

CHAPTER 99

CANDIDATES, CAMPAIGN EXPENSES, AND CONTESTING ELECTIONS

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99.012 Restrictions on individuals qualifying for public office.—

(1) As used in this section:

(a) "Officer" means a person, whether elected or appointed, who has the authority to exercise the sovereign power of the state pertaining to an office recognized under the State Constitution or laws of the state. With respect to a municipality, the term "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.

(b) "Subordinate officer" means a person who has been delegated the authority to exercise the sovereign power of the state by an officer. With respect to a municipality, subordinate officer means a person who has been delegated the authority to exercise municipal power by an officer.

(2) No person may qualify as a candidate for more than one public office, whether federal, state, district, county, or municipal, if the terms or any part thereof run concurrently with each other.

(3)(a) No officer may qualify as a candidate for another public office, whether state, district, county, or municipal, if the terms or any part thereof run concurrently with each other, without resigning from the office he or she presently holds.

(b) The resignation is irrevocable.

(c) The written resignation must be submitted at least 10 days prior to the first day of qualifying for the office he or she intends to seek.

(d) The resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or

2. The date the officer's successor is required to take office.

(e)1. An elected district, county, or municipal officer must submit his or her resignation to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State.

2. An appointed district, county, or municipal officer must submit his or her resignation to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

3. All other officers must submit their resignations to the Governor with a copy to the Department of State.

(f)1. With regard to an elective office, the resignation creates a vacancy in office to be filled by election. Persons may qualify as candidates for nomination and election as if the public officer's term were otherwise scheduled to expire.

2. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter. The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(g) Any officer who submits his or her resignation, effective immediately or effective on a date prior to the date of his or her qualifying for office, may then qualify for office as a nonofficeholder, and the provisions of this subsection do not apply.

(4)(a) Any officer who qualifies for federal public office must resign from the office he or she presently holds if the terms or any part thereof run concurrently with each other.

(b) The resignation is irrevocable.

(c) The resignation must be submitted no later than the date upon which the officer qualifies for office.

(d) The written resignation must be effective no later than the earlier of the following dates:

1. The date the officer would take office, if elected; or

2. The date the officer's successor is required to take office.

(e)1. An elected district, county, or municipal officer must submit his or her resignation to the officer before whom he or she qualified for the office he or she holds, with a copy to the Governor and the Department of State.

2. An appointed district, county, or municipal officer must submit his or her resignation to the officer or authority which appointed him or her to the office he or she holds, with a copy to the Governor and the Department of State.

3. All other officers must submit their resignations to the Governor with a copy to the Department of State.

(f)1. The failure of an officer who qualifies for federal public office to submit a resignation pursuant to this subsection constitutes an automatic irrevocable resign-

nation, effective immediately, from the office he or she presently holds.

2. The Department of State shall send a notice of the automatic resignation to the Governor, and in the case of a district, county, or municipal officer, a copy to:

a. The officer before whom he or she qualified if the officer held an elective office; or

b. The person or authority who appointed the officer if the officer held an appointive office.

(g) The provisions of any special act to the contrary notwithstanding, with regard to an elective office, the resignation creates a vacancy in office to be filled by election, thereby permitting persons to qualify as candidates for nomination and election as if the officer's term were otherwise scheduled to expire. With regard to an elective charter county office or elective municipal office, the vacancy created by the officer's resignation may be filled for that portion of the officer's unexpired term in a manner provided by the respective charter. The office is deemed vacant upon the effective date of the resignation submitted by the official in his or her letter of resignation.

(5) A person who is a subordinate officer, deputy sheriff, or police officer need not resign pursuant to this section 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. However, upon qualifying, the subordinate officer, deputy sheriff, or police officer must take a leave of absence without pay during the period in which he or she is a candidate for office.

(6) The name of any person who does not comply with this section may be removed from every ballot on which it appears when ordered by a circuit court upon the petition of an elector or the Department of State.

(7) This section does not apply to:

(a) Political party offices.

(b) Persons serving without salary as members of an appointive board or authority.

(8) Nothing contained in subsections (3) and (4) relates to persons holding any federal office.

History.—s. 1, ch. 63-269; s. 2, ch. 65-378; s. 1, ch. 70-80; s. 10, ch. 71-373; s. 1, ch. 74-76; s. 3, ch. 75-196; s. 1, ch. 79-391; s. 47, ch. 81-259; s. 1, ch. 83-15; s. 28, ch. 84-302; s. 31, ch. 91-107; s. 534, ch. 95-147.

