INTEGRITY ACCOUNTABILITY SERVICE

JUDICIAL PACKET

Main Office
240 South Military Trail | West Palm Beach, FL 33415

Candidate Services:
Amber Sacks
Candidate Department Manager

SUPERVISOR OF ELECTIONS
VOTE
PALM BEACH COUNTY, FLORIDA

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 <u>nonpartisan</u> office, check if applicable:** ☐ My intent is to run as a Write-In candidate.

8. **If a candidate for a <u>partisan</u> 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

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.

reset print

Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.votepalmbeach.gov

NOTICE OF PUBLICATIONS & RESPONSIBILITIES

As a candidate in Palm Beach County, the Supervisor of Elections office is notifying you of the publications that are available on the Division of Elections website for use during your campaign. The Division of Elections website is: ***dos.myflorida.com/elections***

Division of Elections > Forms & Publications > Publications

- Candidate and Campaign Treasurer Handbook
- Candidate Petition Handbook
- Compilation of Election Laws
- Constitution of Florida
- Election Dates and Activities

I acknowledge that I have read and received written notice of the publications.

Name of Candidate	Signature of Candidate
Office Seeking	Date
Deputy's Initials	

Release of Liability

The materials and information contained on the above website are for general informational purposes only and are under the exclusive control of the Florida Division of Elections. The Palm Beach County Supervisor of Elections is not responsible for the content therein. You should not rely solely upon the materials or information on the website, but rather you should apprise yourself of all applicable laws and rules when making any legal decisions.

Wendy Sartory Link
Palm Beach County Supervisor of Elections
www.votepalmbeach.gov

GUIDELINES FOR CANDIDATE BIOGRAPHICAL INFORMATION

It is the desire of the Supervisor of Elections to make available as much information as possible to the voting public. Therefore, VotePalmBeach.gov can be used to provide certain candidate information to the public.

Information provided by the candidate is optional. Because this is a service provided by the Supervisor of Elections, the Supervisor reserves the right to edit the content or not release the information provided by the candidate. Information will not be posted to the website until the Supervisor of Elections receives this form signed.

The following information may be included in the candidate's posting for public view. The information must be factual and the candidate may include a link to his/her website.

Subjective comments, political platforms/opinions, and attacks on entities/persons will **not** be accepted.

Personal Information ... tell us about your family, hobbies, special interests.

Education Background ... include any information related to your education from high school through college and graduate level, if applicable.

Professional Background ... list jobs you have held, or organizations in which you have held membership.

Community Activities/Involvement ... list service organizations in which you have held membership, or other community involvement.

Photo of Candidate ... upload a photograph of yourself. No pictures will be posted if family members, pets, place of employment or recreation, props, etc. are included. Candidates standing/sitting beside or in front of Flag(s) of the United States and/or the State of Florida are acceptable.

Candidate's Name _____

Office Sought _____

Candidate's Signature _____ Date _____

By signing this document, I certify that I have read the above criteria to be used for posting information about my candidacy to VotePalmBeach.gov and agree to abide by the guidelines. I understand that the Supervisor of Elections has the right to edit all information submitted.

Judicial Resources

The Code of Judicial Conduct for the State of Florida is available on the Florida Supreme Court website.

- www.floridasupremecourt.org
- Click on 'Opinions'
- On the right side of the page, click on:
    - Code of Judicial Conduct
    - Understanding Canon 7
    - Judicial Elections

2023 Calendar of Reporting Dates

Candidates, Political Committees and
Electioneering Communications Organizations
registered with the Division of Elections

Cover Period	Report Code	Due Date
12/1/22 – 12/31/22	2022 M12	1/10/2023
1/1/23 – 1/31/23	2023 M1	2/10/2023
2/1/23 – 2/28/23	2023 M2	3/10/2023
3/1/23 – 3/31/23	2023 M3	4/10/2023
4/1/23 – 4/30/23	2023 M4	5/10/2023
5/1/23 – 5/31/23	2023 M5	6/12/2023
1/1/2022 – 12/31/2022	2022 MUC* (PC Only)	7/1/2023
6/1/23 – 6/30/23	2023 M6	7/10/2023
7/1/23 – 7/31/23	2023 M7	8/10/2023
8/1/23 – 8/31/23	2023 M8	9/11/2023
9/1/23 – 9/30/23	2023 M9	10/10/2023
10/1/23 – 10/31/23	2023 M10	11/13/2023
11/1/23 – 11/30/23	2023 M11	12/11/2023
12/1/23 – 12/31/23	2023 M12	1/10/2024

* If not reported as individual contributions when received, a political committee must report contributions that comprise multiple uniform contributions from the same person aggregating no more than $250 per calendar year, collected by an organization that is the affiliated sponsor of the political committee. The report must list the name, address, and occupation of the person making the contribution; however, the occupation need not be listed if the aggregate contribution from the person is $100 or less.

