

2020

BECOMING A CANDIDATE



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Becoming a Candidate

ANNOUNCED CANDIDATE –Any person who has made a public statement of intent to run for public office. **This person MAY NOT collect petitions signatures, open a checking account, accept any contributions or expend funds until he/she becomes a FILED CANDIDATE.**

FILED CANDIDATE –Any person who has appointed a campaign treasurer, designated a campaign depository for the purpose of depositing campaign contributions, and filed a Appointment of Campaign Treasurer and Designation of Campaign Depository DS-DE 9 (10/10) with the qualifying officer. This person **MAY** collect signatures, open a checking account, accept contributions or expend funds.

QUALIFIED CANDIDATE –Any person who files all of the required forms with the qualifying officer during the qualifying period and will either pay the qualifying fee or qualify by petition. Candidate's name is printed on the ballot.

However, this definition does **not** include any candidate for a political party executive committee.

What is a Candidate? *(sections 97.021(6), or 106.011(3), F.S.)*

A candidate means a person to whom any of the following apply:

1. Appoints a campaign treasurer and designates a primary depository;
2. Seeks to qualify for nomination or election by means of the petitioning process;
3. Seeks to qualify for election as a write-in candidate;
4. Receives contributions or makes expenditures, or consents for any other person to receive contributions or make expenditures, with a view to bringing about his or her nomination or election to, or retention, in public office; and/or
5. Files qualification papers and subscribes to a candidate's oath as required by law.

Who can become a Candidate?

Candidates must be a registered voter in Florida. Those seeking a partisan office may not have been a registered member of any other political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify (June 16, 2019).

For residency requirements, please refer to “**Guidelines for Determining When Residency Qualification for Elected Office Must be Met**” (DE 0008 -02/16).

Judicial Candidates, please also refer to The Supreme Court website for additional information regarding candidacy requirements.

When May I Announce my Candidacy?

Nothing prohibits a person from announcing their intention to become a candidate prior to filing the DS-DE 9, **as long as no contributions are received, no expenditures are made, and no signatures are obtained on a candidate petition.**



DO NOT OPEN A CAMPAIGN BANK ACCOUNT UNTIL THE DS-DE 9 IS FILED IN THE ELECTIONS OFFICE.

**Do not incur any expenses or collect \$
until proper documents are filed first!**

Resign to Run *(section 99.012(2) & (3), F.S.)*



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.

No officer may qualify as a candidate for another state, district, county, or municipal public office if the terms or any part thereof run concurrently with each other without resigning from the office he or she presently holds.

- The resignation is irrevocable.
- The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office sought.
- The resignation must be effective no later than the earlier of the following dates:
 - The date the candidate would take office, if elected; or
 - The date the candidate's successor is required to take office.

A person who is a subordinate officer, deputy sheriff, or police officer must resign effective upon qualifying pursuant to this chapter if the person is seeking to qualify for a public office that is currently held by an officer who has authority to appoint, employ, promote, or otherwise supervise that person and who has qualified as a candidate for reelection to that office.

Qualifying Methods

What is the Qualifying Fee *(section 99.092(1), F.S.)*

The qualifying fee for a partisan candidate is 6% of the annual salary as of July 1, 2019 for the office sought. The qualifying fee for nonpartisan candidates and candidates with no party affiliation is 4% of the annual salary as of July 1, 2019 for the office sought.

Allocation of the qualifying fee is as follows (partisan includes minor parties, F.S. 99.096):

Filing Fee:	3% -- partisan, nonpartisan and no party affiliation
Election Assessment:	1% -- partisan, nonpartisan and no party affiliation
Party Assessment:	2% -- partisan

Payment must be made from the candidate's campaign account. Checks are made payable to the Okeechobee County Supervisor of Elections. *(section 99.061(7)(a), F.S.)*

QUALIFYING PERIOD:

Judicial (County Judge) Noon, April 20 – Noon, April 24, 2020

State and Local Noon, June 8 – Noon, June 12, 2020

Dates are subject to change

Will I Get my Qualifying Fee Back if I Decide Not to Run?

(section 99.092(1), F.S.)

No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy **BEFORE** the last date to qualify.

How do I Qualify by Petition? *(section 99.095 and 101.254 F.S.)*

Candidates must submit valid signatures of 1% of the registered voters residing in the geographical area in which they are running as of the last general election.

