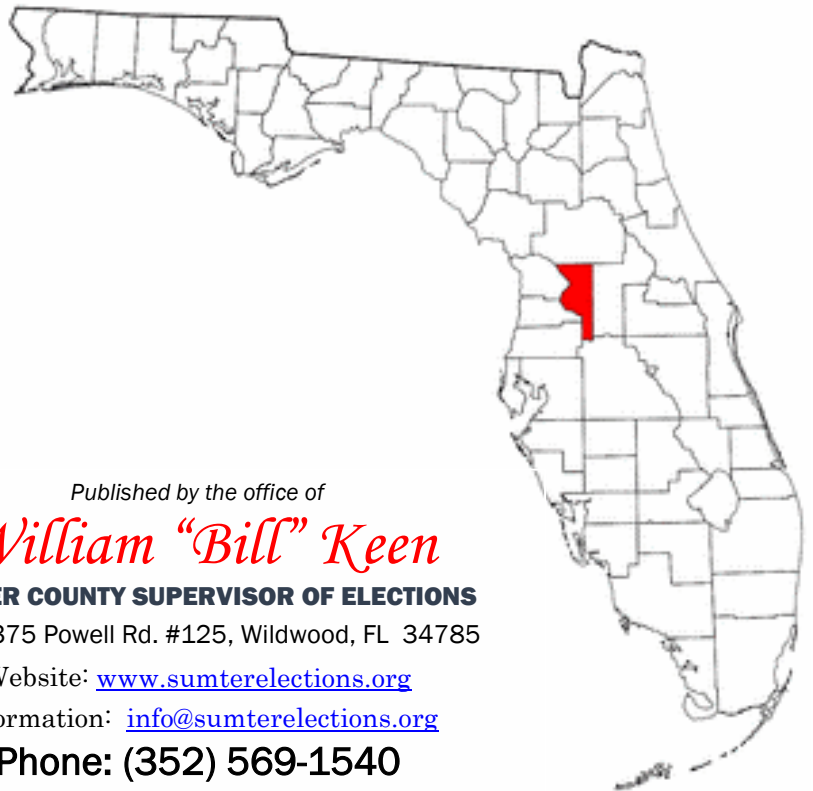


2018 CANDIDATE GUIDE



Published by the office of

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Freedom Rings with Every Vote



Thank you for your interest in running for office in Sumter County!

2018 ELECTION DATES

PRIMARY ELECTION

August 28, 2018 (7 AM – 7 PM)

Book Closing: July 30, 2018



EARLY VOTING for PRIMARY

August 18 - 25, 2018 (9 AM - 6 PM)

GENERAL ELECTION

November 6, 2018 (7 AM – 7 PM)

Book Closing: October 9, 2018



EARLY VOTING for GENERAL

Oct. 23 – Nov. 3, 2018 (9 AM – 6 PM)

DEADLINES FOR CANDIDATES

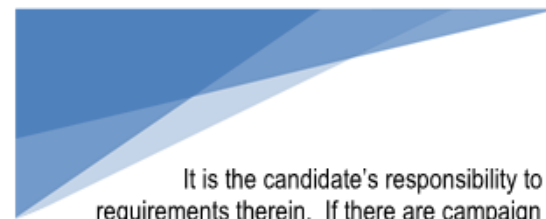


PETITION DUE DATE

- U.S. Senator, U.S. Representative, Judge, State Attorney, and Public Defender:
 - Noon, April 2, 2018
- County, Special Districts & Cities:
 - Noon, May 21, 2018

QUALIFYING DATES (by appointment ONLY)

- Judicial: Noon, April 30, 2018 to Noon, May 4, 2018
- County, Special Districts & Cities: Noon, June 18 – Noon, June 22, 2018



It is the candidate's responsibility to read the election code and observe all requirements therein. If there are campaign questions, refer to the Florida Statutes (<http://dos.myflorida.com/media/698124/election-code.pdf>) which prevail. If the candidate is unable to find the answer in the Florida Statutes, contact the qualifying officer.

It is not the responsibility of this office to interpret Florida Statutes contained within Florida Law.

For an interpretation or legal opinion, please contact:

Division of Elections
Room 316, RA Gray Building
500 South Bronough Street
Tallahassee, FL 32399-0250
850-245-6200

MATERIAL SUBJECT TO CHANGE BY THE FLORIDA LEGISLATURE.

QUICK GUIDE TO ANSWERS

Question	Answer	Statute/Reference
How many deputy treasurers can you have?	Three (3)	F.S. 106.021(1)(a)
How much can <u>you</u> contribute to your campaign?	Unlimited	F.S. 106.08-2(b)
What is the contribution limit per each election from others?	\$1,000	F.S. 106.08-2
What is the cash/cashier's check limit per election?	\$50.00	F.S. 106.09(1)(a)
When does a contribution have to be deposited?	Prior to the end of the <u>5th</u> business day of receipt	F.S. 106.05
Can a candidate be reimbursed from their campaign account?	Yes. For more information regarding this, refer to your Voter Focus "How to File Financial Reports Online" booklet.	
Can Debit Cards be used?	Yes. Read more information in law book	F.S. 106.11
What is the deadline in submitting signed petitions?	Noon, May 21, 2018. Candidates can bring in their signed petitions anytime prior to this day. The cost to verify each signature is ten cents per petition.	F.S. 99.095 (3)
Can an anonymous contribution be used?	NO. Candidate must report the contribution on the campaign treasurer's report as an anonymous contribution and a cover letter explaining that the contribution is anonymous must be sent to the filing officer and a copy to the Division of Elections. This amount cannot be used, but given to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code at the end of the campaign.	Opinion 89-02
How much petty cash is allowed?	\$100 per week	
Can I change my party affiliation?	No. Any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing that the person has not 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. [This date is: June 18, 2017]	F.S. 99.021 -2(b)
Late campaign finance reports	Fines are paid from personal funds of the candidate. \$50.00 per day for first three days, thereafter \$500 per day for each late day - not to exceed 25 percent of total receipts or expenditures within that reporting period, whichever is greater. Reports immediately preceding the primary or general election, fine: \$500 a day for each day late.	F.S. 106.07 (8)