Calculation of Fine for Late Campaign Treasurer's Report

DE Reference Guide 0013 (eff. 09/2018)

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.

WHAT IS A FILING OFFICER'S DUTIES REGARDING FINES?

- Notify immediately, as applicable, the candidate, chair of the political committee, the electioneering communication organization, or chair of the political party executive committee that the candidate, committee or organization has failed to file a campaign finance report by the applicable due date and that a fine is being assessed for each late day. (*See* Sections 106.07(8)(b), 106.0703(7)(b), and 106.29(3)(b), F.S.)
- Determine the late fine amount and notify the applicable person or entity.
  - The fine is due to the filing officer within 20 days after receipt of the notice of payment, unless an appeal is made to the Florida Elections Commission.
- Has no authority to waive the fine regardless of the reason – only the Florida Elections Commission has that authority.
- Must report to the Florida Elections Commission any repeated late filings, the failure to file a report after notice, and a failure to pay the fine.

HOW IS THE TYPE OF REPORT, ENTITY, AND "FINE RATE" DETERMINED?

- **Candidate, political committee (PC), or electioneering communication organization (ECO**) (Sections 106.07 and 106.0703, F.S.)
  - Reports due immediately preceding an election: $500 for each day late.
  - Termination reports: $50 for each day late (Only candidates file "termination" reports. PCs and ECOs file their final activity in the next regularly scheduled report after the PC/ECO notice of termination is filed with the filing officer).
  - All other reports: $50 for the first 3 days, $500 each day thereafter.
- **State executive committees and affiliated party committees** (Section 106.29, F.S.)
  - Reports due immediately preceding a special election or general election: $10,000 for each day late.
  - All other reports: $1,000 for each day late.
- **County Executive Committees** (Section 106.29, F.S.)
  - Reports due immediately preceding a special election or general election: $500 for each day late.
  - All other reports: $50 for each date late.

HOW IS THE NUMBER OF "LATE" DAYS CALCULATED? (*SEE* DE 91-07 AND EXAMPLES ON NEXT 2 PAGES)

- The first late day ***begins*** on the day after the campaign treasurer's report is due***.***
- The number of days late includes ***weekends and holidays***.
- The last late day ***ends*** on (and includes) the earliest of the date:
  - The filing officer receives the report
  - The report is postmarked
  - A certificate shows mailed
  - An established courier company's receipt shows received, or
  - An electronic filing system shows received.

HOW IS THE FINE CALCULATED?

- **STEP 1:** Calculate the fine based upon the Daily Method, i.e.,
  - Multiply the number of days late by the appropriate "fine rate" (as specified on prior page).
- **STEP 2:** Calculate the fine based upon the Percentage Method, i.e.,
  - Review expenditures and contributions in the report in question.
  - Multiple the ***greater*** of the two by 25% (i.e., by .25).
    Note: The percentage method is not used for late-filed reports that are due immediately preceding a special election or general election for political parties or affiliated party committees (section 106.29, F.S.)
- **STEP 3:** Compare the fine amounts calculated using the Daily Method versus the Percentage Method**.**
- **STEP 4:** The amount of the fine will be the ***lesser*** of the two calculated amounts.