You will need to have the following number of valid signatures:

REGISTERED VOTERS
2018

20,552

SIGNATURES NEEDED FOR
COUNTY-WIDE OFFICE

206

We recommend submitting more than the required number of petitions, because of possible invalid petitions. Candidate for local office must submit the required number of valid petitions **prior to NOON on March 23, 2020 for Judicial Candidates and May 11, 2020 for State and Local Candidates**. Petitions are not accepted after the due date.

After filing the DS-DE 9 with the qualifying officer, a candidate may begin collecting petition signatures. Signatures are valid only for the qualifying period immediately following such filing.

The format of the Candidate Petition DS-DE 104 (09/11) card as prescribed by the Division of Elections shall be used by candidates to reproduce petitions for circulation.

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. A separate petition is required for each candidate. *(section 99.095(2)(c), F.S.)*

Important

Prior to collecting signatures, the petition cards must contain the name of the candidate, the office, the party designation, if applicable, and the group or district number. If the district number is missing, the petition is invalid.

Nonpartisan candidates and candidates running with No Party Affiliation (NPA):

The candidate petition provides two check boxes for “Nonpartisan” and “No Party Affiliation.” Nonpartisan and NPA candidates need to either pre-populate the form by checking the applicable box or ensure voters are accurately populating the applicable box. Nonpartisan and NPA candidates may want to consider crossing out or otherwise precluding voters from writing anything on the line provided for an indication of political party. For a candidate petition to be valid there must be a clear indication of what type of candidate the voter is petitioning to have placed on the ballot – Nonpartisan or No Party Affiliation.

SIGNATURES MAY NOT BE OBTAINED UNTIL THE CANDIDATE HAS FILED THE APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY WITH THE QUALIFYING OFFICER. *(section 99.095(2)(a), F.S.)*

I am running as a Write-In Candidate. Do I have to pay a Qualifying Fee or Collect Petitions? *(section 99.061(4)(b), F.S.)*

No. A write-in candidate is not entitled to have his/her name printed on any ballot. However, a space for the write in the candidate’s name to be written in will be provided on the general election ballot.

Required Paperwork for Filed Status

IMPORTANT

The ***Appointment of Campaign Treasurer and Designation of Campaign Depository*** DS-DE 9 must be on file with the qualifying officer **prior** to opening a campaign account, begin accepting campaign contributions and expending campaign funds, and if qualifying by petition method, begin collecting petitions cards.

What to File *(sections, 106.021, 106.023, and 105.031, F.S.)*

The first document a person must file to become a candidate is the **Appointment of Campaign Treasurer and Designation of Campaign Depository** (DS-DE 9).

A candidate shall designate the office for which he or she is a candidate at the same time he or she appoints a campaign treasurer and designates a campaign depository.

A candidate may appoint a campaign treasurer and designate a campaign depository at any time, but **no later** than the date the candidate qualifies for office.

The appointment is not effective until the campaign treasurer signs the DS-DE 9 and it is filed with the qualifying officer. The DS-DE 9 is **not** considered “filed” upon mailing.

The candidate **must** also file a **Statement of Candidate** (DS-DE 84 (83-Judicial)) within 10 days after filing the DS-DE 9. The Statement of Candidate states that the candidate has been provided access to (received), read and understands the requirements of Chapter 106, Florida Statutes or for Judicial candidates -Florida Code of Judicial Conduct.

When to File *(section 106.021, F.S.)*

A candidate may appoint a campaign treasurer and designate a campaign depository at any time, but the appointment must be filed no later than the date the candidate qualifies for office.

However, a candidate may **not** accept contributions or make expenditures until **after** the DS-DE 9 is filed with the qualifying officer.

Also, any person seeking to qualify by the petition method must file the DS-DE 9 prior to collecting petitions.