Campaign Signs

By Area	Contact Info	Guidelines
County Property		No campaign signs are permitted (anchored below ground or above ground). No soliciting within a 100 foot zone from the entrance to polling place.
*City of Bushnell	569-2401	One hundred dollars (\$100) cash bond per candidate is required to ensure sign removal.
*City of Center Hill	793-4431	No fee, but candidate has to fill out a document at City Hall and has five (5) days to remove signs after election
*City of Coleman	748-1017	Candidate does not have to fill out anything or pay
*City of Webster	793-2073	Candidate has to fill out a document and one hundred dollars (\$100) fee is held to ensure signs are removed after election
*City of Wildwood	330-1330	Candidate does not have to fill out anything or pay.
The Villages	751-3939	No campaign signs are permitted (anchored below ground or above ground). Candidates may hold their signs or place them on golf carts. No soliciting within a 100 foot zone from the entrance to polling place.

**Contact Cities directly for updated information*



CHAPTER 1 – FORMS

Candidate can pre-file at any time before qualifying week.

DO NOT OPEN CAMPAIGN BANK ACCOUNT UNTIL THE DS-DE 9 FORM IS FILED WITH OUR OFFICE FIRST!

Once the DS-DE 9 is filed with our office, the candidate will be required to file campaign financial reports online per schedule.

**County Candidates		Documents	Info/Instructions
	Prequalifying Period	➤DS-DE9	Appt of Campaign Treasurer & Depository
		➤DS-DE 84	Statement of Candidate
	Qualifying Period	➤DS-DE 9 & DS-DE 84 ➤DS-DE 83 for Judicial Candidates	if not filed previously
		➤ Form 6 (<i>Full & Public Disclosure of Financial Interest</i>) ➤ Oath	Both forms must be notarized PRIOR to qualifying week appointment.
		➤ Filing Fee from campaign account (<i>if no signatures collected</i>) OR ➤ **Petition Certificate	**Petitions needed: TBD (formerly 827) 10¢ Cost to verify each signature paid from campaign checking account; Signed petitions must be brought in before Noon May 21, 2018

**City Candidates		Documents	Notes/Instructions
	Prequalifying Period	➤DS-DE9	Appt of Campaign Treasurer & Depository
		➤DS-DE 84	Statement of Candidate
	Qualifying Period	➤DS-DE 9 & DS-DE 84	if not filed previously
		➤Form 1 (<i>Statement of Financial Interest</i>) ➤Oath*	*Form must be notarized PRIOR to qualifying week appointment.
		➤Filing Fee from campaign account	

**Special District Candidates -		Documents	Info/Instructions
	Prequalifying Period	➤DS-DE9	Appt of Campaign Treasurer & Depository
		➤DS-DE 84	Statement of Candidate
	Qualifying Period	➤DS-DE 9 & DS-DE 84	if not filed previously
		➤ Form 1 (<i>Statement of Financial Interest</i>) ➤ Oath*	*Form must be notarized PRIOR to qualifying week appointment.
		➤ Filing Fee \$25.00 from campaign account (<i>if no signatures collected</i>) OR ➤ **Petition Certificate	**Petitions needed: 25 10¢ Cost to verify each signature paid from campaign checking account; Signed petitions must be brought in before Noon May 21, 2018

****Above candidates continue filing finance reports until elected, unopposed, or withdraw from race.**

****Above candidates will be notified via certified letter when the final (termination) report is due.**

Special District Candidates Not Campaigning		Documents	Notes/Instructions
	Prequalifying Period	➤Affidavit of Intent (not campaigning)	
		➤DS-DE 84	Statement of Candidate
	Qualifying Period	➤Affidavit of Intent & DS-DE 84	if not filed previously
		➤Form 1 (<i>Statement of Financial Interest</i>) ➤Oath*	*Form must be notarized PRIOR to qualifying week appointment.
		➤ Filing Fee \$25.00 from personal checking account (<i>if no signatures collected</i>) OR ➤ **Petition Certificate	**Petitions needed: 25 10¢ Cost to verify each signature paid from campaign checking account; Signed petitions must be brought in before Noon May 21, 2018

PETITION INFORMATION

- It is recommended that you plan to collect more petitions than the requirement.
- You can bring the signed petitions in batches.
- Do not wait until the last minute to submit petitions!
- Candidates who fail to qualify by the petition method will be required to pay the qualifying fee.
- A signature verification fee of 10¢ (ten cents) per each petition and must be paid in advance out of the candidate's campaign account or petty cash (except for certain special district candidates).
- The candidate will receive a petition certification once petition requirements have been met.
- The petition certification is required during the official qualifying period or candidate pays filing fee.
- Submit all petitions to Supervisor of Elections, 7375 Powell Rd., Ste. 125, Wildwood, FL 34785