EXAMPLES

- #1 – **Fine for Candidate – Report *not* due immediately preceding an election and not a termination report**
  - Report was 4 days late
  - Expenditures = $10,000; Contributions = $20,000
  - Calculation of fine using daily method – 3 days x $50 per day + 1 day at $500 per day = $650
  - Calculation of fine using percentage method - $20,000 x 25% = $5000
  - Fine to be imposed = $650

- #2 – **Fine for Candidate, Political Committee, or Electioneering Communication Organization - *Report due immediately preceding an election***
  - Report was 5 days late
  - Expenditures = $40,000; Contributions = $0
  - Calculation of fine using daily method – 5 days x $500 per day = $2,500
  - Calculation of fine using percentage method - $40,000 x 25% = $10,000
  - Fine to be imposed = $2,500

- #3 – **Fine for Candidate - Termination report**
  - Report was 5 days late
  - Expenditures = $10,000
  - Calculation of fine using daily method – 5 days x $50 per day = $250
  - Calculation of fine using percentage method - $10,000 x 25% = $2,500
  - Fine to be imposed = $250

- #4 - **Fine for County Executive Committee of a Political Party** – **Report *not* due immediately preceding a special election or general election**
  - Report was 2 days late
  - Expenditures = $10,000; Contributions = $12,000
  - Calculation of fine using daily method – 2 days x $50 per day = $100
  - Calculation of fine using percentage method - $12,000 x 25% = $3,000
  - Fine to be imposed = $100

  Note: If this County Executive Committee report was due immediately preceding a special election or a general election, the percentage method is not applied; therefore, the fine rate would be calculated based solely on the daily method of $500 per day. The calculation using the daily method would be 2 days x $500 per day = $1000. Thus, the fine to be imposed in this example if the report was due immediately preceding a special election or a general election would be $1000.

- #5 – **Fine for Political Committee or Electioneering Communication Organization** – **Report *not* due immediately preceding an election**
  - Report was 10 days late
  - Expenditures = $10,000; Contributions = $12,000
  - Calculation of fine using daily method – 3 days x $50 per day + 7 days x $500 per day = $3,650
  - Calculation of fine using percentage method - $12,000 x 25% = $3,000
  - Fine to be imposed = $3,000

Checklist - Candidate Petition Validation/Signature Verification

DE Election Administration Checklist Series – 0002 (Updated 1/2018)

(SECTION 99.097, FLA. STAT. AND RULE 1S-2.045, FLA. ADMIN. CODE)

These procedural checklists are for optional use by election offices only. Election offices are advised to consult with applicable state, federal and case law and governing rules. ***Any discrepancy*** *or conflict between the information provided here and rules and laws is not intended and should be resolved in favor of the rules and laws.*

I. **A signature may not be verified on a candidate petition form unless all of the following exist on the form:**

- ☐ The voter's[1] name. **Note**: If the name is not substantially the same as the name in the statewide voter registration system, the petition may still be validated if all other requirements for the petition are met after comparing the signatures on the form, and the supervisor of Elections determines that the petition signer is the registered voter. Section 99.097(3)(a), Fla. Stat., and Rule 1S-2.045(5)(g), Fla. Admin. Code.

- ☐ The voter's address (including city and county). **Note**: A missing zip code will not invalidate a petition. The address may be a business or PO Box address. The address need not be the same address on the voter's registration record. If a voter lists an address other than the registration address, the supervisor shall process the petition as if the voter had listed the voter's registration address. *See* s. 99.097(3)(c), Fla. Stat. and Rule 1S-2.045(5)(h), Fla. Admin. Code.

- ☐ The voter's date of birth or voter registration number. **Note**: The date of birth must include the month, day, and year and match the date of birth on the voter's registration record.

- ☐ The voter's original, ink signature. **Note**: The only entries that must be completed by the voter are the signature and the date. An electronic signature is not valid. See Rule 1S-2.045(5)(f)4., Florida Administrative Code, A candidate or petition gathered may prefill all other information.

- ☐ The date (month, day, and year) the voter signed the petition. **Note**: The voter must date the petition. A petition dated after the date the candidate submitted the petition to the supervisor is invalid.

- ☐ The group, seat or district designation for the office is listed if the candidate is running for an office that requires a group, seat or district designation. (**Note**: In a year of apportionment, a district # is not required.)

II. **Other requirements <u>before</u> petition can be validated as verified[2]:**

- ☐ The candidate petition form submitted is the most current adopted Form DS-DE 104 with exact wording and format. **Note**: Exceptions to this requirement, the form: (1) Was reduced or enlarged proportionally in size; (2) Has acceptable color highlights, circles, X's, arrows, or similar markings that draw attention to items on the form, as well as cross-outs, line-throughs, or similar marking s for items that do not apply to the candidate's candidacy; (3) Is translated into a minority language (but the format and blank entries must be the same as the adopted form.) Form DS-DE 104 may be a two-sided form if one side is in a minority language. If both sides are completed, the supervisor may only verify the signature on the English side.

