

# 2022 Election Cycle Calendar

## Elections

**Primary**  
August 23, 2022

**General**  
November 8, 2022

## Petition Deadlines

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Judicial, State Attorney  
and Public Defender Candidates

Noon, Monday, March 28, 2022

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Federal, Statewide, Multi-County, County  
and District Candidates

Noon, Monday, May 16, 2022

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## Candidate Qualifying Dates

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Judicial, State Attorney  
and Public Defender Candidates

Noon, Monday, April 25, 2022

Noon, Friday, April 29, 2022

*\*Note: Qualifying papers will be accepted beginning April 11, 2022, pursuant to Section 99.061(8) F.S.*

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Federal, Statewide, Multi-County, County  
and District Candidates

Noon, Monday, June 13, 2022

Noon, Friday, June 17, 2022

*\*Note: Qualifying papers will be accepted beginning May 30, 2022, pursuant to Section 99.061(8), F.S.*

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## Voter Registration Books Close

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Primary Election

July 25, 2022

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General Election

October 11, 2022

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**STATEMENT OF  
CANDIDATE**

**(Section 106.023, F.S.)**

(Please print or type)

**OFFICE USE ONLY**

I, \_\_\_\_\_ ,  
candidate for the office of \_\_\_\_\_ ;  
have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes.

X

\_\_\_\_\_  
Signature of Candidate

\_\_\_\_\_  
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

**STATEMENT OF  
CANDIDATE  
FOR JUDICIAL OFFICE**

**(Section 105.031(5), F.S.)**

(Please Type)

OFFICE USE ONLY

I, \_\_\_\_\_

a judicial candidate, have received, read, and understand the requirements of the Florida Code of Judicial Conduct.

\_\_\_\_\_  
(Signature of candidate)

\_\_\_\_\_  
(Date)

Each candidate for judicial office, including an incumbent judge, shall file a statement with the qualifying officer, within 10 days after filing the Appointment of Campaign Treasurer and Designation of Campaign Depository.

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

**NOTE: This form must be on file with the qualifying officer before opening the campaign account.**

**OFFICE USE ONLY**

**1. CHECK APPROPRIATE BOX(ES):**

Initial Filing of Form      Re-filing to Change:  Treasurer/Deputy     Depository     Office     Party

2. **Name of Candidate** (in this order: First, Middle, Last)

3. Address (include post office box or street, city, state, zip code)

4. Telephone

5. E-mail address

(      )

6. **Office sought** (include district, circuit, group number)

7. **If a candidate for a nonpartisan office, check if applicable:**

My intent is to run as a Write-In candidate.

8. **If a candidate for a partisan office, check block and fill in name of party as applicable:** My intent is to run as a

Write-In     No Party Affiliation     \_\_\_\_\_ Party candidate.

9. **I have appointed the following person to act as my**     Campaign Treasurer     Deputy Treasurer

10. Name of Treasurer or Deputy Treasurer

11. Mailing Address

12. Telephone

(      )

13. City

14. County

15. State

16. Zip Code

17. E-mail address

18. **I have designated the following bank as my**     Primary Depository     Secondary Depository

19. Name of Bank

20. Address

21. City

22. County

23. State

24. Zip Code

**UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.**

25. Date

26. Signature of Candidate

**X**

27. **Treasurer's Acceptance of Appointment** (fill in the blanks and check the appropriate block)

I, \_\_\_\_\_, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:     Campaign Treasurer     Deputy Treasurer.

**X**

\_\_\_\_\_ Date

\_\_\_\_\_ Signature of Campaign Treasurer or Deputy Treasurer



# Chris H. Chambliss

## Supervisor of Elections Clay County, Florida

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Upon filing a **DS-DE 9, State of Florida Appointment of Campaign Treasurer and Designation of Campaign Depository** with the Supervisor of Elections Office, you will be e-mailed a **Candidate ID, Password and two Electronic Filing Numbers (Pins)** along with detailed instructions for the electronic filing process.

