

2010 Federal Qualifying Handbook

August 2009



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Explanation

The information contained in this publication is intended as a quick reference guide only and is current upon publication. Chapters 97-106, Florida Statutes, the Constitutions of the United States and of the State of Florida, Division of Elections' opinions and rules, Attorney General opinions, and other sources should be reviewed in their entirety for complete information regarding qualifying.

This handbook explains the qualifying procedures for candidates who qualify with the Division of Elections as party candidates, no party affiliation candidates, or write-in candidates for Federal offices. 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. It also provides the number of signatures required for petition method candidates.

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

<http://elections.myflorida.com>

Please direct any questions to either your county supervisor of elections or the Florida Department of State, Division of Elections at 850.245.6240.

2010 Dates to Remember

- March 29** Noon, petitions for federal candidates seeking to qualify by the petition method due to supervisors of elections (*Section 99.095, Fla. Stat. – before noon of the 28th day preceding the first day of the qualifying period for the office sought*)
- April 12** The Division of Elections may begin accepting and holding qualifying papers for federal candidates to be processed and filed during the qualifying period (*Section 99.061, Fla. Stat. – not earlier than 14 days prior to the beginning of the qualifying period*)
- April 19** Deadline for supervisors to certify to the Division the number of valid signatures for federal candidates seeking to qualify by the petition method (*Section 99.095, Fla. Stat. – no later than the 7th day before the first day of the qualifying period*)
- April 26** Noon, qualifying begins for all federal candidates (*Section 99.061, Fla. Stat. – at any time after noon...of the 120th day prior to the primary election*)
- April 30** Noon, qualifying ends for all federal candidates (*Section 99.061, Fla. Stat. – not later than noon of the 116th day prior to the date of the primary election*)
- May 7** Deadline for Department of State to certify to the supervisors the names of all duly qualified federal candidates who have qualified with the Department (*Section 99.061, Fla. Stat. – within 7 days after the closing date for qualifying*)
- August 24** PRIMARY ELECTION (*Section 100.061, Fla. Stat. – on the Tuesday 10 weeks prior to the general election*)
- November 2** GENERAL ELECTION (*Section 100.041, Fla. Stat. – on the 1st Tuesday after the 1st Monday in November of each even-numbered year*)

CANDIDATE PETITION PROCESS



Overview

A person seeking to qualify for nomination to any office may be eligible to qualify to have his or her name placed on the ballot by means of the petition process. A person who obtains the required number of signatures by this method is not required to pay the qualifying fee or party assessment.

FORMS:

Candidates are required to use **Form DS-DE 104 (Rev. 10-07)**, Candidate Petition, to obtain signatures of registered voters. Petitions on previous versions of Form DS-DE 104 are not valid if signed after July 1, 2008. The form is available on the Division's website. Candidates are responsible for reproducing the petition. Form DS-DE 104 may be reduced or enlarged but the format must remain the same. [See Rule 1S-2.045, Fla. Admin. Code, for further information regarding candidate petitions.] Signatures are valid only for the next qualifying period for the office.

SIGNATURES:

Candidates must obtain the signatures of at least 1% of the total number of registered voters in the geographical area represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election.

Signed candidate petitions are turned in for verification to the supervisor of elections in the county in which the voter is registered. The deadline for submitting candidate petitions to supervisor of elections is Noon, March 29, 2010.

FEES:

There is a fee of 10 cents per signature to be paid to the supervisor of elections for the cost of verifying the signature. If the candidate cannot pay this fee without imposing an undue burden on the candidate's resources, the candidate may file an Oath of Undue Burden (see page 5) with the supervisor of elections to have the fee waived.

CERTIFICATION TO THE DIVISION OF ELECTIONS:

The supervisors of elections must certify verified petitions to the Department of State, Division of Elections by April 19, 2010.

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.

Candidates can check the number of signatures certified to the Division by searching for their name on the Candidate Listing for 2010 General Election at this web address:

<http://election.dos.state.fl.us/candidate/canlist.asp>

This will provide the total required signatures, total verified, and the last date petitions were verified to the Division.

AFFIDAVIT OF UNDUE BURDEN

Section 99.097(4), 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.

Under penalties of perjury, I declare that I have read the foregoing affidavit and that the facts stated in it are true.

Print name of candidate

Signature of candidate

Residence address (do not use post office box)

City

State

Zip Code

(____)_____
Day Phone

(____)_____
Fax Number

2010 Petition Signature Requirements

United States Senate

District	Registration	1%
State	11,247,634	112,476

United States Representative

District	Registration	1%
1	467,101	4,671
2	469,757	4,698
3	377,777	3,778
4	457,383	4,574
5	608,070	6,081
6	510,969	5,110
7	525,246	5,252
8	449,402	4,494
9	487,048	4,870
10	444,254	4,443
11	389,190	3,892
12	457,807	4,578
13	498,846	4,988
14	500,176	5,002
15	489,200	4,892
16	505,022	5,050
17	362,504	3,625
18	354,032	3,540
19	465,066	4,651
20	407,045	4,070
21	341,286	3,413
22	464,656	4,647
23	348,954	3,490
24	489,140	4,891
25	377,703	3,777

QUALIFYING INFORMATION



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 a resident of the state when elected.

(Article I, Section 3, U.S. Constitution)

Qualifying Dates and Location

Noon, April 26 – Noon, April 30, 2010

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

(Section 99.061, Fla. Stat.)

Qualifying Requirements

The following items must be received by the Division of Elections **no later than noon, April 30, 2010**:

Candidates Paying the Qualifying Fee:

1. Party Affiliation Candidates: Form DS-DE 27, Federal Office Loyalty Oath, Oath of Candidate and Statement of Party; or

No Party Affiliation Candidates: Form DS-DE 27B, Federal Office Loyalty Oath and Oath of Candidate.

2. Qualifying Fee:

Party Affiliation Candidates: \$10,440 – 6% of annual salary as of July 1, 2009; or

No Party Affiliation Candidates: \$6,960 – 4% of annual salary as of July 1, 2009.

The qualifying fee must:

- Be on a properly executed check;
- Be made payable to the Department of State;
- Be drawn upon the campaign account; and
- Be in an amount not less than the fee required.

If a candidate's check is returned by the bank for any reason, the Department of State shall immediately notify the candidate and 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 will disqualify the candidate.

(Sections 99.061 and 99.092, Fla. Stat.)

Candidates Qualifying By the Petition Process:

The following items must be received by the Division of Elections **no later than noon, April 30, 2010:**

Party Affiliation Candidates: Form DS-DE 27, Federal Office Loyalty Oath, Oath of Candidate and Statement of Party; or

No Party Affiliation Candidates: Form DS-DE 27B, Federal Office Loyalty Oath and Oath of Candidate.

(Sections 99.061, 99.095, 99.0955 and 99.097, Fla. Stat.)

Write-in Candidates:

The following items must be received by the Division of Elections **no later than noon, April 30, 2010:**

Form DS-DE 27A, Federal Office Loyalty Oath and Oath of Candidate for Write-in Candidates.

A write-in candidate is not entitled to have his or her name printed on any ballot; however, a space for the write-in candidate's name to be written in shall be provided on the general election ballot. A write-in candidate is not required to pay a qualifying fee, election assessment or party assessment, or file petitions.

(Section 99.061, Fla. Stat.)

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. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(Section 99.061(7)(b), Fla. Stat.)

Unites States Representative

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 a resident of the state when elected.

(Article 1, Section 2, U.S. Const.)

Qualifying Dates and Location

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(Section 99.061(7)(b), Fla. Stat.)

This publication is available in alternate format upon request by contacting 850.245.6240.