- ☐ At both the time of signing and verifying the petition, the signer, based on the address on record, was a registered voter in the county, district, or other geographical area represented by the office being sought.[3]

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[1] A voter's inactive status does not affect the validity of an otherwise valid and verifiable petition.

[2] ***See*** **Rule 1S-2.045 (5)(i) for examples of items that will make a candidate petition invalid.**

[3] In a year of apportionment: (1) For any federal, state senate, or state representative candidate, the signatures may be obtained from any registered voter in Florida regardless of district boundaries; and (2) Any candidate for county or district office may obtain signatures from any registered voter in the county regardless of district boundaries. The next year of apportionment for congressional and state legislative candidates will be 2022. See sections 99.095(2) and 99.09651, F.S.

- ☐ The voter signed the petition on or after the date the candidate filed Form DS-DE 9 (appointment of campaign treasurer and designation of depository). The only exceptions are if the candidate is: (1) a federal candidate; or (2) a special district candidate who has not collected contributions and whose only expense is the signature verification fee or filing fee. Form DS-DE 9 is not valid until filed (received) and deemed complete by the qualifying officer. The form is not effective upon mailing. See Rule 1S-2.045(5)(f)5., Fla. Admin. Code

- ☐ The party affiliation listed on the petition matches the party affiliation listed on Form DS-DE 9 or if No Party Affiliation (NPA) is listed on the petition, the Form DS-DE 9 must indicate NPA. **Note**: The candidate's party affiliation as indicated in his/her registration records has no bearing on the validity of the petitions. The candidate's voter registration party affiliation does not become an issue until such time as he/she files qualifying documents during the qualifying period.

- ☐ The voter has not previously signed a candidate petition form (for the same candidate for the same office in the same election) that has been already verified as valid.[4] An invalid one does not invalidate a previously validated one.

- ☐ The form was submitted before noon of the 28th day before the first day of qualifying for the office sought to the Supervisor of Elections of the county in which the signee is a registered voter.

[4] See section 104.185, Fla. Stat., a person who knowingly signs a candidate petition more than one time for a candidate commits a 1st degree misdemeanor.

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 (MM/DD/YY) or **Voter Registration Number**	**Address**

City	**County**	**State**	**Zip Code**

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

AFFIDAVIT OF UNDUE BURDEN
(Section 99.097(4), Florida Statutes)

IMPORTANT: (1) Paying signature gatherers will preclude or invalidate the filing of an undue burden oath. Section 99.097(6), Florida Statutes, provides: (a) If any person is paid to solicit signatures on a petition, an undue burden oath may not subsequently be filed in lieu of paying the fee to have signatures verified for that petition. (b) If an undue burden oath has been filed and payment is subsequently made to any person to solicit signatures on a petition, the undue burden oath is no longer valid and a fee for all signatures previously submitted to the supervisor of elections and any submitted thereafter shall be paid by the candidate, person, or organization that submitted the undue burden oath. If contributions as defined in s. 106.011 are received, any monetary contributions must first be used to reimburse the supervisor of elections for any signature verification fees that were not paid because of the filing of the undue burden oath. [Note: The second sentence in (b) applies only when payment is made to a signature gatherer after an undue burden oath had been filed.]
(2) Upon a candidate terminating the campaign, any candidate who qualified by the petition process and who has surplus funds, must first apply the surplus funds to the reimbursement of the signature verification fee (if applicable). *See* s. 106.141(7), Florida Statutes.

****

I certify under oath that I intend to qualify as a candidate for the office of

_____ and that I am unable to pay the fee for verification of petition signatures for that office without imposing an undue burden on my personal resources or on resources otherwise available to me.

X

_____

Signature of Candidate **Print Candidate's Name**

_____

Address **City**

( )

_____

State **Zip** **Telephone Number**

State of Florida

County of _____

Sworn to (or affirmed) and subscribed before me this _____ day of _____, 20____
by _____.