The reporting process is summarized below:

1. Go to **www.ClayElections.gov**
2. Select Candidates and Committees
3. Select Electronic Reporting Login
4. Enter assigned "**Candidate ID**" and "**Password**" and select Login
5. Once the report is properly completed, the Candidate and Treasurer will each enter his/her pin number and submit the report electronically (both pins must be entered). The report must be submitted by midnight of the reporting period due date. Once submitted, the report will be considered filed and will be posted on-line upon review.

The Electronic Reporting Login allows you to enter a **Candidate Biography and Photograph** to provide voters with information about yourself.

- Select the button at the top of the screen labeled "Edit Candidate Bio Information/Upload Photo"

To file financial reports you will need a computer equipped with:

- An internet connection
- A web browser configured to accept cookies and with pop-up blockers disabled.
- Adobe Acrobat Reader (free to download from [www.Adobe.com](http://www.Adobe.com))

If a system meeting these requirements is unavailable to you, the Supervisor of Elections office has designated a system, which is available during the regular business hours (8:30 a.m. to 4:30 p.m. Monday-Friday).

Candidate / Committee filing support will be available during regular business hours by contacting Kemie Mahan at (904) 269-6350 or via e-mail at **Candidates@ClayElections.gov**.

# 2022 Calendar of Reporting Dates

<u>Report Code</u>	<u>Cover Period</u>	<u>Due Date</u>
2021 M12	12/1/21 – 12/31/21	1/10/2022
2022 M1	1/1/22 – 1/31/22	2/10/2022
2022 M2	2/1/22 – 2/28/22	3/10/2022
2022 M3	3/1/22 – 3/31/22	4/11/2022
2022 M4	4/1/22 – 4/30/22	5/10/2022
2022 M5	5/1/22 – 5/31/22	6/10/2022

2022 P1	6/1/22 – 6/17/22	6/24/2022
2022 P2	6/18/22 – 6/24/22	7/8/2022
2022 P3	6/25/22 – 7/8/22	7/22/2022
2022 P4	7/9/22 – 7/22/22	7/29/2022
2022 P5	7/23/22 – 7/29/22	8/5/2022
2022 P6	7/30/22 – 8/5/22	8/12/2022
2022 P7	8/6/22 – 8/18/22	8/19/2022

2022 G1	8/19/22 – 8/26/22	9/2/2022
2022 G2	8/27/22 – 9/9/22	9/16/2022
2022 G3	9/10/22 – 9/23/22	9/30/2022
2022 G4	9/24/22 – 10/7/22	10/14/2022
2022 G5	10/8/22 – 10/21/22	10/28/2022
2022 G6	10/22/22 – 11/3/22	11/4/2022

