

### **1S-2.045 Candidate Petition Process.**

(1) Qualification by Petition. A person who seeks to qualify as a candidate for any office and who meets the petition requirements of this rule and Section 99.095, F.S., is not required to pay the qualifying fee or party assessment required by Chapter 99, F.S.

(2) Required Number of Signatures. A candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election. Effective January 1, 2008, special district candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought. Except for special district candidates on or after January 1, 2008, and federal candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S.

(3) Format of Petition.

(a) The format of a candidate petition shall be in accordance with Form DS-DE 104 (effective 10/07), entitled "Candidate Petition Form." Form DS-DE 104 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://election.dos.state.fl.us>. No signature shall be counted toward the number of signatures required unless it is on the petition form prescribed by the Division.

(b) A separate petition is required for each candidate. The petition forms may be included within a larger advertisement, provided the forms are clearly defined by a solid or broken border.

(4) Submission of Petition. Each petition must be submitted before noon of the 28th day preceding the first day of the qualifying period for the office sought to the supervisor of elections of the county in which the signee is registered to vote. 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.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms and payment of applicable signature verification fees, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing the petition form is a registered voter in the county, district, or other geographical area represented by the office sought. Except for special district candidates on or after January 1, 2008, and federal candidates, the supervisor of elections shall also verify that the date the voter signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., with the appropriate filing officer. If the candidate is running for an office that requires a group or district designation, the petition must indicate that designation and, if it does not, the signatures are not valid.

(b) The supervisor of elections shall not verify a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The voter's name;
2. The voter's residential street address (including city and county);
3. The voter's date of birth or voter registration number;
4. The voter's original signature; and
5. The date the voter signed the petition as recorded by the voter.

(c) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same.

(d) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(6) Determination of Required Number of Signatures.

(a) No later than 5:00 p.m. on the 7th day before the first day of the qualifying period, the supervisor of elections shall submit to the Division of Elections a certificate indicating the number of valid signatures for each candidate for federal, state, multicounty district, or multicounty special district office. Certificates may be submitted to the Division via facsimile in order to meet the

deadline, followed by an original copy by mail. The Division shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(b) For candidates for county, district or special district office not covered by paragraph (a), the supervisor shall determine whether the required number of signatures has been obtained and shall notify the candidate.

(c) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to Section 99.061, F.S.

(7) Effect on Previously Approved Candidate Petition Form. Any candidate petition form which contains the substantive requirements of subsections (3) and (5) and which was approved by the Division of Elections prior to the effective date of this rule may continue to be used and circulated for signature gathering until July 1, 2008.

*Specific Authority 20.10(3), 97.012(1), 99.095 FS. Law Implemented 99.095, 99.061 FS. History--New 10-23-07.*