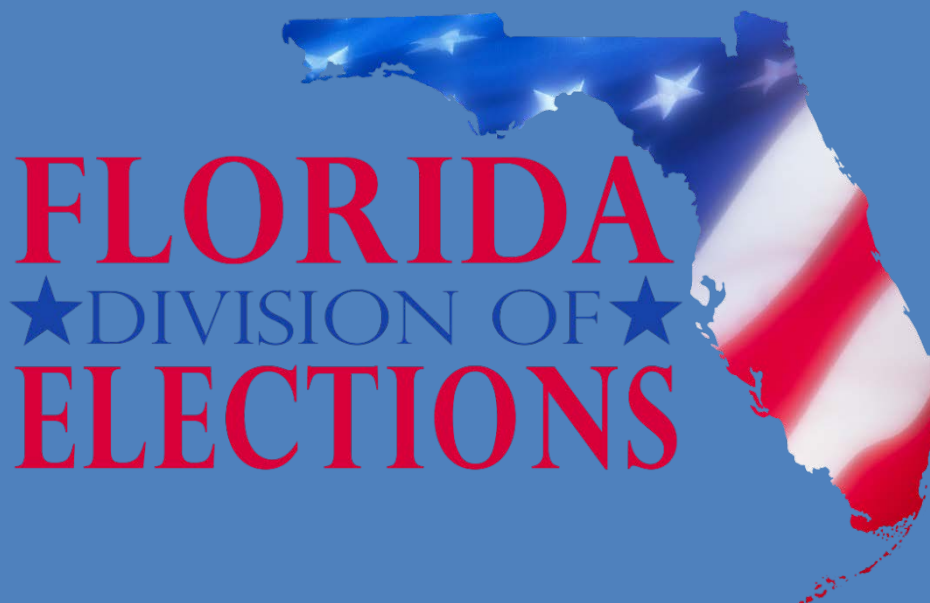


# 2022 Federal Qualifying Handbook

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



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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.

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

- Federal Offices
  - United States Senator
  - 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	Donna S. Brown, Chief, Bureau of Election Records Department of State R.A. Gray Building, Room 316, 500 S. Bronough Street Tallahassee, Florida 32399-0250 Email: <a href="mailto:ElecRecords@dos.myflorida.com">ElecRecords@dos.myflorida.com</a> 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 and When to File

All qualifying fees and paperwork must be complete and 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**

### How to File

It is the 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.

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 R.A. Gray Building.

**Attention:** 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, these documents must be filed again with the Division before the close of qualifying.

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

## 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, and cash are **not acceptable**);
- Made payable to the Florida Department of State, Florida Secretary of State, or Florida Division of Elections;
- 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 scanned and emailed to [ElecRecords@dos.myflorida.com](mailto:ElecRecords@dos.myflorida.com) or alternatively, faxed to 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. Notwithstanding the end of qualifying, the candidate shall 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 for questions about their qualifying paperwork.

## Qualifying Status Lookup

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

## Chapter 6: United States Senator

A United States Senator 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 nine 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 (Eastern Time), Monday, June 13, 2022 – Noon (Eastern Time), Friday, June 17, 2022**

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.)*

### Qualifying Document

The following item must be complete and received by the Division of Elections no later than noon (Eastern Time), Friday, June 17, 2022:

#### **Candidate Oath – Federal Office (choose the oath as it applies)**

- [Form DS-DE 300A](#) – With Party Affiliation
- [Form DS-DE 300B](#) – No Party Affiliation
- [Form DS-DE 300C](#) – Write-In Candidate

### 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, 2021); or
- **No Party Affiliation Candidates:** \$6,960 (4% of annual salary as of July 1, 2021).

## 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 (Eastern Time), Monday, June 13, 2022 – Noon (Eastern Time), Friday, June 17, 2022**

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.)

### Qualifying Document

The following item must be complete and received by the Division of Elections no later than noon (Eastern Time), Friday, June 17, 2022:

Candidate Oath – Federal Office *Choose the applicable oath to complete.*)

- [Form DS-DE 300A](#) – With Party Affiliation
- [Form DS-DE 300B](#) – No Party Affiliation
- [Form DS-DE 300C](#) – Write-In Candidate

### 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, 2021); or
- **No Party Affiliation Candidates:** \$6,960 (4% of annual salary as of July 1, 2021).

## 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.
- [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

[Candidate Oath – Federal Office](#)

- [Form DS-DE 300A](#) – With Party Affiliation
- [Form DS-DE 300B](#) – No Party Affiliation
- [Form DS-DE 300C](#) – Write-In Candidate

### Division of Elections

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