DEADLINE TO SUBMIT PETITIONS

- U.S. Senator, U.S. Representative, Judge, State Attorney, and Public Defender:
 - **Noon, April 2, 2018**
- County, Special Districts & Cities:
 - **Noon, May 21, 2018**

CANDIDATE PETITION

*Notes: - All information on this form becomes a public record upon receipt by the Supervisor of Elections.
- It is a crime to knowingly sign more than one petition for a candidate. [Section 104.185, Florida Statutes]
- If all requested information on this form is not completed, the form will be rejected as an invalid Candidate Petition form.*

I, _____, the undersigned, a registered voter
(print name as it appears on your voter information card)
in said state and county, petition to have the name of _____ **(CANDIDATE'S NAME HERE)**
placed on the Primary/General Election Ballot as a: [check/complete box, as applicable]

☐ Nonpartisan ☐ No party affiliation ☒ **(COMPLETE)** Party candidate for the office of
(CANDIDATE'S RACE INFORMATION HERE)
(insert title of office and include district, circuit, group, seat number, if applicable)

Date of Birth or Voter Registration Number (MM/DD/YY)	Address		
<div style="background-color: yellow; height: 20px;"></div>	<div style="background-color: yellow; height: 20px;"></div>		
City	County	State	Zip Code
<div style="background-color: yellow; height: 20px;"></div>	<div style="background-color: yellow; height: 20px;"></div>	<div style="background-color: yellow; height: 20px;"></div>	<div style="background-color: yellow; height: 20px;"></div>
Signature of Voter		Date Signed (MM/DD/YY) [to be completed by Voter]	
<div style="background-color: yellow; height: 20px;"></div>		<div style="background-color: yellow; height: 20px;"></div>	

Rule 1S-2.045, F.A.C. DS-DE 104 (Eff. 09/11)

CHAPTER 2 –QUALIFYING QUALIFYING 2018 ELECTIONS

OFFICE	SALARY	Qual. Fee 6% Major Party	Qual. Fee 4% No Party	Qual. Fee 1% Elect. Assessment	Petition Signatures Needed to Qualify
Co. Commission Dist. #2, 4	\$57,047	\$3,422.82	\$2,281.88	← Included	1% of 92,153 = 922 County Wide
School Board Dist. #1, 3, 5	\$34,020	NA	\$1,360.80	← Included	1% of 92,153 = 922 County Wide
County Judge	\$138,019.92	NA	\$5,520.80	← Included	1% of 92,153 = 922 County Wide
VCDD-1 Seat 2,4	NA	NA	\$25.00	NA	25 (within VCDD 1 only)
VCDD-2 Seat 1,2,3	NA	NA	\$25.00	NA	25 (within VCDD 2 only)
VCDD-3 Seat 1,2,4	NA	NA	\$25.00	NA	25 (within VCDD 3 only)
VCDD-5 Seat 2,5	NA	NA	\$25.00	NA	25 (within VCDD 5 only)
VCDD-6 Seat 1,4,5	NA	NA	\$25.00	NA	25 (within VCDD 6 only)
VCDD-7 Seat 1,3,5	NA	NA	\$25.00	NA	25 (within VCDD 7 only)
VCDD-8 Seat 3,4,5	NA	NA	\$25.00	NA	25 (within VCDD 8 only)
VCDD-9 Seat 4,5	NA	NA	\$25.00	NA	25 (within VCDD 9 only)
VCDD-10 Seat 2,3,5	NA	NA	\$25.00	NA	25 (within VCDD 10 only)
VCDD-12 Seats TBD	NA	NA	\$25.00	NA	25 (within VCDD 12 only)
Soil & Water Conservation District					
Seat #1, 2, 5	NA	NA	\$25.00	NA	25 (County Wide)
North Sumter County Utility Dependent Districts					
Seat 3 – District 7	NA	NA	\$25.00	NA	25 (within VCDD 7 only)
Seat 4 – District 8	NA	NA	\$25.00	NA	25 (within VCDD 8 only)
Seat 5 – District 9	NA	NA	\$25.00	NA	25 (within VCDD 9 only)
Seat 6 – District 10	NA	NA	\$25.00	NA	25 (within VCDD 10 only)
City of Bushnell					
Council Seat #1 Mayor	\$7,200	NA	NA	\$72.00	NA
Council Seat #3, 5	\$4,200	NA	NA	\$42.00	NA
City of Center Hill					
Council Seat #1, 3, 5	\$2,400.00	NA	NA	\$39.00	\$15 Qualifying Fee is included (by Ordinance)
City of Coleman					
Council (Group) Mayor	\$3,719.64	NA	NA	\$42.20	\$5 Qualifying Fee is included (by Ordinance)
Council (Group) Seat #2, 4	\$2,132.88	NA	NA	\$26.33	\$5 Qualifying Fee is included (by Ordinance)
City of Webster					
Council Seat #1, 3, 5	\$2,400.00	NA	NA	\$24.00	NA
City of Wildwood					
Council (Group) Seat #1 Mayor	\$8,005.53	NA	NA	\$80.06	NA
Council (Group) Seat #2, 4	\$6,504.44	NA	NA	\$65.04	NA

The salary provisions apply to all designated officers in all counties of the state, except those officials whose salaries are not subject to being set by the Legislature due to the provisions of a county home rule charter, as well as those officials of counties that have a chartered consolidated form of government as provided in Chapter 67-1320, Laws of Florida. The current salary formula methodology specifies that the latest official population census counts for the years between decennial censuses serve as a major component of the salary computation. In addition to the population figures, the salary formula contains five other components. The [base salary](#), [group rate](#), and [initial factor](#) are currently set in law. The [annual factor](#) and [cumulative annual factor](#) components are certified annually by the Florida Department of Management Services (DMS).