Personally Known: _____ or

Produced Identification: _____

Type of Identification Produced:

_____

_____

Signature of Notary Public – State of Florida
Print, Type or Stamp Commissioned Name of Notary Public

CANDIDATE OATH
JUDICIAL OFFICE

Check box ***only*** if you are seeking to qualify as a write-in candidate:

☐ Write-in candidate

OFFICE USE ONLY

Candidate Oath

(Section 105.031, Florida Statutes)

I, _____ ,

(Print name above as you wish it to appear on the ballot. If your last name consists of two or more names but has no hyphen, check box ☐ (see page 2 - Compound Last Names). No change can be made after the end of qualifying. Although a write-in candidate's name is not printed on the ballot, the name must be printed above for oath purposes.)

am a candidate for the judicial office of _____ , _____ , _____ ,
(Office) *(District #)* *(Circuit #)*

_____ ; my legal residence is _____ County, Florida; I am a qualified elector
(Group #)

of the state and of the territorial jurisdiction of the court to which I seek election; I am qualified under the Constitution and the Laws of Florida to hold the judicial office to which I desire to be elected or in which I desire to be retained; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

Section 876.05, Florida Statutes, oath (only applicable if elected and when term of office begins): I, a citizen of the State of Florida and of the United States of America, and being employed by or an officer of the court system and a recipient of public funds as such employee or officer, do hereby solemnly swear or affirm that I will support the Constitution of the United States and of the State of Florida.

Candidate's Florida Voter Registration Number (located on your voter information card): _____

Phonetic spelling for audio ballot: Print name phonetically on the line below as you wish it to be pronounced on the audio ballot as may be used by persons with disabilities (*see* instructions on page 2 of this form): *[Not applicable to write-in candidates.]*

_____

X ( )

Signature of Candidate Telephone Number Email Address

Address City State ZIP Code

STATE OF FLORIDA

COUNTY OF _____

Sworn to (or affirmed) and subscribed before me by means of

online notarization ☐ *OR* physical presence ☐

this _____ day of _____, 20____.

Personally Known ☐ *OR* Produced Identification ☐

Type of Identification Produced:_____

_____
Signature of Notary Public
Print, Type, or Stamp Commissioned Name of Notary Public below:

Compound Last Names

If your *last* name consists of two or more names and has no hyphen, check the box in the Candidate Oath section. If you fail to check the box, your name will be listed with the name appearing last on the line. Example: John Jones Smith – If the last name has no hyphen and you do not check the box, the last name on the ballot would be "Smith." If you check the box, your last name would be listed on the ballot as "Jones Smith." If you have a hyphen within your last name, the last name would be listed as "Jones-Smith."

Guide for Designating Phonetic Spelling of Candidate's Name for Audio Ballot

1. Use tables below.
2. Use upper case for "stressed" syllables. Use lower case for "unstressed" syllables.
3. Use dashes (-) to separate syllables.
4. Add any notes such as rhyming examples, silent letters, *etc*.

Vowels			
Stressed Vowel Sounds		***Unstressed Vowel Sounds***	
EE	(FEET) f*ee*t	uh	(SO-fuh) sof*a* (FING-guhr) fing*e*r
I	(FIT) f*i*t		
E	(BED) b*e*d		
A	(KAT) c*a*t (KAD) c*a*d		
AH	(FAH-thur) f*a*ther (PAHR) p*a*r		
AH	(HAHT) h*o*t (TAH-dee) t*o*ddy		
UH	(FUHJ) f*u*dge (FLUHD) fl*oo*d		
UH	(CHUHRCH) ch*u*rch		
AW	(FAWN) f*aw*n	***Certain Vowel Sounds with R***	
U	(FUL) f*u*ll	AHR	(PAHR) p*ar*
OO	(FOOD) f*oo*d	ER	(PER) p*air*
OU	(FOUND) f*ou*nd	IR	(PIR) p*eer*
O	(FO) f*oe*	OR	(POR) p*our*
EI	(FEIT) f*i*ght	OOR	(POOR) p*oor*
AI	(FAIT) f*a*te	UHR	(PUHR) p*urr*
OI	(FOIL) f*oi*l		
YOO	(FYOOR-ee-uhs) f*u*rious		

