

2020 Federal Qualifying Handbook



Florida Department of State
Division of Elections
R.A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6280

(Rev. 2/7/2020)

Table of Contents

Chapter 1: Background	1
Chapter 2: Offices that Qualify with the Division	2
Chapter 3: Resign-to-Run Law.....	3
Chapter 4: Qualifying Options.....	6
Chapter 5: Qualifying Process	7
Chapter 6: President and Vice President.....	10
Chapter 7: Representative in Congress	15
Appendix A: Legal References and Rules Cited.....	16

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.

All applicable [forms](#) and [publications](#) are available on the Division of Elections' website.

Please direct questions to the Bureau of Election Records help desk at **850.245.6280**.

Chapter 2: Offices that Qualify with the Division

- President of the United States
- Representative in Congress

Chapter 3: Resign-to-Run Law

Governing Law

Any “officer” who qualifies for federal public office must resign from the office they presently hold if the terms, or any part thereof, run concurrently with each other.

(Section [99.012\(4\)](#), Fla. Stat.)

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.

The Resign-to-Run Law does not apply to the following:

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

Resignation Submission

The resignation must be in writing at least 10 days prior to the first day of qualifying for the office sought.

- Elected district, county, or municipal officers:
 - Submit resignation to the officer before whom they qualified for the office they hold.
 - Submit a copy of the resignation to the Governor and the Florida Department of State.

- Appointed district, county, or municipal officers:
 - Submit resignation to the officer or authority which appointed them to the office they hold.
 - Submit a copy of the resignation to the Governor and the Florida Department of State.

- All other officers:
 - Submit resignation to the Governor.
 - Submit a copy of the resignation to the Florida Department of State.

Address Information

Address for Governor's office	Address for Department of State
The Honorable Ron DeSantis, Governor The Capitol 400 S. Monroe St. Tallahassee, FL 32399-0001 Fax: (850) 922-9002	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 -6260

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.

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 they presently hold.

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.

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.

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 write-in candidate must still satisfy other applicable requirements for qualifying.

The name of a qualified write-in candidate 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: Qualifying Process

Where to File

All qualifying fees and paperwork must be received by the Florida Division of Elections, before the end of qualifying period, at the following address:

**Florida 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, if applicable, 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 paperwork by hand-delivery or mail. The Division does not accept qualifying papers via facsimile or email. All documents must have original signatures.

To ensure that the qualifying items are timely submitted, a candidate or someone on their 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.)

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

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 prior to the start of the pre-qualifying period, originals of these documents must be filed again with the Division before the close of qualifying.

Forms

- Current qualifying [forms](#) are available on the Division's website.
- **Do not use older versions of forms as this may delay qualifying or prevent a person from qualifying.**
- The Candidate Oath form should be reviewed carefully for proper notarization. Improper notarization may prevent a person from qualifying.
- The candidate's name printed on the Candidate Oath will be printed on the ballot exactly as printed on the Oath and cannot be changed after the end of qualifying.

Prohibition on Qualifying for Multiple Offices

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:

- Paid by a properly executed campaign check drawn upon the campaign account. (A personal check, cashier's check, money order, or cash are not acceptable);
- Made payable to the Florida Department of State, Florida Secretary of State, or Florida Division of Elections; 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. The withdrawal may be faxed to 850.245.6260, or scanned and emailed to ElecRecords@dos.myflorida.com.

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 required items 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.

Qualifying Status Lookup

A person's qualifying status as a candidate can be determined on the Division's [Candidate Tracking System](#).

Chapter 6: President and Vice President

Qualifications

1. Must be a natural born citizen of the United States.
2. Must be at least 35 years of age.
3. Must be a resident of the United States for 14 years.

([Art. 2, § 1](#), U.S. Const.)

2020 Presidential Preference Primary

Each political party other than a minor political party shall, at the presidential preference primary, elect one person to be the party's candidate for nomination for President of the United States or select delegates to the party's national nominating convention, as provided by party rule. The presidential preference primary shall be held on the third Tuesday in March of each presidential election year. Any party rule directing the vote of delegates at a national nominating convention shall reasonably reflect the results of the presidential preference primary, if one is held. In 2020 the Presidential Preference Primary will be on Tuesday, March 17, 2020.

Each political party, other than a minor political party, shall submit a list to the Secretary of State of its presidential candidates to be placed on the presidential preference primary ballot, or candidates entitled to have delegates appear on the presidential preference primary ballot, by November 30, 2019.

The Secretary of State will prepare and publish a list of the names of the presidential candidates submitted not later than December 3, 2019. The Department of State will immediately notify each presidential candidate listed by the Secretary of State in writing, by registered mail, with return receipt requested.

A candidate's name shall be printed on the presidential preference primary ballot unless the candidate submits an affidavit to the Department of State before December 10, 2019, stating that they do not presently intend to become a candidate for President at the upcoming nominating convention. The Department of State will notify the appropriate state executive committee of any candidate whose name will not be placed on the ballot.

No later than December 17, 2019, the Department of State will certify to each Supervisor of Elections the name of each candidate for political party nomination to be printed on the presidential preference primary ballot.

([Section 103.101](#), Fla. Stat.)

Presidential Preference Primary Timeline	
November 30, 2019	Deadline for major political parties to submit a list of presidential candidates to the Secretary of State for the PPP ballot (Section 103.101 , Fla. Stat. – By November 30 of the year preceding the PPP)
December 3, 2019	Secretary of State to prepare and publish a list of presidential candidates and shall also notify each candidate on the list (Section 103.101 , Fla. Stat. – 1 st Tuesday after the 1 st Monday in December of the year preceding the PPP)
December 10, 2019	Last day for presidential candidate to have name removed from the PPP ballot (Section 103.101 , Fla. Stat. – Prior to the 2 nd Tuesday after the 1 st Monday in December preceding the PPP)
December 17, 2019	Last day for Department of State to certify the names of presidential candidates to the supervisors of elections (Section 103.101 , Fla. Stat. – No later than the 3 rd Tuesday after the 1 st Monday in December of the year preceding the PPP)
January 17, 2020	Date by when state executive committee must adopt by rule the number and procedures for selection of delegates (Section 103.101(5) , Fla. Stat. – At least 60 days before PPP)
March 17, 2020	The Presidential Preference Primary is held.