[\(F.S. 99.092\)](#) Qualifying Fee is computed by multiplying 12 times the monthly salary, excluding any special qualification pay authorized by such office as of July 1 immediately preceding the first day of qualifying. The qualifying fee consist of a filing fee, which is 3% of the annual salary of the office, and an election assessment fee, which is 1% of the annual salary of the office. The amount of the party assessment fee is 2% of the annual salary. If qualifying with a Major Party the total assessed is 6% of the annual salary of that office, which includes all assessment fees. If Qualifying with No Party the total assessed is 4% of the annual salary of that office, which includes only the qualifying fee and election assessment fee. [\(F.S. 99.093\)](#) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment fee is 1% of the annual salary of the office sought. If qualifying for a municipal office the total assessed is 1%. There may be a special fee included by ordinance.

CHAPTER 3 – CAMPAIGN FINANCE REPORTING SCHEDULE

Once the DS-DE 9 form is filed with our office, the candidate will be required to file campaign finance reports online. Candidates keep filing campaign finance reports per schedule until they have been elected, unopposed or withdrawn from the race.

- Once the Elections Office receives your report it becomes a public record.
- It will be posted on our website and will be available for inspection by the press and public.
- The function of the Supervisor of Elections office regarding your reports is ministerial.
- The candidate is responsible for making sure reports are filed correctly and on time.
- In Chapter 106 of the Florida Statutes you will read about the fines which are automatically imposed for late filing.
- Remember that late fines are paid by the candidate's personal account and not from the campaign account!
- The Elections Office will attempt to remind candidates of upcoming reports;
- however, the candidate is responsible for filing reports on time. (for more info see below chart and page 5 of this document)

Please note: the last report is the termination report. If you were elected, unopposed or withdrew from the race, the **only** report that you will have to file is the termination report. No other reports would be required. For more information regarding this report, please refer to F.S. 106.07 (Campaign Financing).

2018 – CANDIDATE REPORT CHECKOFF SHEET

Once the DS-DE 9 form is filed, the candidate is required to file campaign finance reports online.

Reports are due by 11:59PM on the day in which they are due.

Any fines incurred because of late filings are paid from the personal account, **NOT** the campaign account.

***NOTE:

**Please follow your schedule.
Candidates will NOT
be notified of when reports
are due online**

	SUBMITTED	RPT NAME	STARTS	ENDS	DUE DATE	Days from Election
Monthly		2017-M9	09/01	09/30	10/10	Monthly
		2017-M10	10/01	10/31	11/13	Monthly
		2017-M11	11/01	11/30	12/11	Monthly
		2017-M12	12/01	12/31	01/10/18	Monthly
		2018-M1	01/1/18	01/31	02/12	Monthly
		2018-M2	02/01	02/28	03/12	Monthly
		2018-M3	03/01	03/31	04/10	Monthly
		2018-M4	04/01	04/30	05/10	Monthly
		2018-M5	05/01	05/31	06/11	Monthly
Primary		2018-P1	06/01	06/22	06/29	60 th Day
		2018-P2	06/23	07/06	07/13	46 th Day
		2018-P3	07/07	07/20	07/27	32 nd Day
		2018-P4	07/21	07/27	08/03	25 th Day
		2018-P5	07/28	08/03	08/10	18 th Day
		2018-P6	08/04	08/10	08/17	11 th Day
		2018-P7	08/11	08/23	08/24	4 th Day
General		2018-G1	08/24	08/31	09/07	60 th Day
		2018-G2	09/01	09/14	09/21	46 th Day
		2018-G3	09/15	09/28	10/05	32 nd Day
		2018-G4	09/29	10/05	10/12	25 th Day
		2018-G5	10/06	10/12	10/19	18 th Day
		2018-G6	10/13	10/19	10/26	11 th Day
		2018-G7	10/20	11/01	11/02	4 th Day
Final		2018-TRQ	06/01	09/20	09/20	Final
		2018-TRP	08/24	11/26	11/26	Final
		2018-TRG	11/02	02/04	02/04/19	Final

CHAPTER 4 – QUESTIONS & ANSWERS FROM DEPARTMENT OF STATE’S WEBSITE

CANDIDATES	
Questions	Answers
1. If I want to be a no party affiliation candidate, can I still be registered to vote as a Republican or Democrat?	Yes. Any registered elector who qualifies for office without party affiliation will have their name placed on the ballot at the general election without party affiliation. (Section 99.0955(1), F.S.)
2. Do I have to designate a campaign treasurer and depository before I make public my intention to run for office?	No. Nothing in the election laws prohibits a person from announcing their intention to become a candidate prior to designating a treasurer or depository as long as no contributions are received and no expenditures are made in connection with that announcement. (Section 106.021, F.S.)
3. What if I want to change my campaign treasurer or other officers?	File a reappointment of campaign treasurer (Form DS-DE 9) with the filing officer along with a copy of the letter of resignation or removal.
4. When can I start collecting signatures to qualify as a petition candidate?	<ul style="list-style-type: none"> ➤ Before collecting any signatures: Candidates must file the DS-DE 9 with the Supervisor of Elections first ➤ Special district candidates who will not collect contributions and whose only expense is the signature verification fee, will file the Affidavit of Intent with the Supervisor of Elections ➤ 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 such petition was circulated.

