

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF FLORIDA
TALLAHASSEE DIVISION

COMMON CAUSE FLORIDA, et al.,

Plaintiffs, and

MICHAEL ARTEAGA, LENI
FERNANDEZ, ANDREA
HERSHORIN, JEAN ROBERT
LOUIS, MELVA BENTLEY ROSS,
DENNY TRONCOSO, BRANDON
NELSON, GERALDINE WARE, and
NINA WOLFSON,

Intervenor-Plaintiffs,

v.

LAUREL M. LEE, in her official
capacity as Florida Secretary of State,

Defendant.

Case No. 4:22-cv-00109-AW-MAF

**INTERVENOR-PLAINTIFFS' OPPOSITION TO DEFENDANT
SECRETARY'S LEE'S MOTION TO STAY**

Intervenor-Plaintiffs Michael Arteaga, Leni Fernandez, Andrea Hershorin, Jean Robert Louis, Melva Bentley Ross, Denny Troncoso, Brandon Nelson, Geraldine Ware, and Nina Wolfson ("Arteaga Intervenors") file this opposition to the Defendant Secretary Lee's ("Secretary") Motion to Stay these proceedings (ECF No. 62).

INTRODUCTION

As of this filing, Florida is one of only three states in the country without a congressional redistricting plan in place. Nevertheless, the Secretary asks this Court to wait three weeks before taking any action to see whether the Legislature and Governor DeSantis (“Governor”) can compromise on a redistricting plan. Should the special session fail to produce a congressional plan, the Secretary further asks this Court to wait several more weeks before taking action to see if a state court can timely remedy the impasse.

The Secretary’s proposal is untenable. Were this Court to wait to move forward until both the political branches *and* state court system had failed to implement new constitutional maps in time for the 2022 elections, there is a good chance there would not be time for this Court to undertake the complicated work of crafting the necessary remedy without moving election deadlines. While the Secretary appears willing to take that risk, this Court should not. The citizens of Florida should not be subjected to such a gamble.

Ample precedent supports this Court asserting jurisdiction and proceeding with this case while the state continues to attempt to resolve the impasse itself. While *Grove v. Emison*, 507 U.S. 25 (1993), instructs that federal courts should give states the opportunity to timely redistrict, *Grove* and other federal precedent hold that this Court may establish a deadline by which it will adopt a plan if the state has not acted.

And because election dates are fast approaching, the path that will best protect the rights of Florida voters is to implement a scheduling order, hear from the parties on proposed remedial plans, and prepare to adopt a congressional plan should the state fail to do so.

BACKGROUND

I. Status of Congressional Impasse

Approximately three weeks ago, at the commencement of this action, the Plaintiffs and the Arteaga Intervenors alleged that the Florida Legislature and Governor were likely to reach an impasse over congressional redistricting. *See* ECF No. 1, 10-1. After that filing, the Legislature waited several weeks to send its congressional plan to the Governor for his signature. When the plan did finally reach the Governor, he vetoed it within hours, announcing at a press conference that he believed the plan to be unconstitutional for its inclusion of a Black opportunity district in North Florida.¹ While a special legislative session is scheduled for April 19-22, that provides little assurance that a map will be adopted. Indeed, throughout the first session, Florida's legislative leaders explicitly rejected the Governor's proposed map, as the two political branches failed to reach agreement upon the

¹ *See* PBS, *Florida Gov. DeSantis vetoes Republican-drawn congressional maps* (Mar. 29, 2022), available at: <https://www.pbs.org/newshour/politics/florida-gov-desantis-vetoes-republican-drawn-congressional-maps>.

inclusion of a Black opportunity district in North Florida.² The Arteaga Intervenors are aware of no public statements by Florida’s legislative leaders indicating that they intend to ignore the requirements of the Florida Constitution’s Fair District Amendments in the special session, as the Governor’s preferred map would require.

II. Status of State Court Action

The Arteaga Intervenors filed their state court complaint on March 11, 2022. Counsel for the Secretary and Attorney General Moody refused to accept service. On April 1, three weeks after the case was filed, and shortly after the parties conducted their meet-and-confer in this case, counsel for the Secretary appeared and answered the complaint. In her Answer, the Secretary asserted it would be improper for the state court to take any action unless and until the special session fails to produce a map. **Ex. 1** (Secretary’s Answer).

As of this filing, counsel for Attorney General Moody still has not appeared, still has not answered the complaint, and still has not indicated whether she will answer before the date she is required to do so, which is April 20, 2022. There is no case schedule in place, and there has not yet been a case management conference. The first such conference is scheduled for Tuesday, April 12.

² See, e.g., Memo from Chair Rodrigues Regarding an Update on State Legislative and Congressional Redistricting (Feb. 28, 2022) (explaining the importance of ensuring “non-diminishment in the ability of racial and language minorities in that district to elect representatives of their choice”), available at: <https://www.floridaredistricting.gov/pages/senate-committee>.

III. Congressional Primary Deadlines

Florida's congressional primary is August 23, 2022. Federal law requires states to mail military and overseas ballots 45 days in advance of an election, *see* 52 U.S.C. § 20302 (8), which means that primary ballots must be sent to those voters no later than July 9, 2022. Before ballots can be mailed, they must also be printed and assembled to be sent to the correct voter, and election officials must engage in geocoding to assign voters to the correct districts.

Aspiring congressional candidates in Florida may qualify for the ballot either by filing a minimum number of petition signatures or by paying a filing fee. The deadline to file petitions is May 16, 2022. *See* Fla. Stat. § 99.095. In an apportionment year, such as this one, a candidate can collect signatures from voters residing anywhere in the state. *See* **Ex. 2** at 4 (Florida Candidate Petition Handbook). In an apportionment year, the window to qualify by paying a filing fee is later than usually prescribed in non-apportionment years—this year, June 13 to June 17, 2022.³ *See* Fla. Stat. § 99.061(9). The state may begin accepting such qualifying forms 14 days before the window opens, *id.* at § 99.061(8), which is May 30, 2022.

³ In non-apportionment years, the qualifying window for federal candidates is 120 to 116 days before the primary, instead of 71 and 67 days before the primary, as it is this year. *See* Fla. Stat. §§ 99.061(1), (9).

ARGUMENT

I. Precedent permits this Court to establish a schedule to be prepared to remedy the impasse now.

While the Secretary boldly proclaims that *Grove v. Emison*, 507 U.S. 25 (1993), requires this Court to stay this case and sit on its hands while the state attempts to remedy the impasse, *Grove* does no such thing. If anything, *Grove* instructs that federal courts should be prepared and ready to remedy impasse when called to do so.

It is true that *Grove* imposes limits on the timing and scope of the *remedies* that federal courts may provide in the redistricting process, but it does not handcuff courts in the way the Secretary suggests. In *Grove*, the U.S. Supreme Court explained the federal district court overstepped its bounds by “actively prevent[ing] the state court from issuing its own congressional plan,” even though the state court at issue—the Minnesota Special Redistricting Panel—was prepared to timely act. 507 U.S. at 26. And that was indeed what happened. The district court at issue in *Grove* repeatedly took affirmative action that halted the state proceedings, including by: (1) *staying* the Minnesota Special Redistricting Panel’s proceedings, (2) *enjoining* the parties to the state proceedings from implementing the Minnesota Panel’s remedial redistricting plan, and (3) proceeding to *adopt* its own districting plans even when the state court was otherwise ready to timely implement a plan. *Id.* Under those circumstances, it was not surprising that the U.S. Supreme Court held

that the district court had improperly “tied the hands” of a state that was willing and able to redistrict. *Grove* thus stands for the principle that federal courts should not proceed to actually reapportion a state’s political boundaries until the state has failed to timely redistrict.