# Qualifying Fee and Petition Information for 2022 Election

## ~ Local Candidates ~

Office	Salary*	Filing Fee 3%	Assessment Fee 1%	Party Assmnt Fee (Dem/Rep) 2%	Total Fees		Registered Voters Last Gen Election	Petitions
					Dem/Rep	NPA		
<b>Florida Statutes</b>		99.061(2), 99.0955(2), 105.031(3)	99.092(1), 99.093(1)	99.061(2), 103.121,				99.095
<b>BCC</b>	\$37,000	\$1,110.00	\$370.00	\$740.00	\$2,220.00	\$1,480.00		
Dist 2							39,020	329**
Dist 4							29,834	329**
<b>School Board</b>	\$39,708	\$1,191.24	\$397.08	N/A	\$1,588.32		164,747	1,648
Dist 1, 4, & 5								
<b>County Court Judge</b>	\$156,377	\$4,691.31	\$1,563.77	N/A	\$6,255.08		164,747	1,648
Group 1								
<b>Special Districts &amp; CDDs</b>								
<b>Armstrong CDD</b>	Seats 3 & 4				\$25.00			25
<b>Clay County Soil &amp; Water</b>	Seats 1, 3, & 5				\$25.00			25
<b>Crossings at FI CDD</b>	Seats 3 & 4				\$25.00			25
<b>Double Branch CDD</b>	Seats 2 & 4				\$25.00			25
<b>Fleming Island Plant. CDD</b>	Seats 1, 2, & 5				\$25.00			25
<b>Lake Asbury MSBD</b>	Seats 1, 2, 3, 4, 6, 7, 8, & 9				\$25.00			25
<b>Magnolia West CDD</b>	Seats 1, 2, & 3				\$25.00			25
<b>Middle Village CDD</b>	Seats 1, 3, & 5				\$25.00			25
<b>Pine Ridge CDD</b>	Seats 1 & 3				\$25.00			25
<b>Ridgewood Trails CDD</b>	Seats 2 & 4				\$25.00			25
<b>Rolling Hills CDD</b>	Seats 2, 4, & 5				\$25.00			25
<b>South Village CDD</b>	Seats 1, 3, & 5				\$25.00			25
<b>Two Creeks CDD</b>	Seats 4 & 5				\$25.00			25

### Judicial Candidates: Circuit & County Judges

Petitions must be submitted by 3/28/22 at noon.

Qualifying papers can be accepted beginning 4/11/22

Candidate Qualifying - 4/25/22 at noon until noon on 4/29/22

Fees to be paid during qualifying period if not filing by petition method.

**Qualifying check must be drawn from the campaign account.**

### Write-in Candidates

No qualifying fees or petitions need to be submitted.

Write-in candidates need to file all paperwork during qualifying week

A campaign account & treasurer must be designated.

Name does not appear on the ballot

\* The fee for petition verification is 10¢ per signature.

\* Salary information provided by the Office of Economic and Demographic Research.

\*\* Florida Statute 99.095(2)(d) In a year of apportionment, any candidate for county or district office seeking ballot position by the petition process may obtain the required number of signatures from any registered voter in the respective county, regardless of district boundaries. The candidate shall obtain at least the number of signatures equal to 1 percent of the total number of registered voters, as shown by a compilation by the department for the immediately preceding general election, divided by the total number of districts of the office involved.

### Federal, Statewide, Multicounty, County and Special District Candidates

Petitions must be submitted by 5/16/22 at noon.

Qualifying papers can be accepted beginning 5/30/22

Candidate Qualifying - 6/13/22 at noon until noon on 6/17/22

Fees paid during qualifying period if not filing by petition method.

**Qualifying check must be drawn from the campaign account.**

### Special District Candidates

A special district candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to appoint a campaign treasurer or designate a campaign depository. The qualifying fee is not required to be drawn upon the candidate's campaign account.

# 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 not be valid as a 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 \_\_\_\_\_  
placed on the Primary/General Election Ballot as a: [check/complete box, as applicable]

Nonpartisan  No party affiliation  \_\_\_\_\_ Party candidate for the office of

\_\_\_\_\_  
(insert title of office and include district, circuit, group, seat number, if applicable)

**Date of Birth or Voter Registration Number**  
(MM/DD/YY)

**Address**

**City**

**County**

**State**

**Zip Code**

**Signature of Voter**

**Date Signed (MM/DD/YY)**  
[to be completed by Voter]



### **1S-2.045 Candidate Petition Process.**

#### **(1) Qualification by Petition.**

(a) A person who seeks to qualify as a candidate for any office may have the qualifying fee and party assessment required by chapters 99 and 105, F.S., waived by satisfying the petition requirements of this rule and sections 99.095 and 105.035, F.S. Such person must still satisfy all other requirements for qualification set out in chapters 99 and 105, F.S.

(b) Persons who seek to have their names printed on the ballot as candidates for President and Vice President of the United States as no party affiliated candidates and minor political parties that are not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States shall comply with the petition requirements in this rule to have the candidates' names placed on the ballot.