CAMPAIGN FINANCE	
Questions	Answers
1. Do candidates for precinct committee person have to file campaign reports and comply with Chapter 106, F.S.?	Only if such candidates receive a contribution or make an expenditure. An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure shall file a report of all contributions received and all expenditures made. The report shall be filed by 5 p.m. with the supervisor of elections on the 4th day immediately preceding the primary election. (Section 106.0702, F.S.)
2. May a candidate appoint himself or herself as campaign treasurer?	Yes. (Section 106.021(1)(c), F.S.)
3. How many deputy treasurers may a candidate or political committee have?	County candidates and political committees may appoint up to 3 deputy treasurers. (Section 106.021(1)(a), F.S.)
4. Can a deputy treasurer file and submit campaign reports?	Yes. A deputy treasurer may perform all of the duties of a campaign treasurer when specifically authorized to do so by the campaign treasurer in the case of a candidate, or the campaign treasurer and chairperson in the case of a political committee. (Section 106.021(4), F.S.)
5. Who is responsible for keeping tabs on aggregate totals of campaign contributions?	The campaign treasurer is responsible for receiving and reporting all contributions. (Section 106.06, F.S.)
6. Do I have to itemize small contributions of \$5, \$10, \$50, etc.?	Yes. The law provides no exceptions for the reporting of contribution information, regardless of the size of the contribution. The full name and address of the contributor are also required. (Section 106.07(4)(a), F.S.)
7. Are in-kind contributions subject to the same limitations as monetary contributions?	Yes. In Chapter 106, F.S., the definition of a "contribution" includes contributions in-kind having an attributable monetary value in any form. Therefore, in-kind contributions are subject to the same limitations set for monetary contributions. (Section 106.011(5) and 106.08, F.S.)
8. How is the value of an in-kind contribution determined?	The contributor must inform the person receiving the contribution of the fair market value at the time it is given. (Section 106.055, F.S.)

CAMPAIGN FINANCE *(continued)*

Questions	Answers
9. Can a corporation give to a candidate, political committee or political party?	Yes. A corporation is considered a "person" under Chapter 106, F.S.
10. I am opposed in the general election, but I have no opposition in the primary election, therefore, my name will not be on the primary election ballot. Am i prohibited from accepting contributions in the five days before the primary election?	No. Only candidates opposed in the primary election are required to comply. However, since you are opposed and your name will appear on the general election ballot, you are required to abide by the prohibition on accepting contributions less than 5 days prior to the general election. (Section 106.08(3), F.S.)
11. I was given cash at a rally and have no information on who it is from? What do I do?	Report this contribution as an anonymous contribution on your campaign report but do not spend these funds on the campaign. After the campaign is over, dispose of the funds pursuant to Section 106.141, F.S. (DEO 89-02)
12. As a candidate, what can I do with leftover campaign funds?	<ul style="list-style-type: none"> ➤ If qualified by the petition method and filed an oath stating that it would impose an undue burden on your personal or other resources to pay the fee to verify petition signatures, you will first need to reimburse the state or local government entity, whichever is applicable. (Section 106.141(7), F.S.) Otherwise You may disburse of funds by any of the following means or a combination thereof: <ul style="list-style-type: none"> ✧ return pro rata to each contributor; ✧ donate to a charitable organization or organizations that meet the qualifications of s. 501(c)(3) of the Internal Revenue Code; ✧ give not more than \$25,000 to the affiliated party committee or political party of which the candidate is a member; ✧ give, if applicable, to the political subdivision for which you were a candidate for office and deposit it in the subdivision's general fund (Section 106.141(4)(a), F.S.); ✧ give, of applicable, to the state, if you were a candidate for state office and it in the General Revenue Fund. ➤ Candidates who have received contributions for public campaign financing shall return all surplus funds to the state. (Section 106.141(4)(b), F.S.)
13. If I am late submitting my report, how is my fine calculated?	<ul style="list-style-type: none"> ➤ Candidates, political committees, electioneering communication organizations and independent expenditures: \$50 per day for the first 3 days late and, thereafter, \$500 per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater for the period covered by the late report. <p>However, for reports immediately preceding the primary and general election, the fine shall be \$500 per day for each day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report.</p> <ul style="list-style-type: none"> ➤ State and county executive committees: \$1,000 for a state executive committee and \$50 for a county executive committee per day for each late day, not to exceed 25% of the total receipts or expenditures, whichever is greater, for the period covered by the late report. <p>However, if an executive committee fails to file a report on the Friday immediately preceding the general election, the fine is \$10,000 per day for each late day a state executive committee is late and \$500 per day for each day a county executive committee is late.</p>
14. How long are campaign records kept at the Division of Elections or the Supervisor of Elections Offices?	Ten years from the date of receipt. (Sections 98.015(5) and 106.22(4), F.S.)