Consonants			
B	(BED) *b*ed	R	(RED) *r*ed
D	(DET) *d*ebt	S	(SET) *s*et
F	(FED) *f*ed	T	(TEN) *t*en
G	(GET) *g*et	V	(VET) *v*et
H	(HED) *h*ead	Y	(YET) *y*et
HW	(HWICH) *wh*ich	W	(WICH) *w*itch
J	(JUHG) *j*ug	CH	(CHUCRCH) *ch*urch
K	(KAD) *c*ad	SH	(SHEEP) *sh*eep
L	(LAIM) *l*ame	TS	(ITS) i*ts* (PITS-feeld) Pi*tts*field
M	(MAT) *m*at	TH	(THEI) *Th*igh
N	(NET) *n*et	TH	(THEI) *Th*y
NG	(SING-uhr) si*ng*er	ZH	(A-zhuhr) a*z*ure (VI-zhuhn) vision
P	(PET) *p*et	Z	(GOODZ) good*s* (HUH-buhz-tuhn) Hubbard*s*ton

Examples of Phonetically Spelled Names	
NAME ON BALLOT	**PRONOUNCED AS**
Mishaud	mee-SHO ('d' is silent)
Jahn	HAHN (rhyme: fawn)
Beauprez	boo-PRAI (rhyme: hooray)
Maniscalco	man-uh-SKAL-ko
Tangipahoa	TAN-ji-pah-HO-uh
Monte	Mahn-TAI
Tanya	TAWN-yuh (not TAN)

Do not submit this page to the filing officer.

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. 3rd 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[1], *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.

[1] 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.)

Resign-to-Run Law

DE Reference Guide 0016 (Updated 05/2019)

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.

RESIGN-TO-RUN LAW – GENERAL OVERVIEW

- **Governing law[1]**: An elected or appointed "officer" may not qualify as a candidate for another state, district, county or municipal public office if the terms or any part of the terms would overlap with each other if the person were to be elected and did not resign from the office the person presently holds.[2] Also, any officer who qualifies for *federal* public office must resign from his or her presently-held office if the terms, or any part, thereof, would overlap with each other.[3] (*See,* however, the "Exceptions to the resign-to-run law" below.)

- **Who is an "officer"?** An "officer" is any elected or appointed person who has the authority to exercise the sovereign powers pertaining to an office recognized under the State Constitution or state laws. 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. (s. 99.012(1), F.S.)[4] "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.

- **Exceptions to the resign-to-run law**:
  - Political party offices.[5]
  - Persons serving without salary on an appointed board or authority.[6]
  - Persons holding federal office.[7]
  - An elected officer running for federal office if the term of office presently held is scheduled to expire and be filled by election in the same primary and general election period as the federal office the officer is seeking.[8]

- **Resignation process:**
  - In writing at least 10 days prior to the first day of qualifying for the office the officer seeks.[9]
    - *For elected district, county, or municipal officers*, submit:
      - To the officer before whom he or she qualified for the office he or she holds,
      - Copy to the Governor and the Department of State.

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[1] s. 99.012, F.S.

[2] s. 99.012(3), F.S.

[3] s. 99.012(4), F.S.

[4] See also *State ex rel. Holloway v. Sheats,* 83 So. 508, 509 (Fla. 1919). And see *State ex rel. Clyatt v. Hocker,* 22 So. 721 (Fla. 1897)(an "officer" is someone who exercises sovereign power, in part or wholly, 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.

[5] s. 99.012(6), F.S.

[6] s. 99.012(6), F.S.

[7] s. 99.012(7)-(8), F.S.

[8] s. 99.012(8), F.S..

[9] ss. 99.012(3)(c) and (4)(c), F.S.