The Arteaga Intervenors are not asking this Court to do anything remotely similar to what the district court did in *Grove*. Instead, they are simply asking the Court to adopt a briefing and hearing schedule and be prepared to act if the state fails to timely redistrict, which is now a distinct possibility. Setting a briefing schedule or hearing date will not interfere with the political process or state judicial process. The Legislature and the Governor remain free to compromise and enact a new redistricting plan during the pendency of this litigation, and the state court is free to set the wheels in motion on a state judicial resolution, though it has yet to do so.

If anything, *Grove* suggests this Court should move forward now. *Grove* instructed that “[i]t would have been appropriate for the District Court to establish a deadline by which, if the Special Redistricting Panel had not acted, the federal court would proceed” to reapportion the state. 507 U.S. at 36. *Grove*’s predecessor, *Scott v. Germano*, 381 U.S. 407 (1965), similarly encouraged federal courts to take ownership of these kinds of disputes when called on to do so. In *Germano*, when it was not clear whether Illinois would produce timely redistricting plans, the U.S. Supreme Court remanded the case to the district court with explicit instructions to

(1) “enter an order fixing a reasonable time within which the appropriate agencies of the State of Illinois, including its Supreme Court, may validly redistrict the Illinois State Senate”; (2) “retain jurisdiction of the case”; and (3) “in the event a valid reapportionment plan for the State Senate is not timely adopted . . . enter such orders as it deems appropriate, including an order for a valid reapportionment plan[.]” 381 U.S. at 409-10.

And for decades, consistent with this precedent, federal courts have done precisely what is asked of the Court here: establish a schedule to resolve an impasse and be prepared to act if the state fails to timely do so itself. *See, e.g., Favors v. Cuomo*, 866 F. Supp. 2d 176 (E.D.N.Y. 2012); *Smith v. Clark*, 189 F. Supp. 2d 503 (S.D. Miss. Jan. 15, 2002); *Prosser v. Elections Bd.*, 793 F. Supp. 859, 862 (W.D. Wis. 1992).

While the Secretary has argued that this Court should stay its hand until both the state political and judicial processes have irreversibly failed to redistrict, the Secretary’s approach would functionally preclude federal courts from remedying claims like this one, particularly because the State has asked the state court to not take any action until after the special session. Were this Court to wait to move forward until both the political branches *and* state court system had failed to implement new constitutional maps in time for the 2022 elections, there is a good chance there would not be time for this Court to undertake the complicated work of

crafting the necessary remedy. The stakes are too high for Florida voters and election administrators to take that risk. We are only two months away from the final qualifying deadline, and there is no congressional plan in sight. And as of this filing, Florida is one of only three states in the country without a congressional plan in place.⁴ Should this Court need to order a new congressional plan, it will need time to do so. Redistricting plans do not spring from thin air; they take time to develop, as this Court has already recognized in requesting recommendations for a special master.

While the Secretary has compared this case to one in Wisconsin, where a federal court panel did enter a stay while a state court proceeded to remedy impasse, Wisconsin's circumstances were markedly different. The Wisconsin federal case, *Hunter v. Bostelmann*, 3:21-cv-00512 (W.D. Wis.) (three judge panel), was convened in mid-August 2021 in light of Wisconsin's anticipated impasse. But the Wisconsin federal panel did not agree to stay the matter right away, even though it was asked to do so. *See id.* at ECF No. 26, 60. It did so in mid-November only after the Wisconsin Supreme Court had (1) fully accepted jurisdiction of the state court impasse action, (2) accepted briefing from the parties on the proper criteria for a new redistricting plan, and (3) set a briefing and hearing schedule that was set to conclude

⁴ See FiveThirtyEight, "The Latest With Redistricting," (Apr. 4, 2022) ("Only Florida, Missouri and New Hampshire have yet to approve a new map, and we could be waiting for a while: In all three states, stakeholders in the redistricting process are at odds about what kind of map to pass.").

six weeks before the date by which the Wisconsin Elections Commission had told the federal court it needed new maps.⁵ *See Ex. 3* (Wisconsin Supreme Court ordering simultaneous exchange of proposed plans in impasse dispute). The upshot is that the Wisconsin federal court would have had a six-week buffer to develop a remedial plan if the state court process failed. This Court does not have that luxury of time here.

II. The Court should establish a schedule that will allow it to remedy the impasse without imposing chaos on Florida’s election administrators.

As set out above, Florida’s congressional qualifying window (by filing fee) opens June 13 and closes June 17. As the Court has already recognized, it is not practical to ask candidates to wait until that window to learn of the contours of their potential districts and then make nearly instantaneous decisions on whether to run for Congress.

Even more importantly, however, Florida’s election administrators need time to prepare for the primary election. An August 23 primary requires election officials to send ballots to military and overseas voters no later than July 9. *See supra* at 5. As the Common Cause Plaintiffs describe in more detail, Florida’s election administrators must send ballots to the printers no later than June 18. And to send

⁵ The Wisconsin Elections Commission had previously explained it needed maps in place by March 1, 2022. *See* ECF No. 41 at 2, *Hunter v. Bostelmann*, 3:21-cv-00512 (W.D. Wis. Sept. 7, 2021). The Wisconsin Supreme Court’s briefing process was set to conclude by January 4, 2022, and oral argument was to take place in mid-January. *See Ex. 3*.

finalized ballots to the printers, the administrators need time to assign precincts to the appropriate congressional districts and perform other administrative tasks. To give election administrators at least some cushion and to minimize the possibility of costly errors, the Arteaga Intervenors recommend this Court adopt a congressional plan by mid-May 2022 based on the following schedule:

| Date | Event |
|-------------|-----------------------------------------------------------------------------------------------------------|
| April 15 | Parties' simultaneous exchange of proposed maps, briefs in support, and supporting expert reports, if any |
| April 22 | Parties' simultaneous responses to proposed maps |
| April 25-29 | Discovery window for expert depositions |
| May 2-4 | Hearing |
| Mid-May | Court adopts congressional plan |

This schedule provides for simultaneous exchange of maps and responses to those maps. A simultaneous exchange of proposed plans puts all parties on an equal playing field; courts adjudicating impasse disputes this redistricting cycle have required simultaneous exchanges precisely for this reason. *See, e.g., Ex. 3; Ex. 4* (Pennsylvania Supreme Court ordering simultaneous exchange of proposed plans in impasse dispute). The proposed schedule also provides a brief window for expert depositions, a hearing, and sufficient time for this Court to render a decision.

CONCLUSION

For the reasons stated above, the Court should deny the Motion to Stay and adopt the schedule set out above. Alternatively, if the Court stays this case until the

special session is over, it should order a briefing and hearing schedule that would take effect immediately after a special session fails to produce a congressional plan.