RESIGN TO RUN

Questions	Answers
1. Where is the “resign-to-run” law located?	The “resign-to-run” law is in section 99.012, Florida Statutes.
2. What does the “resign-to-run” law state?	The “resign-to-run law” essentially prohibits an elected or appointed “officer” from qualifying as a candidate for another state, district, county or municipal public office if the terms or any part of the terms overlap with each other if the person did not resign from the office the person presently holds. (Section 99.012(3), Florida Statutes.)
3. Are there any exceptions to the “resign-to-run” law?	Yes. The “resign-to-run” law does not apply to 1) political party offices, or 2) persons serving without salary on an appointed board or authority. (Section 99.012(6), Florida Statutes.) See the response to Question 11, below, concerning exemptions to the “resign-to-run” law. Also, portions of the “resign-to-run” law do not apply to federal officers, persons seeking the office of President or Vice President, or candidates for federal office. (See the responses to Questions 15 & 16 below.)
4. Who is an “officer” for purposes of the “resign-to-run” law?	<ul style="list-style-type: none"> ➤ An “officer” is a person, whether elected or appointed, who has the authority to exercise the sovereign powers 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), Florida Statutes.) ➤ Florida case law further explains that an “officer” is one who exercises some portion of the sovereign power, either in making, executing or administering the laws and who derives his or her position from a duly and legally authorized election or appointment, whose duties are continuous in nature and defined by law, not contract. ➤ Examples of “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.
5. If an officer must resign under the “resign-to-run” law, when must the officer resign and when must the resignation take effect?	<ul style="list-style-type: none"> ➤ The resignation must be submitted in writing at least 10 days prior to the first day of qualifying for the office the person intends to seek. (Section 99.012(3)(c), Florida Statutes.) (The qualifying dates for elections to particular offices can be obtained from the county supervisor of elections office.) The resignation must take effect no later than the earlier of the following dates: <ul style="list-style-type: none"> ○ The date the officer would take office, if elected; or ○ The date the officer’s successor is required to take office.
6. I am a school board member and I will not seek re-election at the next general election; instead, I wish to qualify to run for state representative. Do I have to submit a resignation under the resign-to-run law?	Yes. Section 100.041, Florida Statutes, reflects that the term of office of a state representative begins upon election for a term of two years and the term of office for a school board member begins on the second Tuesday following the general election for a term of four years. Therefore, your term as a school board member, if elected as a state representative, will not expire until two weeks after you take office as a state representative. This two week overlap requires you to submit a resignation under the resign-to-run law at least 10 days prior to qualifying as a candidate as a state representative.
7. What can an officer do if he or she missed the deadline for submitting the resignation 10 days prior to the beginning of the qualifying period?	If the officer still wishes to run for office, the officer may submit his or her resignation to take effect immediately or to take effect on a date prior to qualifying for office. In this situation, the officer qualifies as a non-officeholder and the “resign-to-run” law does not apply. (Section 99.012(3)(g), Florida Statutes.)
8. To whom must the resignation be submitted?	<ul style="list-style-type: none"> ➤ For elected district, county, or municipal officers, the resignation must be submitted to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State. ➤ For appointed district, county, or municipal officers, the resignation must be submitted to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State. ➤ All other officers must submit their resignations to the Governor with a copy to the Department of State. (Section 99.012(3)(e), Florida Statutes.)
9. Can the officer later revoke the resignation?	No, once submitted, the resignation is irrevocable (Section 99.012(3)(b), Florida Statutes.).

RESIGN TO RUN *(continued)*

Questions	Answers
10. What happens to an elected officer's term of office if he or she submits a resignation under the "resign-to-run" law?	<ul style="list-style-type: none"> ➤ Except as noted in the next paragraph, when an elected official resigns, it creates a vacancy in office to be filled by election. The election is held to fill the office for the remaining unexpired term. So, if an officer had one year left in his or her four-year term of office on the effective date of his or her resignation, persons would qualify as a candidate for the office and, if elected, would serve the one year remaining in the former officer's term. ➤ If the officer resigning under the "resign-to-run" law occupies an elective charter county office or elective municipal office, the vacancy created by the resignation may be filled for that portion of the remaining unexpired term in the manner specified by the county or municipal charter, as applicable. (Section 99.012(3)(f), Florida Statutes.)
11. Does the "resign-to-run" law apply to subordinate officers, deputy sheriffs, or police officers?	<ul style="list-style-type: none"> ➤ Generally no, but it will apply in a limited situation. A subordinate officer, deputy sheriff, or police officer is exempt from the resign-to-run law unless the person is seeking to qualify for a public office which 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." If the subordinate officer, deputy sheriff, or police officer must resign, the resignation must be effective upon qualifying for the office, not the later times specified above for an "officer." ➤ So, a deputy sheriff wishing to run for sheriff against an incumbent sheriff would have to resign, but if the incumbent sheriff is not seeking reelection, the deputy sheriff would not have to resign. Also, if a deputy sheriff wishes to run for a non-sheriff office (for example, state representative or city council), he or she would not have to resign under the "resign-to-run" law. ➤ If a subordinate officer, deputy sheriff, or police officer must resign under this provision, he or she may not take an unpaid leave of absence instead of resigning. (The Legislature removed the alternative approach of taking an unpaid leave of absence from the statute in 2000.) ➤ Subordinate officers would include, among others: assistant public defenders, assistant state attorneys, and deputy supervisors of elections. (Section 99.012(4), Florida Statutes; see also, for example, Division of Elections advisory opinions DE 08-04, DE 07-08, and 99-01, which can be found at the Advisory Opinions page.)
12. What happens if an officer does not comply with the "resign-to-run" law?	<p>If an order of a court that has become final determines that a person did not comply with the resign-to-run law, the person may not be qualified as a candidate for an election or appear on the ballot. (Section 99.012(5), Florida Statutes.) Note, however, that the filing officer performs only a ministerial function in reviewing qualifying papers and cannot determine whether the contents of the qualifying papers are accurate. (Section 99.061(7)(c), Florida Statutes.) One of the qualifying papers is the candidate oath in which the candidate states that he or she has resigned from any office from which the candidate is required to resign; therefore, the filing officer may not look beyond the oath. As stated above, it will take a court order to remove the person's name from the ballot.</p>
13. May a person qualify to run for more than one office?	<p>No. Section 99.012(2), Florida Statutes, prohibits persons from qualifying for more than one federal, state, district, county, or municipal office if the terms or any part thereof run concurrently with each other. For example: a) a person may not qualify in Florida to run for more than one U.S. House of Representatives seat at a time; or b) a person may not qualify for both a state office and a county office if the terms or any part of the two offices overlap.</p>
14. Does the "resign-to-run" law apply to federal officers?	<p>No, the "resign-to-run" portion of section 99.012, Florida Statutes, only applies to state, district, county and municipal officers. However, as stated in the answer to Question 14, section 99.012(2), Florida Statutes, prohibits persons from qualifying for more than one federal, state, district, county, or municipal office if the terms or any part thereof run concurrently with each other. Thus, a federal officer would not have to resign prior to qualifying for a state, district, county, or municipal office. For example, a U.S. Senator from Florida with two years left on his or her Senate term could qualify to run for Governor of Florida without resigning because the "resign-to-run" law does not apply to federal officers; however, the senator could not qualify for re-election to the U.S. Senate from Florida and also qualify for Governor of Florida because the terms of office would overlap.</p>