Presidential Electors

Before September 1, 2020, the state executive committee of each political party shall deliver a certified copy of a resolution naming presidential electors to the Governor. On or before September 1, 2020, the Governor shall certify to the Department of State the names of a number of electors for each political party equal to the number of senators and representatives this state has in Congress (29). The Governor shall nominate only the electors recommended by the state executive committee of the respective political party. Each such elector shall be a qualified elector of the party they represent who has taken an oath that they will vote for the candidates of the party that they are nominated to represent.

The names of the presidential electors shall not be printed on the general election ballot, but the names of the actual candidates for President and Vice President for whom the presidential electors will vote if elected shall be printed on the ballot. The names of the candidates shall be placed on the ballot in the order of the political parties with the highest number of votes for Governor in the last general election, followed by the names of other candidates who have been properly nominated.

(Section [103.021](#), Fla. Stat.)

Presidential electors will be elected at the general election on November 3, 2020. Votes cast for the actual candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates. The Department of State will certify as elected the presidential electors of the candidates for President and Vice President who receive the highest number of votes.

(Section [103.011](#), Fla. Stat.)

When a person nominated or elected as a presidential elector is unable to serve because of death, incapacity, or otherwise, the Governor may appoint a person to fill such vacancy who possesses the qualifications required for the elector to have been nominated in the first instance. The person appointed shall file an oath with the Governor that they will support the same candidates for President and Vice President that the person who was unable to serve was committed to support.

(Section [103.021\(5\)](#), Fla. Stat.)

Minor Party Candidates

1. A minor party affiliated with a national party holding a national convention to nominate candidates for President and Vice President may have the names of its candidates printed on the general election ballot if:
 - a. by **September 1, 2020**, the minor party submits a certificate naming the candidates for President and Vice President to the Department of State; and
 - b. by **September 1, 2020**, the minor party submits a list containing the names and addresses of 29 persons to serve as electors to the Department of State. Each elector must be a qualified elector of the party they represent.
2. A minor party that is **not** affiliated with a national party holding a national convention to nominate candidates for President and Vice President may have the names of its candidates printed on the general election ballot if:
 - a. not later than **July 15, 2020**, petitions¹ are signed by 132,781 registered electors of the state.
 - b. by **September 1, 2020**, the minor party submits a list containing the names and addresses of 29 persons to serve as electors to the Department of State. Each elector must be a qualified elector of the party they represent.

(Sections [99.097](#) and [103.021](#), Fla. Stat.)

No Party Affiliation Candidates

No party affiliation candidates may have their names printed on the general election ballot if:

1. not later than **July 15, 2020**, petitions² are signed by 132,781 registered electors of the state.
2. by **September 1, 2020**, the candidate submits a list containing the names and addresses of 29 persons to serve as electors to the Department of State.

(Sections [99.097](#) and [103.021](#), Fla. Stat.)

¹ See [DS-DE 18B](#) and the [Candidate Petition Handbook](#) for additional information.

² See [DS-DE 18A](#) and the [Candidate Petition Handbook](#) for additional information.

Write-in Candidates

Write-in candidates may have a blank space provided on the general election ballot for their names to be written in if:

1. the candidate files an Oath of Candidate (Form [DS-DE 306WP](#)) with the Division of Elections between **8 a.m., June 23, 2020** and **Noon, June 30, 2020**.
2. not later than **September 1, 2020**, the candidate submits a list containing the names and addresses of 29 persons to serve as electors to the Department of State.

(Section [103.022](#), Fla. Stat.)

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 seven 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 20, 2020 – Noon (ET), Friday, April 24, 2020

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\(8\)](#), Fla. Stat.)

Required Qualifying Document

The following item must be complete and received by the Division of Elections no later than noon (ET), Friday, April 24, 2020:

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

Candidates Paying the Qualifying Fee

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

- **Party Affiliation Candidates:** \$10,440 (6% of annual salary as of July 1, 2019); or
- **No Party Affiliation Candidates:** \$6,960 (4% of annual salary as of July 1, 2019).

Appendix A: Legal References and Rules Cited

Florida Statutes

- [99.012](#) Restrictions on individuals qualifying for public office.
- [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.
- [99.097](#) Verification of signatures on petitions.
- [103.011](#) Electors of President and Vice President.
- [103.021](#) Nomination for presidential electors.
- [103.022](#) Write-in candidates for President and Vice President.
- [103.101](#) Presidential preference primary.
- [105.031](#) Qualification; filing fee; candidate's oath; items required to be filed.

Florida Election Code

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

Constitutions

- [United States Constitution](#)
 - [Art. I, § 2](#)
 - [Art. I, § 3](#)
 - [Art. 2, § 1](#)
- [Constitution of the State of Florida](#)

Florida Administrative Code

Rule [1S-2.0001](#) Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy

Forms

- [Form DS-DE 18A](#) President and Vice President Candidate Petition, No Party Affiliation
- [Form DS-DE 18B](#) President and Vice President Candidate Petition, Minor Political Party
- [Form DS-DE 300FO](#) Candidate Oath – Federal Office
- [Form DS-DE 306WP](#) Candidate Oath – Write-In for President and Vice President

Division of Elections

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