LOCAL RULE 7.1(F) CERTIFICATION

Undersigned counsel certifies that this memorandum contains 2,549 words, excluding the case style and certifications.

Dated: April 6, 2022

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on April 6, 2022, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system, which will send a notice of electronic filing to all counsel of record.

/s/ Frederick S. Wermuth

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Florida Bar No. 0184111

Exhibit 1

**IN THE CIRCUIT COURT OF THE SECOND JUDICIAL CIRCUIT,
IN AND FOR LEON COUNTY, FLORIDA**

MICHAEL ARTEAGA, et al.,

Plaintiffs,

v.

Case No. 2022 CA 000398

LAUREL M. LEE, in her official capacity as Florida
Secretary of State, and ASHLEY
MOODY, in her official capacity as Florida
Attorney General,

Defendants.

_____ /

**SECRETARY OF STATE LAUREL LEE'S
ANSWER AND AFFIRMATIVE DEFENSE**

Defendant Secretary of State Laurel Lee answers and asserts an affirmative defense to the Plaintiffs' complaint for injunctive and declaratory relief. Unless specifically admitted, the Secretary denies each and every allegation in the complaint. The Secretary responds to the allegations in each numbered paragraphs of the complaint as follows:

Nature of the Action

1. Admit that Florida's congressional districts are currently malapportioned. Deny that the Florida Legislature and Governor DeSantis will not reach a consensus concerning new congressional district maps; although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he called a special session to address redistricting. If the Florida Legislature and Governor DeSantis do not reach a consensus, admit that this court should declare the current maps malapportioned and implement new congressional district maps.

2. Admit.

3. Admit.

4. Admit.

5. Deny that the Florida Legislature and Governor DeSantis are unlikely to reach a consensus following the special session. Deny that Governor DeSantis's concerns regarding Congressional District 5 are "baseless." Admit that Governor DeSantis petitioned the Florida Supreme Court for an advisory opinion. The Secretary denies any other factual and legal allegations in this paragraph.

6. Admit that Governor DeSantis has commented on and vetoed the Florida Legislature's redistricting legislation. The Secretary denies any other factual and legal allegations in this paragraph.

7. Deny that the Florida Legislature and Governor DeSantis are unlikely to reach a consensus during the Florida Legislature's special session. The Secretary denies any other factual and legal allegations in this paragraph.

8. Deny that there is a high likelihood of an impasse. But admit that this Court should establish a schedule in the unlikely event that the Florida Legislature and Governor DeSantis cannot reach a consensus during the Florida Legislature's special session. The Secretary denies any other factual and legal allegations in this paragraph.

Jurisdiction, Parties, and Venue

9. Admit.

10. The Secretary is without knowledge of the allegations in this paragraph; therefore, she denies the allegations in this paragraph.

11. Admit.

12. Admit.

13. Admit that the Attorney General is Ashely Moody and that she is the chief legal officer of the State. The Secretary denies any other factual and legal allegations in this paragraph.

Factual Allegations

I.

14. Admit.

15. Admit.

16. Admit.

II.

17. Admit.

18. Admit.

19. Admit.

20. Admit.

21. Admit that the current congressional districts are malapportioned. The Secretary otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations; therefore, she denies them.

22. Admit.

23. Admit.

24. Admit.

25. Admit.

III.

26. Although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. The Secretary denies any other factual and legal allegations in this paragraph.

27. Although Governor DeSantis has commented on and vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. The Secretary denies any other factual and legal allegations in this paragraph.

28. Deny that Governor DeSantis's request for a Florida Supreme Court advisory opinion was an attempt to "derail" the redistricting process. Admit that Governor DeSantis proposed congressional district maps to the Florida Legislature and that the redistricting subcommittee received public testimony. The Secretary denies any other factual and legal allegations in this paragraph.

29. Although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. The Secretary denies any other factual and legal allegations in this paragraph.

30. Although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. The Secretary denies any other factual and legal allegations in this paragraph.

31. Although Governor DeSantis has vetoed the Florida Legislature's redistricting legislation, he has called a special session to address redistricting. Deny that the Florida Legislature and Governor DeSantis are unlikely to reach a consensus during the special session. The Secretary denies any other factual and legal allegations in this paragraph.

IV.

32. Admit that there is a need for a new congressional district map. But deny the assumption that the political branches of the Florida government will not agree on a new map. The Secretary denies any other factual and legal allegations in this paragraph.

33. Admit that there is a need for a new congressional district map. But deny the assumption that the political branches of the Florida government will not agree on a new map. The Secretary denies any other factual and legal allegations in this paragraph.

34. Admit that there is a need for a new congressional district map. But deny the assumption that the political branches of the Florida government will not agree on a new map. The Secretary denies any other factual and legal allegations in this paragraph.

35. Deny that a political deadlock is a near certainty. Admit that state court intervention is necessary if the Florida Legislature and Governor DeSantis reach an impasse after the special session. The Secretary denies any other factual and legal allegations in this paragraph.

Claims for Relief

Count I

36. The Secretary realleges and reincorporates by reference paragraphs 1 to 35.

37. The referenced constitutional provision and cases speak for themselves. Any remaining allegations are denied.

38. The referenced constitutional provision and cases speak for themselves. Any remaining allegations are denied.

39. Admit.

40. Admit.

41. Admit that the current congressional districts are malapportioned. The Secretary otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations; therefore, she denies them.

a. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

b. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

c. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

d. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

Count II

42. The Secretary realleges and reincorporates by reference paragraphs 1 to 35.

43. The referenced statute speaks for itself. Any remaining allegations are denied.

44. Admit.

45. Admit that the current congressional districts are malapportioned. The Secretary otherwise lacks knowledge or information sufficient to form a belief about the truth of the allegations; therefore, she denies them.

a. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

b. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

c. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

d. Admit if the Florida Legislature and Governor DeSantis reach an impasse after the special session; otherwise deny.

Affirmative Defense: Ripeness

1. The complaint is not ripe for adjudication because the political branches are not yet at an impasse.

2. On March 29, 2022, Governor DeSantis vetoed the congressional map presented to him.

3. On March 29, 2022, Governor DeSantis called for a special session of the Florida Legislature for the sole purpose of enacting another congressional map.¹

4. The special session will convene from April 19, 2022 to April 22, 2022.

5. The leaders of the Florida House of Representatives and Florida Senate have stated that “[o]ur goal is for Florida to have a new congressional map passed by the Legislature, signed by the Governor, and upheld by the court if challenged. Therefore, it is incumbent upon us to exhaust every effort in pursuit of a legislative solution. We look forward to working with our colleagues and Governor DeSantis during the upcoming special session on a congressional map that will earn the support of the legislature and the governor and fulfill our constitutional obligation for the 2022 redistricting process.”²

6. Unless and until the political branches reach an impasse, the matter is not ripe for adjudication.

¹ Proclamation, Fla. Exec. Office of the Gov. (Mar. 29, 2022), <https://www.flgov.com/wp-content/uploads/2022/03/SLA-BIZHUB22032913200.pdf>.

² Joint Statement: Florida Senate President Wilton Simpson, House Speaker Chris Sprowls on 2022 Redistricting, Fla. Leg. (Mar. 29, 2022), <https://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?DocumentType=Press%20Release&FileName=823>.