RESIGN TO RUN (*continued*)

Questions	Answers
15. Does the “resign-to-run” law require a state, district, county, or municipal officer to resign before running for federal office?	No. The “resign-to-run” law prohibits an officer from qualifying as a candidate for another state, district, county or municipal public office if the terms or any part overlap with each other unless the officer submits a resignation from the office the person presently holds. Therefore, the “resign-to-run” law would not preclude a sitting state, district, county, or municipal officer from qualifying as a candidate for federal office without resigning from the office the person presently holds as long as the officer is not also seeking to qualify for re-election to his or her present office.
16. If a candidate does not have to resign from one office to run for another office, may he or she, if elected, continue to hold both offices?	<ul style="list-style-type: none"> ➤ Even if the person could physically perform both jobs simultaneously, holding both offices may violate the constitutional prohibition of dual office holding. Article II, section 5(a), of the Florida Constitution, provides in part: “No person shall hold at the same time more than one office under the government of the state and the counties and municipalities therein, except that a notary public or military officer may hold another office, and any officer may be a member of a constitution revision commission, constitutional convention, or statutory body having only advisory powers.” ➤ This constitutional provision prohibits a person from simultaneously holding more than one office under the government of the state, counties and municipalities. The prohibition applies to both elected and appointed offices. It is not necessary that the two offices be within the same governmental unit. Thus, for example, a municipal officer is precluded from holding not only another municipal office but also a state or county office. ➤ Although the Constitution does not define the terms “office” or “officer” for purposes of the dual office holding prohibition, the Florida Supreme Court in <i>State ex rel. Holloway v. Sheats</i>, 83 So. 508, 509 (Fla. 1919), stated that it is the nature of the powers and duties of a particular position which determines whether it is an “office” or an “employment.” ➤ The Department of State has no jurisdiction to interpret the dual office holding provisions of the Constitution. Questions regarding dual office holding should be directed to the Florida’s Office of the Attorney General, which has jurisdiction over the matter. You may find a dual office holding informational pamphlet at the Attorney General’s website.
17. What’s the difference in the treatment of district officers under the resign-to-run law and the dual office holding constitutional provision?	The Attorney General has opined that district offices are not within the purview of the dual office holding provisions of the Constitution. However, district offices, by express statutory provision, are subject to the provisions of the “resign-to-run” law. For example, an elected state or county officer may be appointed also to a district office. However, if the state or county officer later seeks reelection to the state or county office while occupying the district office, he or she would have to submit a resignation under the “resign-to-run” law from the district office before qualifying and running for reelection if the terms of office overlap, unless the district office consists of being a member on an appointed board or authority and the county or state officer receives no salary for being on the board or authority.