(2) Required Number of Signatures. Except in a year of apportionment as specified in sections 99.095 and 99.09651, F.S., a candidate shall obtain the number of signatures of voters in the geographical area represented by the office sought equal to at least 1 percent of the total number of registered voters of that geographical area, as shown by the compilation by the Department of State for the immediately preceding general election. Special district candidates may qualify by obtaining at least 25 signatures of voters in the geographical area represented by the office sought. Except for special district candidates who have not collected contributions and whose only expense is the signature verification fee and federal candidates, signatures may not be obtained until the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to section 106.021, F.S.

#### **(3) Format of Petition.**

(a)1. Except for presidential and vice presidential candidates, the format of a candidate petition shall be in accordance with Form DS-DE 104 (effective 9/11), entitled "Candidate Petition" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00623>).

2. The format of a candidate petition for presidential and vice presidential candidates seeking ballot position as no party affiliated candidates shall be in accordance with DS-DE Form 18A (effective 09/11), entitled "President and Vice President Candidate Petition – No Party Affiliation" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00624>), and the format of the candidate petition for a minor political party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States shall be in accordance with Form DS-DE 18B (effective 9/11), entitled "President and Vice President Candidate Petition – Minor Political Party" (<http://www.flrules.org/Gateway/reference.asp?No=Ref-00625>).

3. Forms DS-DE 18A, 18B and 104 are hereby incorporated by reference and are available from the Division of Elections, Room 316, R. A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://elections.myflorida.com>.

(b) Forms DS-DE 18A, 18B, and 104 must be reproduced for use by candidates in their exact wording and formats without any changes in their text or formats, except the forms may be reduced or enlarged proportionally in size as a whole document. Also, candidates may use color highlights, circles, X's, arrows, or similar markings that draw attention to items on the form, as well as using cross-outs, line-throughs, or similar markings on items on the form that are not applicable to their candidacy. The forms may not be less than 3 inches by 5 inches and no larger than 8 1/2 inches by 11 inches. Each form must be submitted for verification as a separate card or individual sheet of paper. Candidates may have the forms translated into a minority language if the format of the forms and their blank entries remain the same. If a translated version is made, the forms may be made into a two-sided form with one side in English and the other side in a minority language; however, a voter shall complete only one side of the form. If both sides should be completed, the supervisor of elections to whom the form is submitted shall verify only the signature on the English side of the form.

(c) Except for the signature of the voter and date the voter signs the form, the entries on Forms DS-DE 18A, 18B and 104 may be completed prior to the voter signing and dating the form.

(d) A separate petition form is required for each candidate.

(e) The petition form may be included within a larger advertisement, provided the form is clearly defined by a solid or broken border. If included within a larger advertisement, the petition form may have information from the advertisement on the reverse of the petition form; otherwise, when used as a standalone petition form, it may only have a translation into a minority language on its reverse.

(f) The candidate's name on the petition form may be either a variation of the candidate's legal name or the name that the candidate places on the candidate oath in section 99.021, F.S.

#### **(4) Submission of Petition.**

(a) Each Form DS-DE 104 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 the signee is registered to vote.

(b) Each Form DS-DE 18A or Form DS-DE 18B must be submitted no later than July 15 of each presidential election year to the supervisor of elections of the county in which the signee is registered to vote.

(c) It is the responsibility of the candidate or minor political party, as applicable, to ensure that the signed petition form is properly filed with, or if misfiled, forwarded to the supervisor of elections of the county in which the signee is registered to vote. If the supervisor of elections determines that the signer of the petition is not a registered voter in his or her county, the supervisor of elections shall notify the candidate or minor political party, as applicable, that the petition has been misfiled. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county.

(d) A voter has no authority to revoke his or her signature on a petition after the petition is submitted to the supervisor of elections or other applicable filing officer.

(5) Verification of Signatures.