Where to File – Determining Qualifying Officers *(section 106.021, F.S.)*

Office Sought	Qualifying Officer
State Multi-county District Circuit Judge	Department of State Division of Elections
Constitutional Officers County Commission County Court Judge School Board Soil and Water Conservation District Precinct Committeemen and Committeewomen	Supervisor of Elections
City of Okeechobee	City Clerk

The filing officer performs a ministerial function in reviewing qualifying papers. The filing officer may not determine whether the contents of the qualifying papers are accurate. (*section 99.061(7)(c), F.S.*)

Changing the Designation of Office at a Later Date

(*section 106.021(1), F.S.*)

A candidate may change the designation of the office for which he or she is a candidate by filing a new DS-DE 9. However, if a candidate changes the designation of the office for which he or she is a candidate, he or she must notify each contributor and offer to return their contribution using the following procedure:

1. Within 15 days of filing the change of designation, the candidate must send a written notice to all of his or her contributors.
2. The candidate must offer in the notice to return to the contributor on a pro rata basis all contributions the contributor gave to the candidate in support of the original office.
3. The candidate must include with the notice the Request for Return of Contribution (DS-DE 86 – (09/95)).
4. If the contributor returns the DS-DE 86 within 30 days of receiving the notice, the candidate must return a pro rata share of all contributions the contributor gave to the candidate in support of the original office.
5. If the contributor does not return the DS-DE 86 within 30 days of receiving the notice, the candidate may use the contribution for the newly designated office.

Campaign Treasurer

Who May Be a Campaign Treasurer or Deputy Campaign Treasurer?

(*section 106.021(1)(c), F.S.*)

A candidate may appoint himself/herself or any individual to be a campaign treasurer or deputy campaign treasurer. All appointments shall be accepted in writing and filed with the qualifying officer.

What are the Duties of a Campaign Treasurer?

(*sections 106.05, 106.06 and 106.07, F.S.*)



Keep detailed accounts of all contributions received and all expenditures made by or on behalf of the candidate. Such accounts shall be current within not more than **two days** after receiving a contribution or making an expenditure.

Comply with the requirements of the electronic filing of the campaign treasurer's reports. To avoid the fine for late filing, such reports shall be completed and filed through the electronic filing system not later than midnight of the designated due dates.

Fines imposed on a candidate for late filing must be paid by the candidate's personal funds.

Deposit all contributions into the campaign account by the end of the **5th business day** after receipt, **excluding Saturdays, Sundays, and legal holidays.**

All deposits shall be accompanied by a bank deposit slip containing the name of each contributor and the amount contributed by each.

Pay expenditures by check drawn on the campaign account.

After the campaign is over, all detailed accounts maintained by the campaign treasurer during the campaign must be preserved for the number of years equal to the term of the office to which the candidate seeks election.

A deputy campaign treasurer may exercise any of the powers and duties of the campaign treasurer when specifically authorized to do so by the campaign treasurer and the candidate. *(section 106.021(4), F.S.)*

How Many Campaign Treasurers and Deputy Campaign Treasurers May a Candidate Have? *(section 106.021(1)(a), F.S.)*

A candidate must have one campaign treasurer. A candidate may appoint no more than three deputy campaign treasurers. Deputy campaign treasurers are appointed in the same manner as the original appointment of campaign treasurer on the Appointment of Campaign Treasurer and Designation of Campaign Depository.

Campaign Account



What is a Campaign Depository? *(section 106.021(1)(a),(b), F.S.)*

A campaign depository may be any bank, savings and loan association, or credit union authorized to transact business in the State of Florida. Designating a campaign depository does not mean physically opening your account; it is merely naming the financial institution in which your campaign funds are to be deposited. This is because most banks require an initial deposit to open a campaign account and a contribution cannot be accepted prior to the candidate filing the form.

Designating a Campaign Depository *(sections 106.021(1) and 106.11(1), F.S.)*

A candidate **must** designate a primary depository with any bank, savings and loan association, or credit union authorized to transact business in the State of Florida. As soon as the DS-DE 9 is filed with the qualifying officer, a candidate may open the campaign account, begin accepting campaign contributions and expending campaign funds in furtherance of his or her candidacy and if qualifying by petition method, begin collecting petition cards. *(section 106.021(1)(a), F.S.)*

Expenditures are made from funds on deposit in the primary campaign depository only by a bank check drawn on the campaign account.

The campaign account must be separate from any personal or other account and used only for depositing campaign contributions and making expenditures.

Campaign accounts are opened in the name of the candidate only.

***** Dates contained herein are subject to change during legislative session! *****

All documents filed for candidate qualifying are open to public disclosure pursuant to Section 119, Florida Statutes

If you are interested in running for office,
please contact the Supervisor of Elections to arrange a time to file your
Appointment of Campaign Treasurer and
Designation of Campaign Depository.



NOTE: Information contained in this document does not cover every law in Florida Statutes governing campaigns and is subject to change by the Florida Legislature. It is the responsibility of the reader to locate these changes; if any.