DATED this 1st day of April, 2022.

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all parties of record through the Florida Courts E-Filing Portal, on this 1st day of April, 2022.

/s/ Mohammad O. Jazil
Mohammad O. Jazil (FBN 72556)

Exhibit 2

2022 Candidate Petition Handbook

Florida Department of State
Division of Elections
R. A. Gray Building, Room 316
500 South Bronough Street
Tallahassee, FL 32399-0250
850.245.6280



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Chapter 1: Introduction

This handbook explains the process for collecting signatures to qualify as a candidate by petition method. Information herein applies only to candidate petitions. It does not apply to initiative petitions.

The information contained in this publication serves only as a reference guide. To the extent that this handbook covers material beyond that contained in law or rule, the Division of Elections offers such material to candidates merely as guidelines. This publication is not a substitute for the Florida Election Code or applicable constitutional and rule provisions, the text of which controls.

The following statutes and rules should be reviewed in their entirety:

- Section [99.095](#), Florida Statutes
- Section [99.09651](#), Florida Statutes
- Section [99.097](#), Florida Statutes
- Rule [1S-2.045](#), Florida Administrative Code

(See [Appendix E](#))

All applicable forms and publications are publicly available on the Division of Elections' website at: dos.myflorida.com/elections/forms-publications.

Please direct questions to the Bureau of Election Records help desk at **850.245.6280**.

Chapter 2: Forms

What petition form should be used to obtain signatures from registered voters?

All candidates¹, except Presidential candidates, must use **Form [DS-DE 104](#), Candidate Petition Form**.

The most current versions of [petition forms](#) are available on the Division of Elections' website.

Petitions on previous versions of Form [DS-DE 104](#) are not valid.

A separate petition is required for each candidate.

Who is responsible for reproducing the petition form?

Candidates are responsible for reproducing the petition form.

Can the petition form be altered?

Form [DS-DE 104](#) must be reproduced as is without any change to text or format with the following limited exceptions:

- **Form [DS-DE 104](#)** may be reduced or enlarged proportionally in size as a whole document. However, the form cannot be less than 3 inches by 5 inches and no larger than 8 1/2 inches by 11 inches.
- **Form [DS-DE 104](#)** may be included within a larger advertisement, provided the form is clearly defined by a solid or broken border.
- 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.
- Candidates may translate petition forms into a minority language at their own expense. Petition forms may be two-sided with English on one side and a minority language on the other. However, the double-sided petition may be signed by only one person. If both sides of the form are completed, the Supervisor of Elections will check only the English side of the form for signature verification.

¹ Municipal candidates may use a different form if provided for by city charter or ordinance.

Is a disclaimer required on a petition?

No. A petition is not a political advertisement as defined in Section [106.011](#), Florida Statutes. However, if the petition is included as a part of a larger advertisement that is a political advertisement, the political advertisement will need a disclaimer. A missing disclaimer on such an advertisement does not invalidate an otherwise properly executed petition but does constitute a violation of [Chapter 106](#), Florida Statutes.

Chapter 3: Collecting Signatures

How many signatures are needed?

The requisite number of signatures for qualifying by petition method for specified offices in a year of apportionment such as 2022 is different than other years. See s. 99.09651, F.S., for formula for candidates for U.S. House of Representatives, State Senate, and State House of Representatives. Petition signatures for these offices may be obtained from any registered voter in Florida regardless of party affiliation or district boundaries. See s. 99.095(1)(d), F.S., for formula for candidates for county and district offices. The requisite number of signatures for these offices may be obtained from any registered voter in the respective county, regardless of district boundaries.

- United States Senator – 144,419 signatures
- Representative in Congress – 2,568 signatures
- Governor – 144,419 signatures
- Attorney General – 144,419 signatures
- Chief Financial Officer – 144,419 signatures
- Commissioner of Agriculture – 144,419 signatures
- State Senator – 1,798
- State Representative – 599
- Circuit Court Judge, State Attorney (6th and 20th Circuits) and Public Defender (20th Circuit) – (see [Appendix A](#))
- Special District Candidate – 25 signatures

Note: 2022 is a year of apportionment, which occurs every ten years. In election years other than a year of apportionment, the general requirement is to obtain signatures equal to 1% of the registered voters in the geographical area for the last general election, with the exception of special district candidates.

When can a candidate start collecting signatures on petitions?

A candidate can collect signatures as soon as a completed **Form [DS-DE 9](#)**, Appointment of Campaign Treasurer and Designation of Campaign Depository, is filed with the filing officer (see [Appendix B](#)). Petitions signed prior to the date Form [DS-DE 9](#) is filed with the filing officer are **not** valid.

- **Exception:** Special district candidates are **not** required to file Form [DS-DE 9](#) if they do not collect contributions or make expenditures other than the filing fee or signature verification fee.
- **Exception:** Federal candidates do **not** file Form [DS-DE 9](#).

How long are signed petitions valid?

Signatures for all candidates are valid only for the next general election qualifying period for that office immediately following the filing of the [DS-DE 9](#).

Example:

Candidate A is a 2024 State Representative candidate. The candidate may not begin collecting signatures until after the 2022 qualifying period.

Example:

Candidate B is a 2022 State Representative candidate. In the year of apportionment, petitions can be collected from any Florida voter regardless of district boundaries. In September 2021, a special election is called for this office with qualifying set in 2021. Candidate B wants to change to the special election. Candidate B may transfer only those petitions signed by voters within the district for the special election.

Example:

Candidate C is a 2022 State Representative candidate. In September of 2021, a special election is called for this office. Candidate C wants to qualify for the special election but does not want to transfer the petitions already signed to the special election. Candidate C may accomplish this by filing a new Form [DS-DE 9](#) and opening an entirely separate campaign depository for the special election. Candidate C must start anew with contributions and petition gathering for the special election while maintaining the former campaign account for the general election. Petitions for the special election must be signed by voters within the district only. Candidate C may not use the funds or petitions previously collected for the special election. Candidate C may not use the funds or petitions gathered in the special election for the subsequent general election.

Example:

Candidate D is a 2024 County Commission candidate. The incumbent for that office resigns to run for another office. The office will now appear on the 2022 ballot for a term to end in 2024. Candidate D may choose the following options:

1. Remain a candidate for the 2024 County Commission and keep petitions.
2. Change elections from 2024 to 2022 and transfer petitions to the 2022 election.
3. Both - Remain a 2024 candidate and retain petitions. File a separate DS-DE 9 and separate campaign account for the 2022 candidate. (See page 4 regarding petitions during the year of apportionment.)

Where can candidates collect signatures on petitions?

The Election Code does not govern where signatures can be collected. The candidate should check with the property owner.

Can a candidate pay someone to collect petitions?

Yes. Nothing in the Election Code prohibits a candidate from paying any person to collect petitions. See [Chapter 5: Fees and Undue Burden Oath](#) for information on what happens when an undue burden oath is filed.

May a voter revoke their signature on a petition after receipt of the petition by the Supervisor of Elections?

No authority exists for a voter who has signed a petition to revoke their signature after it has been received by the Supervisor of Elections. (See Rule [1S-2.045\(4\)\(d\)](#), *Florida Administrative Code*.)

