

Notice of Emergency Rule

DEPARTMENT OF STATE

Division of Elections

RULE NO.: RULE TITLE:

1SER20-1: Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy.

SPECIFIC REASONS FOR FINDING AN IMMEDIATE DANGER TO THE PUBLIC HEALTH, SAFETY OR WELFARE: A public health emergency and state of emergency have been ordered or declared by the Governor in Executive Orders No. 20-51 and 20-52 for the entire state in response to the COVID-19 virus. These and other orders and guidance limit person-to-person contact in various ways to prevent the spread of the virus, which makes it more difficult for candidates to collect and submit the necessary items to qualify for ballot placement pursuant to section 99.061, Fla. Stat., and Rule 1S-2.0001, F.A.C.

REASON FOR CONCLUDING THAT THE PROCEDURE IS FAIR UNDER THE CIRCUMSTANCES: The Division has received comments and concerns from candidates currently seeking to qualify for ballot placement. The state of emergency, orders, and guidance are quickly evolving over time. Permitting circulation and submission of qualifying items by means other than personal contact prevents spread of the virus, while otherwise maintaining the qualifying process for candidates and supporting the state's important interests in the process as well. The Division of Elections is aware of the rulemaking procedures prescribed by Section 120.54, Florida Statutes, but due to the immediate and evolving nature of the state of emergency, regular rulemaking is too lengthy in both adoption and effect. Candidate qualifying is April 20-24 and June 8-12, with respective and additional 14-day pre-submission periods.

SUMMARY: Removes the requirement that the qualifying items be "original[s] and signatures thereon...be made in ink" so that these items can be collected, notarized, and submitted with limited person-to-person contact. Notary statements on required forms will be revised accordingly.

THE PERSON TO BE CONTACTED REGARDING THE EMERGENCY RULE IS: Ashley E. Davis at (850) 245-6536 or ashley.davis@dos.myflorida.com.

THE FULL TEXT OF THE EMERGENCY RULE IS:

1S-2.0001 Designation of Division of Elections as Filing Office for Department of State; Requirements for Candidate Qualifying Papers; Withdrawal of Candidacy.

(1) Designation of Division of Elections as a filing office.

(a) The Department of State has designated the Division of Elections as the filing or qualifying office for candidates seeking to qualify for nomination or election to any federal, state, legislative, multicounty or judicial office with the exception of county court judge. Candidates for the office of county court judge shall qualify with the supervisor of elections for that county. The Division of Elections' official address is: ElecRecords@dos.myflorida.com; or, ~~and official physical location is~~ Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250.

(b) All qualifying items required to be filed with the Department of State as the office where the candidate is required to qualify shall be filed with the Division of Elections.

(2) Filing Timeline.

(a) Timely filing is of the essence in qualifying as a candidate. In order to be deemed timely filed with the qualifying office, qualifying items must actually be present at the qualifying office's official address physical location by the close of the qualifying period. ~~Candidates who file with the Division of Elections are advised that the U.S. Postal Service does not deliver mail directly to the Division and the U.S. Postal Service's designated hours for mail pick up by the Division do not correspond to the qualifying deadline. While delivery of qualifying items to a qualifying office may occur by any means, to ensure that the items are timely submitted, it is advisable for candidates or someone on their behalf to email hand deliver directly to the Division or use a delivery service that timely delivers directly to the qualifying office.~~

(b) Each supervisor of elections and other qualifying officer shall designate one or more specific official

physical locations and email address that will serve as a qualifying office and publish the address of each office on the qualifying officer's website.

(c) Qualifying items shall be deemed filed with the qualifying office upon the date of actual receipt by the qualifying office, except for those qualifying items accepted and held during the 14-day period before the beginning of the qualifying period pursuant to sections 99.061(8) and 105.031(6), F.S. The qualifying items that are received and held during the 14-day period before the beginning of the qualifying period shall not be deemed filed until the beginning of the qualifying period.

(3) Qualifying items.

(a) ~~If submitted by email, qualifying items must be attached in .pdf format. Except as noted herein, any qualifying item filed with a qualifying office must be an original and signatures thereon must be made in ink.~~

(b) ~~Any qualifying check cannot be submitted by email and must be submitted by U.S. Mail or delivery service. A facsimile, email, photocopy, scanned copy or any type of electronically transmitted document shall not be accepted as a qualifying item, except a candidate who has filed a current full and public disclosure or statement of financial interests with the Florida Commission on Ethics or the Supervisor of Elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying. A current full and public disclosure or statement of financial interests is one that covers the immediately preceding calendar or tax year and is on the applicable Florida Commission on Ethics' form for that year. For example, for a qualifying period that occurs in 2018, the current full and public disclosure or statement of financial interests form would be one that covers the 2017 calendar or tax year.~~

(4) Forms.

(a) The following qualifying forms for candidates required by Sections 99.061, 103.022 and 105.031, F.S., are hereby incorporated by reference:

1. DS-DE 9 (Rev. 10/10) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00292>), entitled, "Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates."

2. DS-DE 301SL (Rev. 04/2011/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11918> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08925>), entitled, "Candidate Oath – State and Local Partisan Office."

3. DS-DE 305CM (Rev. 04/2011/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11917> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08929>), entitled, "Candidate Oath – Committeemen and Committeewomen."

4. DS-DE 302NP (Rev. 04/2011/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11916> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08926>), entitled, "Candidate Oath – Nonpartisan Office."

5. DS-DE 304SB (Rev. 04/2011/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11915> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08928>), entitled "Candidate Oath – School Board Nonpartisan Office."

6. DS-DE 303JU (Rev. 04/2011/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11914> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08927>), entitled, "Candidate Oath – Judicial Office."

7. DS-DE 300FO (Rev. 04/2011/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11913> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08924>), entitled "Candidate Oath – Federal Office."

8. DS-DE 306WP (Rev. 04/2011/17) (<http://www.flrules.org/Gateway/reference.asp?No=Ref-11912> <http://www.flrules.org/Gateway/reference.asp?No=Ref-08930>), entitled, "Candidate Oath – Write-In for President and Vice President."

(b) The forms in paragraph (4)(a), are available from the Division of Elections, R.A. Gray Building, Room 316, 500 South Bronough Street, Tallahassee, Florida 32399-0250, by contact at (850)245-6200, or by download from the Division's webpage at: <http://dos.myflorida.com/elections/forms-publications/forms/>.

(5) Candidate withdrawal. A candidate may withdraw his or her candidacy by submitting a document specifying the candidate's withdrawal from the particular public office he or she seeks to the qualifying office before which he or she qualifies (or has qualified) by mail, facsimile, email, photocopy, scanned copy or other type of electronic transmission that contains the signature of the candidate. The withdrawal is not effective until it is received by the qualifying office.

Rulemaking Authority 20.05(1)(e), 20.10(3), 97.012(1), 99.061(10), 103.022 FS. Law Implemented 20.05(1)(b), 99.061, 99.095, 103.022, 105.031(1), 105.035 FS. History—New 12-6-84, Formerly 1C-7.001, 1C-7.0001, Amended 2-13-90, 11-7-10, 9-7-11, 1-

1-14, 1-2-18, 4-2-20.

THIS RULE TAKES EFFECT UPON BEING FILED WITH THE DEPARTMENT OF STATE UNLESS A LATER TIME AND DATE IS SPECIFIED IN THE RULE.

EFFECTIVE DATE: Immediately.

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