99.021 Form of candidate oath.—

(1)(a) Each candidate, whether a party candidate, an independent candidate, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105, shall take and subscribe to an oath or affirmation in writing. A printed copy of the oath or affirmation shall be furnished to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida
County of _____

Before me, an officer authorized to administer oaths, personally appeared _____ (please print name as you wish it to appear on the ballot), to me well known, who, being sworn, says that he or she is a candidate for the office of _____; that he or she is a qualified elector of _____ County, Florida; that

he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, Florida Statutes.

(Signature of candidate)

(Address)

Sworn to and subscribed before me this _____ day of _____, 19____, at _____ County, Florida.

(Signature and title of officer administering oath)

(b) In addition, any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which the person is a member.

2. That the person is not a registered member of any other political party and has not been a candidate for nomination for any other political party for a period of 6 months preceding the general election for which the person seeks to qualify.

3. That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member.

(c) The officer before whom such person qualifies shall certify the name of such person to the supervisor of elections in each county affected by such candidacy so that the name of such person may be printed on the ballot. Each person seeking election as a write-in candidate shall subscribe to the oath prescribed in this section in order to be entitled to have write-in ballots cast for him or her counted.

(2) The provisions of subsection (1) relating to the oath required of candidates, and the form of oath prescribed, shall apply with equal force and effect to, and shall be the oath required of, a candidate for election to a political party executive committee office, as provided by law. The requirements set forth in this section shall also apply to any person filling a vacancy on a political party executive committee.

History.—ss. 22, 23, ch. 6469, 1913; RGS 326, 327; CGL 383, 384; s. 3, ch. 19663, 1939; s. 3, ch. 26870, 1951; s. 10, ch. 28156, 1953; s. 1, ch. 57-742; s. 1, ch. 61-128; s. 2, ch. 63-269; s. 1, ch. 63-66; s. 1, ch. 65-376; s. 1, ch. 67-149; s. 2, ch. 70-269; s. 19, ch. 71-355; s. 6, ch. 77-175; s. 3, ch. 79-365; s. 27, ch. 79-400; s. 2, ch. 81-105; s. 3, ch. 86-134; s. 535, ch. 95-147.

Note.—Former ss. 102.29, 102.30.

99.061 Method of qualifying for nomination or election to federal, state, county, or district office.—

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than a judicial office as defined in chapter 105, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the alternative method with the Department

of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the first primary, but not later than noon of the 116th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to federal office; and noon of the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary, for persons seeking to qualify for nomination or election to a state or multicounty district office. However, the qualifying fee, if any, paid by an independent candidate or a minor party candidate shall be refunded to such candidate by the qualifying officer within 10 days from the date that the determination is made that such candidate or minor party failed to obtain the required number of signatures.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district or special district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the alternative method with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 50th day prior to the first primary or special district election, but not later than noon of the 46th day prior to the date of the first primary or special district election. However, if a special district election is held at the same time as the second primary or general election, qualifying shall be the 50th day prior to the first primary, but not later than noon of the 46th day prior to the date of the first primary. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3)(a) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, but not later than noon of the last day of the qualifying period for the office sought.

(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate shall not be entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in shall be provided on the general election ballot. No person may qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.

(4) At the time of qualifying for office, each candidate for a constitutional office shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(5) The Department of State shall certify to the supervisor of elections, within 7 days after the closing

date for qualifying, the names of all duly qualified candidates for nomination or election who have qualified with the Department of State.

(6) Notwithstanding the qualifying period prescribed in this section, if a candidate has submitted the necessary petitions by the required deadline in order to qualify by the alternative method as a candidate for nomination and such candidate is notified after the 5th day prior to the last day for qualifying that the required number of signatures has been obtained, such candidate shall be entitled to subscribe to the candidate's oath and file the qualifying papers at any time within 5 days from the date such candidate is notified that the necessary number of signatures has been obtained. Any candidate who qualifies within the time prescribed in this subsection shall be entitled to have his or her name printed on the ballot.

(7)(a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account in an amount not less than the fee required by s. 99.092 or, in lieu thereof, as applicable, the copy of the notice of obtaining ballot position pursuant to s. 99.095 or the undue burden oath authorized pursuant to s. 99.0955 or s. 99.096. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall, the end of qualifying notwithstanding, have 48 hours from the time such notification is received, excluding Saturdays, Sundays, and legal holidays, to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, duly acknowledged.