Chapter 4: Verifying Petitions

Where are petitions submitted?

Signed petition forms are submitted for verification to the Supervisor of Elections in the county in which the voter is registered.

It is the responsibility of the candidate to ensure that the signed petition form is properly filed with the Supervisor of Elections of the county in which the signer is a registered voter. In the case of a misfiled petition, the filing date of the petition is the date such petition is filed with the proper county. If the Supervisor of Elections determines that the signer of a petition is not registered in their county, the supervisor shall notify the candidate that the petition has been misfiled, and shall return the petition to the candidate so that it can be refilled.

When is the deadline for submitting petitions to the Supervisor of Elections?

No later than noon on:

- **March 28, 2022** – Circuit Court Judge, State Attorney (6th and 20th Judicial Circuits), and Public Defender (20th Judicial Circuit)
- **May 16, 2022** – U.S. Senator, Representative in Congress, Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, State Senate, State Representative, County, School Board, and Special District

Is this petition valid?

... if the petition is signed and dated before the filing date of Form [DS-DE 9](#)?

A petition signed and dated before the filing date of Form [DS-DE 9](#) is invalid (except for federal candidates and special district candidates who have 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) by the qualifying officer.

... if the petition is missing a required group, seat or district designation?

In the 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. (Section

99.095(2)(d), Florida Statutes) - Incorrect or lack of district designation on the petition will not invalidate the petition during year of apportionment. (*Exception – Judicial Candidate petition requirements do not change.*)

Note: Petitions collected for elections outside of the year of apportionment for an office that requires a group, seat or district designation, must contain the designation or it is invalid.

. . . if a candidate changes the office that they are running for?

In the year of apportionment, incorrect or lack of district designation on the petition will not invalidate the petition for any candidate for *county or district* office seeking ballot position by the petition process. (*Exception – Judicial Candidate petition requirements do not change.*)

Note: For petitions collected for elections outside of the year of apportionment, if a candidate changes the office that they are running for, any previously submitted petitions are not valid for the new office. This includes changing seats, groups, or districts.

Example:

Changing from County Commissioner, Seat 1 to County Commissioner, Seat 5 in the year of apportionment will not invalidate all previously verified petitions.

Example:

Changing from Circuit Court Judge, 17th Judicial Circuit, Group 1, to 17th Judicial Circuit, Group 5, will invalidate all previously verified petitions.

. . . if a candidate changes election years?

If a candidate changes from the 2022 election to the 2024 election, the petitions verified for the 2022 qualifying period will not be valid for the 2024 election.

. . . if a candidate changes to an intervening special election?

If a candidate changes from a regularly scheduled election to an earlier, intervening special election being held for that office, the petitions verified for the regular election that are from voters *within the county or district* are valid for the special election.

. . . if a candidate elects not to participate in an intervening special election?

If there is an earlier, intervening special election and the candidate decides not to participate in the special election, any petitions verified prior to the special election will remain valid for the regularly scheduled election.

. . . if a candidate's party affiliation on the petition is not the same as the party affiliation listed on the candidate's Form [DS-DE 9](#)?

The party affiliation listed on the petition must match the party affiliation listed on Form [DS-DE 9](#), or if NPA is listed on the petition, the [DS-DE 9](#) must indicate NPA. If they do not match, the petition is invalid.

ATTENTION: Recent law (s. 11 of [Chapter 2021-11, Laws of Florida](#)) requires a person seeking nomination as a candidate of a political party to be a member of that political party for the 365 days BEFORE the beginning of the applicable qualifying period. Additionally, the law requires a person seeking to qualify for office as a candidate with no party affiliation to not be a member of any political party for the 365 days BEFORE the beginning of the applicable qualifying period.

The candidate's party affiliation as indicated in their registration records is irrelevant and 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 they file qualifying documents during the qualifying period.

Example 1 – Invalid Petition:

Candidate A files Form [DS-DE 9](#) indicating that they are running as a Republican candidate. Their petition forms also indicate that they are running as a Republican candidate. After submitting a number of petitions for verification, Candidate A submits a new [DS-DE 9](#) indicating that they are running as a Democratic candidate. All previously verified petitions will not be eligible for qualifying as a Democratic candidate.

Example 2 – Valid Petition:

Candidate B files Form [DS-DE 9](#) indicating that they are running as a Republican candidate. Their petition forms also indicate that they are running as a Republican candidate. Candidate B's voter registration party affiliation is Democrat. After submitting a number of petitions for verification, Candidate B changes their voter registration party affiliation to Republican. All petitions verified prior to Candidate B's change in voter registration remain valid. (See Party Affiliation on page 10 – Attention: Recent Law.)

Example 3 – Valid Petition:

Candidate C circulates petitions as an NPA candidate and is registered as a voter with party affiliation. As long as Form [DS-DE 9](#) indicates that the candidate is running with no party affiliation, the petitions are valid. (See Party Affiliation on page 10 – Attention: Recent Law.)

Example 4 – Invalid Petition:

Candidate D files Form [DS-DE 9](#) indicating that they are running as a Republican candidate. After they have begun collecting signatures, the candidate files a new [DS-DE 9](#) changing from a Republican candidate to an NPA candidate. The petitions indicating that the candidate is a Republican candidate are no longer valid and do not count towards the total amount needed to qualify as a petition candidate. (See Party Affiliation on page 10 – Attention: Recent Law.)

Example 5 – Valid Petition:

Candidate E circulates petitions for a nonpartisan office but is registered as a voter with party affiliation. As long as the petition indicates that the candidate is running for a nonpartisan office, the petitions are valid.

Example 6 – Valid Petition:

Candidate F changes party affiliation on their voter registration record while running for a nonpartisan office. If the candidate is running for a nonpartisan office, changing their voter registration party affiliation will have no effect on previously verified petitions.

. . . if a candidate puts their party affiliation on a petition for a nonpartisan office?

A candidate for a nonpartisan office must check the block that indicates “Nonpartisan” on the petition when collecting petitions for a nonpartisan office. While the candidate may be a member of a party and still run in a nonpartisan race, they must collect petitions as a nonpartisan candidate and indicate this on the petition. If a nonpartisan candidate indicates that they are running as a party affiliated candidate, it will invalidate the petitions.

Note: If the petition indicates conflicting or incorrect information regarding the candidate’s status as a nonpartisan, no party affiliated, or party affiliated candidate, the petition is invalid.

. . . if the petition is signed by a voter who is not registered in the geographical area represented at the time of signing or verification?

In the 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. (Section 99.095(2)(d), Florida Statutes) - Incorrect or lack of district designation on the petition will not invalidate the petition during year of apportionment. (*Exception – Judicial Candidate petition requirements do not change.*)

If a petition is signed by a voter who is not registered in the geographical area represented, it is not valid for that county. Form [DS-DE 104](#) requires the person to attest that they are a registered voter in said “county and state” at the time a person signs the petition. Thus, at the time of signing, the person must have been a registered voter in the county. Additionally, Rule [1S-2.045](#), Florida Administrative Code, states a petition is invalid if 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](#), Florida Statutes, at both the time of signing and verification of the petition.”

. . . if the voter signs more than one petition for the same candidate?