(a) Upon receipt of candidate petition forms and payment of applicable signature verification fees, the supervisor of elections shall verify the signatures on each petition form to ensure that each person signing the petition form is a registered voter in the county, district, or other geographical area represented by the office sought, unless otherwise specified in sections 99.095 and 99.09651, F.S.

(b) Except for special district candidates who have not collected contributions and whose only expense is the signature verification fee and federal candidates, the supervisor of elections shall also verify that the date the voter signed the petition form is on or after the date the candidate filed the appointment of campaign treasurer and designation of campaign depository pursuant to section 106.021, F.S., with the appropriate filing officer.

(c) 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, unless otherwise specified in sections 99.095 and 99.09651, F.S.

(d) No signature on a candidate petition form shall be counted toward the number of signatures required unless it is on the candidate petition form prescribed by the Division in this rule.

(e) A signature on a candidate petition form shall not be counted toward the number of signatures required if the voter has previously signed a candidate petition form for the same candidate for the same office in the same election that had been verified as valid.

(f) In addition to the above requirements, the supervisor of elections shall not verify as valid a signature on a candidate petition form unless all of the following information is contained on the petition form:

1. The voter's name;
2. The voter's address (including city and county);
3. The voter's complete voter registration number or date of birth (to include the month, day, and year) that matches the date of birth on the voter's registration application;
4. The voter's original, ink signature; and,
5. The date the voter signed the petition (to include the month, day, and year) as recorded by the voter.

(g) If all other requirements for the petition are met, a signature on a petition shall be verified and counted as valid for a registered voter if, after comparing the signature on the petition and the signature of the registered voter in the voter registration system, the supervisor is able to determine that the petition signer is the same as the registered voter, even if the name on the petition is not in substantially the same form as in the voter registration system.

(h) If a voter signs a petition and lists an address other than the legal residence where the voter is registered, the supervisor shall treat the signature as if the voter had listed the address where the voter is registered.

(i) The following represents a nonexclusive listing of examples based upon the requirements in this rule that will make the candidate petition invalid:

1. The petition is signed and dated before the candidate has filed the appointment of campaign treasurer and designation of campaign depository pursuant to Section 106.021, F.S., unless the candidate is a special district candidate who has not collected contributions and whose only expense is the signature verification fee or the candidate is a candidate for federal office.

2. The petition has a different party affiliation or office being sought by the candidate than that listed by the candidate on the current form the candidate has on file for the appointment of campaign treasurer and designation of campaign depository pursuant to section 106.021, F.S.