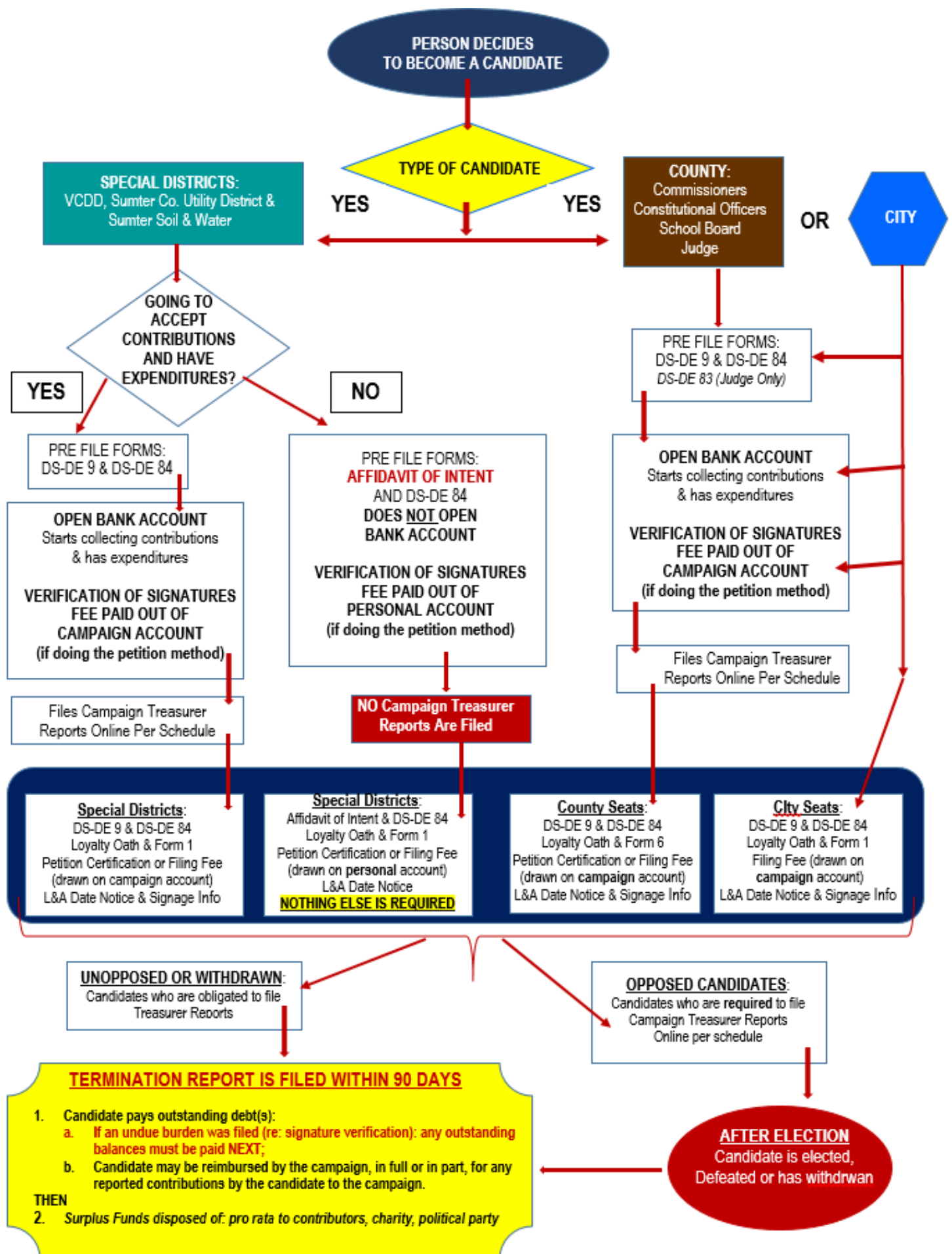
RESIGN TO RUN *(continued)*

Questions	Answers
18. How does the “resign-to-run” law relate to the “Hatch Act?”	<ul style="list-style-type: none"> ➤ The state resign-to-run law is entirely separate from the federal “Hatch Act.” The federal Hatch Act (5 U.S.C. §§ 1501- 1508) applies to executive branch state and local employees who are principally employed in connection with programs financed in whole or in part by loans or grants made by the United States or a federal agency. ➤ The Hatch Act prohibits a state, county, or municipal employee from being a candidate for public office in a partisan race if the employee’s salary is completely funded with federal dollars. It is only when the covered employee’s entire salary is paid from federal funds that the employee would have to resign under the Hatch Act before becoming a candidate for partisan office; however, an employee’s conduct is also subject to the laws of the state and the regulations of the employing agency, so the employee should check with his or her supervisor, personnel office, or the agency’s general counsel to determine what state or local law or agency rules or policies may apply regarding the employee’s political activities. (A partisan election means one in which any candidate will be listed on the ballot as a candidate for a political party, for example, the Republican or Democratic Party.) ➤ Governors, Lieutenant Governors, mayors, elected heads of executive departments, and individuals holding elective office are specifically exempt from the Hatch Act prohibition against being a candidate for public office. So, the Hatch Act prohibits state, county and municipal employees seeking public office in a partisan election, not an elected officer seeking re-election or election to another office. <p>Questions about the Hatch Act may be directed to:</p> <p style="margin-left: 40px;">Hatch Act Unit U.S. Office of Special Counsel 1730 M Street, N.W., Suite 218 Washington, D.C. 20036-4505 Tel: (800) 85-HATCH or (800) 854-2824 (202) 254-3650 Website: osc.gov/Pages/HatchAct.aspx Email: hatchact@osc.gov</p>
19. Who can I contact about questions concerning Florida’s “resign-to-run” law?	<p>Office of General Counsel Florida Department of State R.A. Gray Building 500 S. Bronough Street Tallahassee, Florida 32399-0250 Telephone: (850) 245-6536; Email: DOS.GeneralCounsel@DOS.MyFlorida.com</p>

HELPFUL WEBLINKS/RESOURCES

Website Address:

Florida Division of Elections.....	http://dos.myflorida.com/elections/
Forms.....	http://dos.myflorida.com/elections/forms-publications/forms/
Publications	http://dos.myflorida.com/elections/forms-publications/publications/
Qualifying Information	http://dos.myflorida.com/elections/candidates-committees/qualifying/
Candidates Info	http://dos.myflorida.com/elections/candidates-committees/
Candidate Petitions	http://dos.myflorida.com/media/698446/candidate-petition-handbook-2018.pdf
Florida Commission on Ethics	http://www.ethics.state.fl.us/
Sumter County Supervisor of Elections ..	http://www.sumterelections.org/
Candidate Login	http://www.sumterelections.org/Candidate-Committee/Finance-Reporting/LOGIN-TO-FINANCE-REPORTING



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