Only one candidate petition per voter per candidate may be verified as valid.

When a supervisor is confronted with a situation where the same voter signs two or more candidate petitions for the same candidate for the same office, only one petition may be validated. For example, if the first petition submitted by the voter is valid, it remains valid even if a second petition by the same voter is submitted contrary to the above statute; however, the second petition may not be validated. The supervisor must ensure that only one petition per voter per candidate is counted as valid. Under Section [104.185](#), Florida Statutes, a person who knowingly signs a candidate petition more than one time for a

candidate commits a misdemeanor of the first degree. If the supervisor believes the voter or candidate violated the above statute by the submission of more than one petition per voter per candidate, the supervisor may file an elections fraud complaint with the Division of Elections or refer the matter to the local state attorney.

A voter may sign petitions for different candidates in the same race. There is nothing in the Election Code that prohibits a voter from signing petitions for more than one candidate in the same race or election.

. . . if the petition form is signed by an inactive voter?

A petition signed by an inactive voter is valid as long as it meets all other requirements. A voter's active or inactive status is immaterial.

. . . if the petition form is incomplete?

See Rule [1S-2.045\(5\)\(f\)](#), Florida Administrative Code, for details on what information must be on the petition.

. . . if the petition is prefilled by the candidate?

The only entries that must be filled in by the voter are the signature and the date. Therefore, a candidate or petition gatherer is allowed to prefill all other information.

. . . if the petition is dated after the date the candidate submits the petition to the supervisor?

Rule [1S-2.045\(5\)\(f\)](#), Florida Administrative Code, requires that the petition form contain "the date the voter signed the petition as recorded by the voter." If the date has not occurred, or occurred after the date the supervisor receives the petition, the voter obviously could not have signed the petition on that date, and it should not be counted as valid.

. . . if the voter with a public records exemption signs the petition?

No special processes apply when voters with public records exemptions sign petition forms. Like any other voter, if the voter with a protected address wants to sign the petition, the voter may elect to place a business address or some other address. If the voter lists an address other than the legal residence where the voter is registered, the supervisor must treat the petition as if the voter had listed the address where the voter is registered.

. . . if the petition does not have a disclaimer?

A petition does not meet the definition of a political advertisement as defined in Section [106.011](#), Florida Statutes (as it does not expressly advocate the election of a candidate). Thus, on its own, a petition need not contain a disclaimer. However, if the petition is included as a part of a larger advertisement that does meet the definition of a political advertisement, the political advertisement would need a disclaimer. A missing disclaimer on such an advertisement does not invalidate an otherwise properly executed petition but does constitute a violation of [Chapter 106](#), Florida Statutes.

. . . if the petition does not have the voter's original signature?

Rule [1S-2.045\(5\)\(f\)4.](#), Florida Administrative Code, provides that the Supervisor of Elections shall not verify a signature on a petition unless it contains the voter's original signature. Thus, copies of petitions, electronic submission (such as email), or petitions with electronic signatures are not valid.

. . . if a candidate is not registered to vote in the geographical area represented by the office sought?

Only the voter's registration status affects the validity of the petition. The candidate's eligibility for office has no bearing on the validity of the petitions.

. . . if the petition contains a shortened version of a political party's name in the block that asks for the name of the political party?

If the supervisor can determine with certainty to which party the shortened version refers, the petition should be verified.

Example:

Form [DS-DE 9](#) indicates that the candidate is running as a Republican candidate. The petition has the acronym RPOF in the name of political party block. This would be acceptable as there is only one party commonly known as RPOF, i.e., Republican Party of Florida.

Chapter 5: Fees and Undue Burden Oath

What is the verification fee?

There is a fee of 10 cents per signature or the actual cost of checking such signatures, whichever is less, to be paid to the Supervisor of Elections for the cost of verifying the signature.

The fees must be paid in advance of verifying the petitions.

Who is responsible for the verification fee?

Section [99.097\(4\)](#), Florida Statutes, provides that the Supervisor of Elections shall be paid in advance by the candidate. Thus, there are three ways to pay for the verification fees.

- The verification fee is paid with a campaign check or the campaign's petty cash.
- The candidate pays the verification fee with personal funds and reports it as an in-kind contribution or is reimbursed by the campaign.
- Someone else pays the verification fees and is reimbursed by the campaign.

Because the statute specifically states that the candidate shall pay the verification fee, ultimately, the candidate is responsible for paying the fee. If someone else pays the verification fee, it is the candidate's responsibility to ensure that the person is reimbursed by the campaign.

What is an undue burden oath?

If a candidate cannot pay the signature verification fee without imposing an undue burden on the candidate's resources, the candidate may file an undue burden oath (see [Appendix C](#)). Candidates must file an undue burden oath with each Supervisor of Elections' office where petitions will be submitted. The undue burden oath filed in each county must be properly notarized.

If any person is paid to solicit signatures on a petition, a candidate may not subsequently file an undue burden oath.

If an undue burden oath has been filed and payment is subsequently made to any person to

Candidate Petition Handbook

solicit signatures on a petition, the oath is no longer valid and a fee for all signatures previously submitted to the Supervisor of Elections and any that are submitted thereafter shall be paid by the candidate who submitted the oath.

If a candidate receives monetary contributions, as defined in Section [106.011](#), Florida Statutes, after the candidate has filed an undue burden oath and subsequently paid a signature gatherer, the monetary contributions must first be used to reimburse the Supervisor of Elections for any signature verifications fees that were not paid because of the filing of the oath.

Chapter 6: Certification to the Division of Elections

Which candidate petitions must be certified to the State?

Supervisors of Elections must certify the number of verified petitions for the following offices to the Division of Elections:

- U.S. Senate
- Representative in Congress
- Governor
- Attorney General
- Chief Financial Officer
- Commissioner of Agriculture
- State Senator
- State Representative
- Circuit Court Judge
- State Attorney
- Public Defender
- Multi-county Special District

Who determines whether the candidate's name is placed on the ballot?

After receipt of the certifications from the Supervisor of Elections, the Division of Elections will determine whether the required number of signatures has been obtained in order for the name of the candidate to be placed on the ballot and will notify the candidate and the supervisor. **(NOTE:** This certification only excuses you from paying the qualifying fee and any party assessment when seeking to qualify for this office. The certification does not excuse you from submitting other qualifying papers required by the Florida Election Code.)

Candidate Petition Handbook

How do I confirm the number of signatures certified to the Division of Elections?

To check the number of signatures certified to the Division of Elections, search for the candidate's name on the [Candidate Tracking System](#).

Select an **Election** and click **View List**.

Candidates and Races

Candidate Tracking System

The Florida Department of State's Candidate Tracking System tracks candidates throughout the elections process presenting candidate status, campaign finance activity, personal photos and contact information. This information is updated regularly as candidates update their information.

The Division of Elections offers this tracking system as an unofficial reference of candidates for federal, state, and multicounty offices. Although federal candidates are required to register with the Federal Election Commission once they receive contributions or make expenditures in excess of \$5000, federal candidates who may or may not have reached this threshold but have notified the Division that they wish to have their name and information placed on the Division's website prior to qualifying for office are listed as a courtesy to the candidate and voters. For information on county or municipal candidates, please contact your local [Supervisor of Elections](#).