3. The petition fails to list a group, seat, or district designation, except when otherwise provided by law.
  4. The petition indicates conflicting or incorrect information regarding the candidate's status as a nonpartisan, no party affiliated, or party affiliated candidate. Conflicting information on DS-DE 104 is not deemed to have occurred if the boxes for "Nonpartisan" and "No party affiliation" are X'ed out along with the words "Nonpartisan" and "No party affiliation" being X'ed out and an "X" or similar marking also appears in the box preceding the "\_\_\_\_\_ Party" entry on the form when the petitions lists the name of the party; in this situation, the petition is to be considered as a candidate petition for the named party.
  5. The petition is signed by a voter who is not a registered voter in the county, district, or other geographical area represented by the office sought, unless otherwise specified in sections 99.095 and 99.09651, F.S., at both the time of signing and verification of the petition.
  6. The petition is dated after the date the petition is submitted to the supervisor of elections.
  7. The petition fails to contain the original signature of the voter. (Photocopied, scanned, electronic, or facsimile signatures are not original for purposes of this rule.)
  8. The petition is in a different format than the applicable candidate petition form incorporated by reference in this rule.
  9. The petition was circulated for a different election than the election for which the candidate is seeking to qualify, unless the candidate seeks to qualify in an intervening special election for the identical office for which the candidate was originally seeking to qualify. (If the candidate does not seek to qualify for the intervening special election, the candidate may continue to use his or her petitions to qualify in the subsequent general election for the office being sought.)
- (6) Determination of Required Number of Signatures.
- (a) Supervisors of elections shall report online to the Division the number of valid and invalid signatures submitted on candidate petition Forms DS-DE 18A, 18B, and 104 by using the "SOE Handbook on Certifying Candidate Petitions" (Form DS-DE 134, eff. 3/2015) (<https://www.flrules.org/Gateway/reference.asp?No=Ref-05906>) under the section entitled "How to Enter Valid and Invalid Petitions." Form DS-DE 134 is hereby incorporated by reference and is available from the Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, Florida 32399-0250, (850)245-6240, or by download from the Division of Elections' rules webpage or forms webpage at: <http://elections.myflorida.com>.
- (b) No later than 5:00 p.m. on the 7th day before the first day of the qualifying period, supervisors of elections shall submit to the Division of Elections the number of valid and invalid signatures received on Form DS-DE 104 for each candidate for federal, state, multicounty district, or multicounty special district office.
- (c) Supervisors of elections shall submit to the Division of Elections the number of valid and invalid signatures received on Forms DS-DE 18A and 18B, respectively, for each candidate for President and Vice President and minor political party, as applicable, on or before the date of the primary election held in the presidential election year.
- (d) A minor political party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President of the United States and that has obtained the requisite number of signatures on DS-DE 18B shall file with the Department of State no later than September 1 of the year in which the election is held a certificate naming its candidates for President and Vice President of the United States and listing the required number of persons to serve as presidential electors.
- (e) The Division shall determine whether the required number of signatures has been obtained under paragraphs (b) and (c), and shall notify the candidate and minor political party, as applicable.
- (f) Supervisors of elections shall determine whether the required number of signatures have been obtained for candidates for county, district or special district office not covered by paragraph (b) or (c), and shall notify the candidate.
- (g) If the required number of signatures has been obtained, the candidate is eligible to qualify pursuant to section 99.061 or 105.031, F.S., as applicable.
- (7) Effect on Previously Approved Candidate Petition Form. Only forms DS-DE 18A, 18B, and 104, approved by the Division of Elections with an effective date of 9/2011, may be used and circulated for signature gathering. No other versions of a candidate petition form may be used after the effective date of this rule.

*Rulemaking Authority 20.10(3), 97.012(1), 99.095, 99.097(1), 105.035(2) FS. Law Implemented 99.095, 99.061, 99.097, 103.021, 105.031, 105.035 FS. History—New 10-23-07, Amended 11-7-10, 12-5-11, 1-1-14, 10-18-15.*

### **1S-2.010 Advisory Opinions.**

(1) General. The Division of Elections has the responsibility to render advisory opinions as to the application of Chapters 97 through 106, F.S.

(2) Those Who May Receive Advisory Opinions.

(a) Those who may formally request and receive advisory opinions as provided for in this rule include the following:

1. Supervisors of Elections.

2. Candidates.

3. Local officers having election related duties.

4. Political parties.

5. Registered political committees.

6. Certified committees of continuous existence.

7. Other persons or organizations engaged in political activity; that is, persons or members of an organization which are actually involved in the action which is the concern of the request.

(b) A representative may request an opinion in the name of his or her principal; however, the opinion will be addressed to the principal.

(3) Subject Matter of Advisory Opinions. Advisory opinions may be rendered only with respect to provisions or possible violations of Florida election law with respect to actions taken or proposed to be taken by a person or entity listed in subsection 1S-2.010(2), F.A.C.

(4) Form of Requests for Opinions. Requests for advisory opinions, pursuant to section 106.23(2), F.S., shall occur only in the form of a written request to the Florida Department of State, Division of Elections. Such request may be accompanied by pertinent attachments, exhibits and memoranda, but must contain the following information in the body of the request:

(a) Name of Requestor.

(b) Address of Requestor.

(c) Statutory provision(s) of Florida election law on which advisory opinion is sought.

(d) Description of how this statutory provision may or does affect the requestor.