- *For appointed district, county, or municipal officers*, submit:
  - To the officer or authority which appointed him or her to the office he or she holds
  - Copy to the Governor and the Department of State.
- *For all other officers*, submit:
  - To the Governor
  - Copy to the Department of State.[10]

Contact Information	
Address for Governor's office	**Address for Department of State**
Governor Ron DeSantis The Capitol 400 S. Monroe St. Tallahassee, FL 32399-0001 Email: Ron.DeSantis@eog.myflorida.com Fax: (850) 714-9249	Kristi Willis, Chief, Bureau of Election Records Department of State R.A. Gray Building, Room 316, 500 S. Bronough Street Tallahassee, Florida 32399-0250 Email: kristi.willis@dos.my florida.com Fax: 850-245-6259 or -6290

- **Effective date of the resignation:** The resignation must take effect no later than the earlier of the following dates:
  - The date the officer would take office, if elected; or
  - The date the officer's successor is required to take office.[11]

- **Resignation is irrevocable**. Once submitted, the resignation is irrevocable[12]
- **Automatic resignations**. An officer who qualifies for **federal** public office but fails to submit a resignation pursuant to the resign-to-run law constitutes an automatic irrevocable resignation, effective immediately, from the office he or she presently holds.[13]

FREQUENTLY ASKED QUESTIONS – RESIGN-TO-RUN LAW:

- **If someone is a school board member and will not seek re-election at the next general election but intends to qualify to run for state representative, will the person have to submit a resignation under the resign-to-run law?**
  - Yes. Section 100.041, F.S., reflects that the two-year term of office for a state representative begins upon election and the four-year term of office for a school board member begins on the second Tuesday following the general election. Therefore, if elected as a state representative, the term as a school board member, would not expire until two weeks after taking office as a state representative. This two-week overlap requires the school board member to submit a resignation under the resign-to-run law at least 10 days prior to qualifying as a candidate as a state representative.

- **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 for a state, county, district, or municipal office?**
  - If the officer still wishes to run for office, the officer may submit a 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. (s. 99.012(3)(g), F.S.) Note: If the officer is a candidate for **federal** office, the failure to satisfy the 10-day deadline operates as an automatic, immediate and irrevocable resignation from office. (s. 99.012(4)(f)1., F.S.)

[10] ss. 99.012(3)(e) and (4)(e), F.S.

[11] ss. 99.012(3)(d) and (4)(d), F.S.

[12] ss. 99.012(3)(b) and (4)(b), F.S.

[13] s. 99.012(4)(f)1. F.S.

- **What happens to an elected officer's term of office if he or she submits a resignation under the "resign-to-run" law?**
  - 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. (ss. 99.012(3)(f) and (4)(g), F.S.)

- **Does the "resign-to-run" law apply to subordinate officers, deputy sheriffs, or police officers?**
  - Generally, no, but the law 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. (s. 99.012(4), F.S; 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 webpage.)

- **Does a city's Chief of Police have to resign in order to run for another public office?**
  - It depends. The exemption mentioned in the answer to the question immediately above applies to a "police officer." A "chief of police" is a police officer; therefore, the chief of police need only resign to run for public office if the chief 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." For example, a city's chief of police would not have to resign to run for county sheriff unless the sheriff has the authority to appoint, employ, promote or otherwise supervise the chief of police and the incumbent sheriff has also qualified as a candidate for reelection. In the typical county-city relationship, the sheriff does not have the authority to appoint, employ, promote or otherwise supervise a city's chief of police. However, for example, if a city mayor has the authority to hire and fire the chief of police, the chief of police could not run for city mayor without resigning as chief of police if the incumbent mayor is seeking re-election. (s. 99.012(5), F.S.)

- **What happens if an officer does not comply with the "resign-to-run" law?**
  - If a final court order 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. (s. 99.012(6), F.S.) Note, 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. However, the filing officer performs only a ministerial function in reviewing qualifying papers and

cannot determine whether the contents of the qualifying papers are accurate. (s. 99.061(7)(c), F. S.) It takes a court order to remove the person's name from the ballot.

- Notwithstanding the above, an officer who qualifies for **federal** public office who fails to submit a resignation pursuant to the resign-to-run law will result in an automatic irrevocable resignation, effective immediately, from the office he or she presently holds. (s. 99.012(4)(f)1. F.S.) The Department of State is required to notify the Governor and the appropriate qualifying officer or appointing authority of the automatic resignation. (s. 99.012(4)(f)2., F.S.)

- **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.

- **How does the "resign-to-run" law relate to the federal "Hatch Act?"**
  - The state resign-to-run law is entirely separate from the federal "Hatch Act." (5 U.S.C. §§ 1501- 1508)
  - The federal Hatch Act 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 Act prohibits a state, county, or municipal employee from being a candidate for public office in a partisan election *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. See 5 U.S.C. § 1502 (Hatch Act Modernization Act of 2012 (eff. 1.27.2013).
    - 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.
    - A partisan election means one in which any candidate will be listed on the ballot as a candidate for a political party.
  - Additionally, an employee's conduct is also subject to the state and local laws and the regulations of the employing agency. Therefore, 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.