General Election: 2022 Election

Special Election: 2022 Special: US House 20

Florida Division of Elections, Room 316, R.A. Gray Building, 500 South Bronough Street, Tallahassee, FL 32399-0250, 850.245.6200

Then click on the candidate's name.

Candidate Listing for 2022 General Election

Group: ALL Status: ALL (except WIT/DNQ)

Office: State Representative County: ALL

Last Name Like: Order by: Name

- You can narrow your search results for candidates by county. A search by county will provide a list of candidates running for offices for which all or a portion of the geographical area represented by the office is located in that county. For information on county or municipal candidates, please contact your local [Supervisor of Elections](#).

State Representative

| District | Candidate | Status | Primary | General |
|----------|--------------------------------------|--------|---------|---------|
| 1 | Doe, Johnny A. (DEM) | Active | | |

Candidate Petition Handbook

Click **Petition Signatures** at the bottom of the screen.

Candidate Tracking System

2022 General Election
State Representative
District 1

Johnny A. Doe
Democrat

Address
1234 Main Street
Winter Springs, FL 32789

Phone: (407) 555-1234

Campaign Treasurer
1234 Main Street
Winter Springs, FL 32789

Status: Active
Date Filed: 12/01/2020
Date Qualified:
Method: Petition method

[Campaign Finance Activity](#)

[Campaign Documents](#)

[Petition Signatures](#)

The Petition Signatures button will **not** appear on a candidate's page if no petitions have been received and processed by the Supervisor of Elections.

The page will display the total required signatures, total verified, and the last date petitions were verified from a county to the Division of Elections.

Candidate's Petition Signatures

2022 General Election
State Representative
District 1

Johnny A. Doe
Democrat

| Total Required | Total Verified |
|----------------|----------------|
| 599 | 800 |

| County | Last Verified Date | Total Verified Number |
|----------|--------------------|-----------------------|
| Escambia | 07/30/2021 | 200 |
| Okaloosa | 07/10/2021 | 600 |

What do I do if I believe the totals are incorrect?

You will need to contact the Supervisor of Elections for the county in question.

What is the deadline for Supervisor of Elections to certify signatures to the Division of Elections?

No later than 5:00 p.m. on:

- **April 18, 2022** – Circuit Court Judge, State Attorney (6th and 20th Judicial Circuits), and Public Defender (20th Judicial Circuit)
- **June 6, 2022** – U. S. Senator, Representative in Congress, Governor, Attorney General, Chief Financial Officer, Commissioner of Agriculture, State Senate, State Representative, and Multi-county Special District

Certifications received from the Supervisor of Elections after the deadline will not be accepted.

Appendix A**2022 Petition Signatures Required for Circuit Court Judge, State Attorney (6th and 20th) and Public Defender (20th)**

| Judicial Circuit | Signatures Required |
|-----------------------------|--------------------------------|
| 1 | 5,868 |
| 2 | 2,949 |
| 3 | 1,198 |
| 4 | 9,012 |
| 5 | 8,990 |
| 6 | 11,049 |
| 7 | 7,512 |
| 8 | 2,755 |
| 9 | 11,055 |
| 10 | 5,507 |
| 11 | 15,643 |
| 12 | 6,314 |
| 13 | 9,344 |
| 14 | 2,028 |
| 15 | 10,203 |
| 16 | 570 |
| 17 | 12,670 |
| 18 | 7,876 |
| 19 | 4,891 |
| 20 | 8,993 |

Appendix C: DS-DE 19A Affidavit of Undue Burden – Candidate

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(8), 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 _____

Signature of Notary Public

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

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: _____

DS-DE 19A (11/2/2021)

Candidate Petition Handbook

Appendix D: DS-DE 104 Candidate Petition Form

| 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] | | | |
| <input type="checkbox"/> Nonpartisan <input type="checkbox"/> No party affiliation <input type="checkbox"/> _____ Party candidate for the office of _____ _____ (insert title of office and include district, circuit, group, seat number, if applicable) | | | |
| <div style="border: 1px solid black; padding: 2px;">Date of Birth or Voter Registration Number (MM/DD/YY)</div> | | <div style="border: 1px solid black; padding: 2px;">Address</div> | |
| <div style="border: 1px solid black; padding: 2px;">City</div> | <div style="border: 1px solid black; padding: 2px;">County</div> | <div style="border: 1px solid black; padding: 2px;">State</div> | <div style="border: 1px solid black; padding: 2px;">Zip Code</div> |
| <div style="border: 1px solid black; padding: 2px;">Signature of Voter</div> | | <div style="border: 1px solid black; padding: 2px;">Date Signed (MM/DD/YY) [to be completed by Voter]</div> | |
| Rule 1S-2.045, F.A.C. | | DS-DE 104 (Eff. 09/11) | |

Appendix E: Legal References and Rules Cited

Florida Statutes

- [99.095](#) Petition process in lieu of a qualifying fee and party assessment.
- [99.09651](#) Signature requirements for ballot position in year of apportionment.
- [99.097](#) Verification of signatures on petitions.
- [100.371](#) Initiatives; procedure for placement on ballot.
- [104.31](#) Political activities of state, county, and municipal officers and employees.
- [104.185](#) Petitions; knowingly signing more than once; signing another person's name or a fictitious name.
- [106.011](#) Definitions.
- [106.15](#) Certain acts prohibited.

Florida Election Code

- [Chapters 97 – 106, Florida Statutes](#)

Florida Administrative Code

- [Rule 1S-2.045](#) Candidate Petition Process

Forms

- [DS-DE 9](#) Appointment of Campaign Treasurer and Designation of Campaign Depository for Candidates
- [DS-DE 19A](#) Affidavit of Undue Burden - Candidate
- [DS-DE 104](#) Candidate Petition Form

Candidate Tracking System – Division of Elections

- dos.elections.myflorida.com/candidates

Exhibit 3



OFFICE OF THE CLERK
Supreme Court of Wisconsin

110 EAST MAIN STREET, SUITE 215

P.O. Box 1688

MADISON, WI 53701-1688

TELEPHONE (608) 266-1880

FACSIMILE (608) 267-0640

Web Site: www.wicourts.gov

November 17, 2021

To:

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*Address list continued on page 4.

You are hereby notified that the Court has entered the following order:

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

Pending before the court is an original action filed by petitioners Billie Johnson, et al. This order provides scheduling expectations for the parties in the event new maps are not enacted into law, and it becomes necessary for this court to award judicial relief.

The court intends to issue an opinion on or about November 30, 2021, answering the first three questions posed in this court's order dated October 14, 2021, and briefed by the parties and amici, namely: (1) Under the relevant state and federal laws, what factors should we consider in evaluating or creating new maps? (2) The petitioners ask us to modify existing maps using a "least-change" approach. Should we do so, and if not, what approach should we use? and (3) Is the partisan makeup of districts a valid factor for us to consider in evaluating or creating new maps?