(e) Possible violation of Florida election laws on which advisory opinion is sought.

(f) The precise factual circumstances giving rise to the request.

(g) The point(s) on which the requestor seeks an opinion.

(h) Additional relevant information.

(i) Statement of necessity, if any, to expedite division's response.

(5) Division Disposition.

(a) The division will prepare a written response to the request in a timely manner. The division shall not be limited to analyzing statutory provisions set forth in a request for an advisory opinion in its preparation of a response to the request.

(b) Once the opinion is rendered, the division shall forward a copy of it to the requestor and each county Supervisor of Elections and to any person or organization upon request.

(6) Indexing.

(a) Advisory opinions shall be dated and indexed by subject matter.

(b) Opinions shall be numbered sequentially. The first two digits of the advisory opinion shall be the last two digits of the year in which the opinion was rendered. Following the year shall be a dash and the number of the opinion.

(7) Verbal, Telephone or Other Informal Advice. The process described in the preceding provisions of Rule 1S-2.010, F.A.C., is the only process by which the Division of Elections is authorized to provide advisory opinions pursuant to section 106.23(2), F.S. Other telephone, verbal or written advice does not constitute an advisory opinion rendered pursuant to that law.

*Rulemaking Authority 106.22(9) FS. Law Implemented 106.23(2) FS. History—New 9-17-79, Amended 1-31-80, Formerly 1C-7.10, 1C-7.010, Amended 12-9-03.*



# Guidelines for Determining When Residency Qualifications for Elected Office Must be Met

*DE Reference Guide 0008 (Updated 02/2020)*

*These guidelines are for reference only. They are not to be construed as legal advice or representation. For any particular set of facts or circumstances, refer to the applicable state, federal law, and case law, and/or consult a private attorney before drawing any legal conclusions or relying upon this information.*

## RESIDENCY REQUIREMENTS – GENERAL OVERVIEW

- **In general.** Unless otherwise provided for constitutionally, legislatively or judicially, any residency requirement for an elected office must be met at the time of assuming office. (For example, the Governor must have resided in the state for 7 years by time of election. *See* s. 5, Art. IV, Fla. Const.)
- **Oath.** State law requires that all candidates at the time of qualifying subscribe to an oath (s. 99.021, F.S.) that they are qualified electors of their county. In order to be a qualified elector, one must be a resident of Florida and the county wherein he or she registers to vote. The oath also provides that the candidate is qualified for the office being sought. However, this oath is considered prospective in nature – it becomes effective at the time of assuming office, unless otherwise provided for constitutionally, legislatively or judicially. *See Davis v. Crawford*, 116 So. 41 (Fla. 1928); *State v. Haskell*, 72 So. 651 (Fla. 1916).
- **Continuous residency.** Any residency requirement for an office is a continuous one. Failure to maintain the residency throughout the term results in vacancy in office. *See* generally s. 3, Art. X, Fla. Const. and s. 114.01(1)(g), F.S. In absence of a statute, constitutional provision, or municipal ordinance that establishes a residency requirement, failure to establish or maintain residency alone does not trigger a vacancy in office. *See* AGO 75-113; AGO 88-11 (exception for redistricting).

## RESIDENCY REQUIREMENTS – SPECIFIC OFFICES

- **The following represent situations where the law addresses when residency requirements must be met for candidates and elected officials.**

### ➤ CITY COMMISSIONER

- **At the time of assuming office, unless provided otherwise by city charter or ordinance.**
- *See* DE 94-04; DE 92-10; *Nichols v. State*, 177 So.2d 467 (Fla. 1965) & *Marina v. Leahy*, 578 So.2d 382 (Fla. 3<sup>rd</sup> DCA 1991)(re: reasonable durational residency requirements).