- **Who to contact for questions or requests for advisory opinions on Hatch Act or Resign-to-Run law**:

HATCH Act	Resign-to Run Law
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; (800) 854-2824;(202) 254-3650; Email: hatchact@osc.gov; Website: osc.gov/Pages/HatchAct.aspx	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

July 1, 2022

Re: Campaign Sign Regulations

Department of Planning, Zoning & Building

2300 North Jog Road
West Palm Beach, FL 33411-2741
(561) 233-5000

Planning Division 233-5300
Zoning Division 233-5200
Building Division 233-5100
Code Enforcement 233-5500
Contractors Certification 233-5525
Administration Office 233-5005
Executive Office 233-5228
www.pbcgov.com/pzb

Palm Beach County Board of County Commissioners

Robert S. Weinroth, Mayor

Gregg K. Weiss, Vice Mayor

Maria G. Marino

Dave Kerner

Maria Sachs

Melissa McKinlay

Mack Bernard

County Administrator

Verdenia C. Baker

"An Equal Opportunity Affirmative Action Employer"

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Dear Political Candidate:

Congratulations on your endeavor to hold public office.

It is quite an experience to participate in the election process firsthand, and I would like to take a moment from your busy schedule to provide you with information regarding sign regulations as reflected in Palm Beach County's Unified Land Development Code (ULDC), specifically, Article 8.B.2.

This information is designed to assist you and your supporters in adhering to established regulations regarding the placement of campaign signs in unincorporated Palm Beach County.

Article 8.B.2. of the ULDC provides that political campaign signs do not require a permit and are exempt from County sign regulations provided they meet the following requirements:

A. Signs located on residential parcels five acres or less in size shall not exceed eight square feet of sign face area and eight feet in height.

B. Signs located on any non-residential parcel and residential parcels greater than five acres in size shall not exceed 32 square feet of sign face area and ten feet in height.

All campaign signs must be removed within ten (10) days after the election date. Campaign signs are not allowed in public rights-of-way and must not be placed in a manner that obstructs motorists' vision. Code Enforcement staff as well as other designated Palm Beach County staff will remove and may dispose of any signs that are in public right-of-way.

We appreciate your cooperation in this matter. If you or your Campaign Manager have any questions regarding campaign sign regulations, please do not hesitate to contact our office at (561) 233-5500.

Sincerely,

Michele D. Pagan, Director
Code Enforcement Division

Florida Department of Transportation

RON DESANTIS
GOVERNOR

605 Suwannee Street
Tallahassee, FL 32399-0450

KEVIN THIBAULT, P.E.
SECRETARY

February 10, 2022

Notice to candidates for election to offices in the State of Florida

The Department of Transportation's Office of Right of Way would like to remind you of State Law regarding political campaign signs:

(1) Signs placed on the state rights of way — Political campaign signs may not be placed in the right of way of any state or national highway [Chapter 479.11(8), Florida Statutes]. A joint effort by the Florida Department of Transportation and the Florida Highway Patrol produced a brochure explaining that the unauthorized use of the public right of way is prohibited by Florida law. This brochure further outlines how the right of way is regulated and how to recognize the location of the right of way line. The brochure is available on our website, http://www.fdot.gov/rightofway/. Please feel free to print and copy the brochure for distribution. We recommend campaigns make this brochure required reading for volunteers who post candidate signage.

(2) Signs placed on private property — Temporary political campaign signs may be placed on private property with the permission of the owner. Such signs do not require a permit under state law.

Please advise your campaign workers to ensure that signs are placed on private property. Signs placed on the state rights of way must be picked up by Department staff and placed in one of the Department's maintenance yards. We will make every effort to place a courtesy call to your campaign office advising of sign removal and the location of the maintenance yard where the signs have been stored.

If you have any questions regarding this issue, please contact the Department's Outdoor Advertising Office in Tallahassee at (850) 414-4569.

Sincerely,

Scott Foltz, Director
Office of Right of Way

kjp