Page 2

November 17, 2021

No. 2021AP1450-OA Johnson v. Wisconsin Elections Commission

Upon issuance of the court's decision on the first three questions, the parties are encouraged to review discovery and record development needs and are advised that the following deadlines will apply:

IT IS ORDERED that by 4:00 p.m. on December 3, 2021, if parties desire discovery, they shall submit a joint proposed discovery plan that details from whom and how discovery will be sought, with all discovery to be completed on or before December 23, 2021;

IT IS FURTHER ORDERED that on or before 12:00 noon on December 15, 2021, each party (including all intervenors) may file a proposed map (for state assembly, state senate, and congress), complying with the parameters set forth in the court's forthcoming decision, a supporting brief, and an expert report; or, a party may file a letter-brief stating the party supports a map proposed by another party. Any brief filed in support of a proposed map shall not exceed 50 pages if a monospaced font is used or 11,000 words if a proportional serif font is used. A letter-brief filed in support of another party's proposed map shall not exceed 15 pages if a monospaced font is used or 3,300 words if a proportional serif font is used;

IT IS FURTHER ORDERED that any expert report filed in support of a proposed map and accompanying its supporting brief shall strive for brevity and shall contain an executive summary not to exceed five pages if a monospaced font is used or 1,100 words if a proportional serif font is used;

IT IS FURTHER ORDERED that on or before 12:00 noon on December 30, 2021, each party may file a responsive brief which shall not exceed 25 pages if a monospaced font is used or 5,500 words if a proportional serif font is used. A party that elects to support another party's proposed map may file a letter-brief that shall not exceed 15 pages if a monospaced font is used or 3,300 words if a proportional serif font is used;

IT IS FURTHER ORDERED that any non-party that wishes to file a non-party brief amicus curiae in support of or in opposition to a proposed map must file a motion for leave of the court to file a non-party brief. Wis. Stat. § (Rule) 809.19 (7). Non-parties should consult this court's Internal Operating Procedure III.B.6.c., concerning the nature of non-parties who may be granted leave to file a non-party brief. A proposed non-party brief must accompany the motion for leave to file it and shall not exceed 15 pages if a monospaced font is used or 3,300 words if a proportional serif font is used. Any motion for leave with the proposed non-party brief attached shall be filed no later than 12:00 noon on January 4, 2022. Any proposed non-party brief for which this court does not grant leave will not be considered by the court;

IT IS FURTHER ORDERED that on or before 12:00 noon on January 4, 2022, each party may file a reply brief, which shall not exceed 15 pages if a monospaced font is used or 3,300 words if a proportional serif font is used. A party that elects to support another party's proposed map may file a letter-brief that shall not exceed 15 pages if a monospaced font is used or 3,300 words if a proportional serif font is used;

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IT IS FURTHER ORDERED that the form, pagination, appendix, and certification requirements shall be the same as those governing standard appellate briefing in this court for a brief-in chief, response, and reply;

IT IS FURTHER ORDERED that any party that filed a proposed map and subsequently determines that it merits a correction or modification, may file a motion seeking the court's leave to amend the proposed map. Such motion shall include a description of the amendments, the reasons for them, a proposed amended map, and shall state whether the motion is unopposed by other the parties. The court may request responses from the other parties; unsolicited responses to such a motion will be disfavored;

IT IS FURTHER ORDERED that the parties are advised that the court may elect to conduct a hearing and/or oral argument on one or more of four consecutive days beginning January 18, 2022; and

IT IS FURTHER ORDERED that all filings in this matter shall be filed as an attachment in pdf format to an email addressed to clerk@wicourts.gov. See Wis. Stat. §§ 809.70, 809.80 and 809.81. A paper original and 10 copies of each filed document must be received by the clerk of this court by 12:00 noon of the business day following submission by email, with the document bearing the following notation on the top of the first page: "This document was previously filed via email."

Sheila T. Reiff
Clerk of Supreme Court

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Exhibit 4

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

| | | |
|-------------------------------------|---|---------------------------|
| Carol Ann Carter, Monica Parrilla, | : | CASES CONSOLIDATED |
| Rebecca Poyourow, William Tung, | : | |
| Roseanne Milazzo, Burt Siegel, | : | |
| Susan Cassanelli, Lee Cassanelli, | : | |
| Lynn Wachman, Michael Guttman, | : | |
| Maya Fonkeu, Brady Hill, Mary Ellen | : | |
| Balchunis, Tom DeWall, | : | |
| Stephanie McNulty and Janet Temin, | : | |
| Petitioners | : | |

| | | |
|----|---|-------------------|
| v. | : | No. 464 M.D. 2021 |
|----|---|-------------------|

| | |
|------------------------------------------|---|
| Veronica Degraffenreid, in her official | : |
| capacity as the Acting Secretary of the | : |
| Commonwealth of Pennsylvania; | : |
| Jessica Mathis, in her official capacity | : |
| as Director for the Pennsylvania Bureau | : |
| of Election Services and Notaries, | : |
| Respondents | : |

| | |
|---------------------------------------|---|
| Philip T. Gressman; Ron Y. Donagi; | : |
| Kristopher R. Tapp; Pamela Gorkin; | : |
| David P. Marsh; James L. Rosenberger; | : |
| Amy Myers; Eugene Boman; | : |
| Gary Gordon; Liz McMahon; | : |
| Timothy G. Feeman; and Garth Isaak, | : |
| Petitioners | : |

| | | |
|----|---|-------------------|
| v. | : | No. 465 M.D. 2021 |
|----|---|-------------------|

| | |
|------------------------------------------|---|
| Veronica Degraffenreid, in her official | : |
| capacity as the Acting Secretary of the | : |
| Commonwealth of Pennsylvania; | : |
| Jessica Mathis, in her official capacity | : |
| as Director for the Pennsylvania Bureau | : |
| of Election Services and Notaries, | : |
| Respondents | : |

PER CURIAM

ORDER

AND NOW, this 20th day of December, 2021, in consideration of the petitions for review filed in the above-consolidated actions, which are addressed to this Court's original jurisdiction, and consistent with the process established in *Mellow v. Mitchell*, 607 A.2d 204 (Pa. 1992), it is hereby ORDERED:

1. Any applications to intervene, *see* Pa. R.A.P. 1531(b), shall be filed by December 31, 2021. Answers thereto shall be due within four (4) days of the date the application to intervene is filed.

2. Any party to this proceeding who wishes to submit to the Court for its consideration a proposed 17-district congressional reapportionment plan consistent with the results of the 2020 Census shall file the proposed plan by January 28, 2022.

3. If the General Assembly and the Governor fail to enact a congressional reapportionment plan by January 30, 2022, the Court will select a plan from those plans timely filed by the parties.

4. In the event the Court must select a congressional reapportionment plan, the Court will hold a final hearing beginning on January 31, 2022, to receive evidence and consider all timely filed proposed plans. The Court will also consider revisions to the 2022 election schedule/calendar as part of the hearing. The hearing will begin at 9:30 a.m. in Courtroom 3001 of the Pennsylvania Judicial Center, Harrisburg, PA. It shall be the responsibility of Petitioners to secure the services of a court reporter(s) throughout the duration of the hearing.

5. Consistent with the authority granted to the General Assembly under the Elections Clause of the United States Constitution, art. I, § 4, cl. 1, Petitioners are hereby directed to serve immediately a copy of this Order on the Pennsylvania Senate Majority and Democratic Leaders and on the Pennsylvania House of Representatives Majority and Democratic Leaders and file proof of service with this Court.