### ➤ CONGRESSIONAL MEMBERS (U.S. SENATORS AND U.S. REPRESENTATIVES)

- Must be an inhabitant of the state when elected. (ss. 2 & 3, Art.1., U.S. Constitution)
- States have no authority to add residency requirements to federal offices.
- Questions about residency relating to a U.S. Senator or U.S. Representative should be directed to the respective Congressional chamber which has *exclusive* jurisdiction over the qualifications including the residency of its membership. *See* s. 5, Art. I., U.S. Constitution.
- Addresses: Clerk of U.S. House of Representatives, U.S. Capitol, Room H154, Washington, DC 20515–6601; phone: (202) 225–7000; Secretary of the Senate, United States Senate, Washington, D.C. 20510; phone: (202) 224-3121.

### ➤ COUNTY COMMISSIONER

- **At the time of election.**
- *See State v. Grassi*, 532 So.2d 1055 (Fla. 1988); s. 1(e), Art. VIII, Fla. Const.; DE 92-10, DE 94-04; & AGO 74-293.

- **CONSTITUTIONAL COUNTY OFFICERS (E.G., CLERK OF COURT, SUPERVISOR OF ELECTIONS, PROPERTY TAX APPRAISER, SHERIFF<sup>1</sup>, ETC.)**
  - **At the time of assuming office.**
  - By analogy, see *Advisory Opinion to Governor*, 192 So.2d 757 (Fla. 1966); DE 90-30, DE 92-10, & DE 94-04 (no minimum residency requirements set out in Florida Constitution but there may be county charters that mandate some durational residency).
- **GOVERNOR, LIEUTENANT GOVERNOR, AND CABINET MEMBERS**
  - **At the time of election.**
  - Must be resident of State for preceding seven years. See s. 5, Art. IV, Fla. Const.
- **JUDGES**
  - **At the time of assuming office.**
  - By analogy, see *Advisory Opinion to Governor*, 192 So.2d 757 (Fla. 1966); DE 94-04, & DE 78-31; s. 8, Art. V, Fla. Const. (justice/judge must be elector of state and reside in territorial jurisdiction of court).
- **LEGISLATORS (STATE SENATORS AND REPRESENTATIVES)**
  - **At the time of election.**
  - A legislator assumes office on Election Day (*Ruiz v. Farias*, 43 So. 3d. 124, 127 (Fla. 3DCA 2010)).
  - See s. 15, Art. III, Fla. Const. (for qualifications, including residency). A legislator must be resident of district 'from which elected' and be a resident in state for two years prior to election.
  - Further questions about residency should be directed to the respective Florida legislative chamber which has *exclusive* jurisdiction over the qualifications of its members. See Senate and House's publication for [Joint Rules of the Florida Legislature](#) 7.1 which addresses residency for its respective membership.
- **SCHOOL BOARD MEMBER**
  - **At the time of qualifying.**
  - See ss. 1001.34 & 1001.361, F.S.; and DE 82-02 & 94-04. Note: s. 1000.361 was formerly 230.10, F.S.
- **SCHOOL SUPERINTENDENT**
  - **At the time of assuming office.**
  - See DE 94-04; s. 1001.463, F.S., failure to maintain residency results in vacancy (implies residency requirement); s. 5, Art. IX, Fla. Const. (4-yr term); s. 1001.46, F.S. (elected); s. 1001.461, F.S. (appointed).
- **WRITE-IN CANDIDATE**
  - **Refer to particular office listed above.**

#### RESIDENCY QUESTIONS

- Any questions regarding residency requirements for officials *not* expressly stated in the Florida Election Code should be addressed to the Florida Attorney General's Office.

**Sources:** Advisory opinions for Division of Elections (<http://dos.myflorida.com/elections/>); Attorney General Opinions (<http://myfloridalegal.com>); statutes, U.S. and Florida constitutions, and case law.

<sup>1</sup> For Sheriff residency, see [DE 18-11](#) (No residency requirements exist for a county sheriff other than those required by being a qualified elector, *i.e.*, being a legal resident of Florida and of the county in which the sheriff is registered to vote.)