



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

MEMORANDUM

FROM: Ken Detzner
Florida Secretary of State

TO: Supervisors of Elections

DATE: August 14, 2015

SUBJECT: Directive 2015-01—Congressional Candidate Qualifying;
Year of Apportionment

Supervisors of elections have asked for clarification regarding whether the 2016 election is to be deemed to occur in a “year of apportionment” as that term is used in connection with qualifying requirements for congressional candidates in Florida. Their question arises within the context of the recent decision of the Supreme Court of Florida requiring the redrawing of congressional districts. *See League of Women Voters of Fla. v. Detzner*, 2015 WL 4130852 (Fla. July 9, 2015) (instructing the Florida Legislature to redraw congressional districts 5, 13, 14, 21, 22, 25, 26, and 27).

In an apportionment year, the qualification requirements for a congressional candidate change in three significant ways. First, such a candidate may obtain signatures from electors who reside anywhere in the state (rather than from only those who reside within the district). *See* § 99.09651(3), Fla. Stat. Second, there is a different formula for calculating the minimum number of signatures required to qualify by petition. *See* § 99.09651(1), (2), Fla. Stat. Third, the qualifying dates for congressional candidates change. *See* § 99.061(9), Fla. Stat. These different requirements reflect the fact that the timing of redrawing of district boundaries conflicts with the ordinary process of identifying which and how many voters within a district would be required to qualify by petition. Redistricting also creates a period of uncertainty for a candidate trying to decide which specifically numbered district he or she might seek to represent.

The Supreme Court’s July 9, 2015, decision requires the Legislature to redraw certain congressional districts, and it relinquished jurisdiction for 100 days to allow the trial court to complete review of a remedial apportionment plan adopted by the Legislature. The Legislature



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will consider a new reapportionment plan during a special session called for August 10 – 21, 2015. In turn, while congressional candidates seeking 2016 ballot placement will be running for office based on newly drawn district lines, such candidates may not know in a sufficiently timely manner from which voters they may obtain petition signatures or how many signatures they must obtain. Therefore, I conclude that the provisions in the Election Code referring to procedures to be followed in a “year of apportionment” apply to congressional candidates for the purpose of qualifying in such races in Florida during the 2016 election cycle. *See* §§ 99.061(9), 99.095, 99.09651, Fla. Stat.

In turn, pursuant to my authority under section 97.012(1) and (16), Florida Statutes, I hereby direct the supervisors of elections in Florida to perform the duty of verifying signatures on petitions submitted to them by congressional candidates pursuant to section 99.095(3), Florida Statutes, to determine whether a petition’s signature is from a voter registered within the county in which it was circulated. The petitions must state that the candidate is seeking the office of U.S. Representative, but they shall not include a district number, *see* § 99.09651(4), Fla. Stat.; however, if a petition includes a district number, the district designation may be disregarded as extraneous and unnecessary information for the applicable qualifying period.

Any congressional candidate in Florida seeking ballot placement for the 2016 election who seeks to qualify by the petition process may obtain signatures “from any registered voter in Florida regardless of party affiliation or district boundaries.” *See* § 99.09651(3), Fla. Stat. Moreover, such a candidate will need to collect 2,298 signatures. *See* § 99.09651(1), (2), Fla. Stat. (requiring a candidate for Congress in an apportionment year to collect a number of signatures equal to one-third of one percent of the “ideal population,” which is a number calculated by taking the total state population based on the most recent decennial census (18,801,310 in 2010) and dividing by the number of congressional districts apportioned to Florida (27)). Finally, the qualifying dates for congressional candidates shall be from noon on June 20, 2016, to noon on June 24, 2016. *See* § 99.061(9), Fla. Stat.

This directive remains in effect until such time as it is superseded or revoked by subsequent directive, law, or final court order.