Scott, Governor The Capitol 400 S. Monroe St. Tallahassee, FL 32399-0001 Email: Rick.Scott@eog.myflorida.com Fax: (850) 922-9002

Address for Department of State
Kristi Reid Willis, Chief, Bureau of Election Records Department of State R.A. Gray Building, Room 316, 500 S. Bronough Street Tallahassee, Florida 32399-0250 Email: kristi.willis@dos.myflorida.com Fax: 850-245-6259 or -6290

Effective date of the resignation:

The resignation must take effect no later than the earlier of the following dates:

- The date the officer would take office, if elected; or
- The date the officer's successor is required to take office.

Resignation is irrevocable. Once submitted, the resignation is irrevocable.

Automatic resignation

The failure of an officer who qualifies for federal public office to submit a resignation pursuant to the resign-to-run law constitutes an automatic irrevocable resignation, effective immediately, from the office he or she presently holds.

Chapter 4: Qualifying Options

Qualifying Fee Method

A person may pay a fee to qualify as a candidate. This qualifying fee is based on the salary of the office sought. Please refer to the qualifying requirements of each individual office sought for the specific amount of the fees. A person paying the qualifying fee must still satisfy other applicable requirements for qualifying.

Petition Method

A person may follow the candidate petition process to qualify as a candidate. A person satisfying the petition requirements is not required to pay the qualifying fee and party assessment, if otherwise applicable. However, the person must still satisfy other applicable requirements for qualifying.

Please refer to the current Candidate Petition Handbook for more information about the candidate petition process:

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

Write-In Candidate

A person may qualify as a write-in candidate. A write-in candidate is not required to pay a qualifying fee and party assessment, or collect petitions. However, the person must still satisfy other applicable requirements for qualifying. A qualified write-in candidate's name will not be listed on the ballot. A space will be available on the ballot where voters can write in the qualified candidate's name.

Chapter 5: Things to Remember

Where to File

All qualifying fees and paperwork must be submitted and received at the Division of Elections' physical location. The Division's physical location and mailing address is:

**Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, Florida 32399-0250**

When to File

It is a candidate's responsibility to ensure qualifying fees and paperwork are complete and timely filed. To be timely filed, the qualifying fees and paperwork must be received at the Division's physical location specified above within the qualifying period and no later than the close of the qualifying period.

Candidates may submit qualifying fees and paperwork by hand-delivery or mail. The Division does not accept qualifying papers via facsimile. All documents must have original signatures.

Attention: The U.S. Postal Service does not deliver mail directly to the Division of Elections. The U.S. Postal Service's designated hours for mail pick-up do not correspond to the qualifying deadline.

To ensure that the qualifying items are timely submitted, a candidate or someone on his or her behalf should hand-deliver directly to the Division or use a commercial

express courier delivery service that delivers directly to the Division.

(Rule [1S-2.0001\(3\)](#), F.A.C.)

Any candidate oath form or qualifying check filed with the Division earlier than 14 days prior to the beginning of the qualifying period is not valid for qualifying. If filed previously, originals of these documents must again be filed with the Division before the close of qualifying.

Forms

- Current forms are available on the Division's website at:

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

Do not use older versions of forms as use may delay qualifying or disqualify a person from qualifying.

- The Candidate Oath form should be reviewed carefully for proper notarization. Improper notarization may disqualify a person from qualifying.
- A candidate should type or print on the applicable Candidate Oath form the way he or she wishes the name to appear on the ballot. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

Prohibition

No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal,

if the terms or any part thereof run concurrently with each other.

(Section [99.012\(2\)](#), Fla. Stat.)

Qualifying Fee

The qualifying fees must be:

- On a properly executed check (A personal check, a cashier's check, a money order and cash are **not acceptable**.);
- Made payable to the Department of State, Secretary of State, or Division of Elections;
- Drawn upon the campaign account; and
- In an amount not less than the fee required.

The qualifying fee cannot be returned to a candidate unless the candidate withdraws, in writing, **before** the close of qualifying. The withdrawal statement must contain the candidate's signature. A fax withdrawal is acceptable (fax: 850- 245-6260).

Returned Check

If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate. The candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account.

Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

(Section [105.031\(5\)\(a\) 1](#), Fla. Stat. and *Wright v. City of Miami Gardens*, 200 So.3d 765 (Fla. S. Ct. 2016))

Missing or Incomplete Information

If the filing officer receives qualifying papers that do not include all items as required prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying.

(Sections [99.061\(7\)\(b\)](#) and [105.031\(5\)\(b\)](#), Fla. Stat.)

Candidates should provide a telephone number and email address on the applicable Candidate Oath where they can be reached during the day and after normal working hours. The Division will make every effort to contact the candidate if there is a problem with the paperwork.

Qualifying Status Lookup

A person's qualifying status as a candidate can be determined on the Division's website at:

<http://dos.elections.myflorida.com/candidates/>

Chapter 6: United States Senator

United States Senators from Florida shall be elected at the general election held preceding the expiration of the present term of office, and such election shall conform as nearly as practicable to the methods provided for the election for state officers.

(Section [99.081](#), Fla. Stat.)

Qualifications

1. Must be a citizen of the United States for at least 9 years.
2. Must be at least 30 years of age.
3. Must be an inhabitant of the state when elected.

([Art. I, § 3](#), U.S. Const.)

Qualifying Dates

**Noon (ET), Monday, April 30, 2018 -
Noon (ET), Friday, May 4, 2018**

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

(Section [99.061](#), Fla. Stat.)

Required Qualifying Document

The following item must be complete and received by the Division of Elections no later than noon (ET), Friday, May 4, 2018:

- [Form DS-DE 300FO](#) Candidate Oath – Federal Office

Candidates Paying the Qualifying Fee

In addition to the above referenced items, all candidates, except a person certified to qualify by the petition method or seeking to qualify as a write-in candidate, must pay the qualifying fee below, as applicable:

- *Party Affiliation Candidates:* \$10,440.00 (6% of annual salary as of July 1, 2017);
or
- *No Party Affiliation Candidates:* \$6,960.00 (4% of annual salary as of July 1, 2017).

Chapter 7: Representative in Congress

A Representative to Congress shall be elected in and for each congressional district at each general election.

(Section [99.091](#), Fla. Stat.)

Qualifications

1. Must be a citizen of the United States for at least 7 years.
2. Must be at least 25 years of age.
3. Must be an inhabitant of the state when elected.

([Art. I, § 2](#), U.S. Const.)

Qualifying Dates

**Noon (ET), Monday, April 30, 2018 –
Noon (ET), Friday, May 4, 2018**

Notwithstanding the qualifying dates stated above, the qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

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- *Party Affiliation Candidates:* \$10,440.00 (6% of annual salary as of July 1, 2017);
or
- *No Party Affiliation Candidates:* \$6,960.00 (4% of annual salary as of July 1, 2017).

Appendix A: Legal References and Rules Cited

Florida Statutes

- [99.061](#) Method of qualifying for nomination or election to federal, state, county, or district office.
- [99.081](#) United States Senators elected in general election.
- [99.091](#) Representatives to Congress.
- [105.031](#) Qualification; filing fee; candidate's oath; items required to be filed.

Florida Election Code

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

Constitutions

- [United State Constitution](#)
 - [Art. I, § 2](#)
 - [Art. I, § 3](#)
- [Constitution of the State of Florida](#)

Florida Administrative Code

- Rule [1S-2.0001](#)

Form

- [Form DS-DE 300FO](#) Candidate Oath – Federal Office

Division of Elections

- [Advisory Opinions](#)
- [Rules](#)
- [Qualifying Information](#)