3. The loyalty oath required by s. 876.05, signed by the candidate and duly acknowledged.

4. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

5. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

6. The full and public disclosure or statement of financial interests required by subsection (4).

(b) If the filing officer receives qualifying papers that do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(8) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 57th day prior to the

first primary, but not later than noon of the 53rd day prior to the first primary.

History.—ss. 25, 26, ch. 6469, 1913; RGS 329, 330; CGL 386, 387; ss. 4, 5, ch. 13761, 1929; s. 1, ch. 16990, 1935; CGL 1936 Supp. 386; ss. 1, chs. 19007, 19008, 19009, 1939; CGL 1940 Supp. 4769(3); s. 1, ch. 20619, 1941; s. 1, ch. 21851, 1943; s. 1, ch. 23006, 1945; s. 1, ch. 24163, 1947; s. 3, ch. 26870, 1951; s. 11, ch. 28156, 1953; s. 4, ch. 29936, 1955; s. 10, ch. 57-1; s. 1, ch. 59-84; s. 1, ch. 61-373 and s. 4, ch. 61-530; s. 1, ch. 63-502; s. 7, ch. 65-378; s. 2, ch. 67-531; ss. 10, 35, ch. 69-106; s. 5, ch. 69-281; s. 1, ch. 69-300; s. 1, ch. 70-42; s. 1, ch. 70-93; s. 1, ch. 70-439; s. 6, ch. 77-175; s. 1, ch. 78-188; s. 3, ch. 81-105; s. 2, ch. 83-15; s. 2, ch. 83-25; s. 1, ch. 83-251; s. 29, ch. 84-302; s. 1, ch. 86-7; s. 6, ch. 89-338; s. 8, ch. 90-315; s. 32, ch. 91-107; s. 536, ch. 95-147; s. 1, ch. 95-156.

Note.—Former ss. 102.32, 102.33, 102.351, 102.36, 102.66, 102.69.

99.081 United States Senators elected in general election.—United States Senators from Florida shall be elected at the general election held preceding the expiration of the present term of office, and such election shall conform as nearly as practicable to the methods provided for the election of state officers.

History.—s. 3, ch. 26870, 1951; s. 6, ch. 77-175; s. 7, ch. 89-338.

Note.—Former s. 106.01.

99.091 Representatives to Congress.—

(1) A Representative to Congress shall be elected in and for each congressional district at each general election.

(2) When Florida is entitled to additional representatives according to the last census, representatives shall be elected from the state at large and at large thereafter until the state is redistricted by the Legislature.

History.—ss. 2, 3, ch. 3879, 1889; RS 157; s. 4, ch. 4328, 1895; s. 3, ch. 4537, 1897; GS 174; RGS 218; CGL 253; s. 2, ch. 25383, 1949; s. 3, ch. 26870, 1951; s. 6, ch. 77-175.

Note.—Former s. 98.07.

99.092 Qualifying fee of candidate; notification of Department of State.—

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 4.5 percent of the annual salary of the office. The amount of the filing fee equal to 1.5 percent of the annual salary of the office shall be transferred to the Election Campaign Financing Trust Fund. The remainder shall be distributed pursuant to s. 99.103. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be deposited into the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before

the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

(2) The supervisor of elections shall, immediately after the last day for qualifying, submit to the Department of State a list containing the names, party affiliations, and addresses of all candidates and the offices for which they qualified.

(3) Each candidate for the office of Governor and each candidate for the office of Lieutenant Governor shall pay a separate qualifying fee for his or her office in accordance with this section.

History.—s. 24, ch. 6469, 1913; RGS 328; CGL 385; s. 3, ch. 26870, 1951; s. 12, ch. 29934, 1955; s. 4, ch. 65-378; s. 1, ch. 67-531; ss. 10, 35, ch. 69-106; s. 6, ch. 69-281; s. 1, ch. 74-119; s. 1, ch. 75-123; s. 1, ch. 75-247; s. 6, ch. 77-175; s. 28, ch. 79-400; s. 4, ch. 81-105; s. 1, ch. 83-242; s. 8, ch. 89-338; s. 1, ch. 91-107; s. 537, ch. 95-147.

Note.—Former ss. 102.31, 99.031.

99.093 Municipal candidates; election assessment.—

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 1.5 percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward two-thirds of the amount collected pursuant to this section to the Department of State for deposit in the Elections Commission Trust Fund and one-third of the amount collected pursuant to this section shall be transferred to the Election Campaign Financing Trust Fund.

(2) Any person seeking to qualify for nomination or election to a municipal office who is unable to pay the election assessment without imposing an undue burden on personal resources or on resources otherwise available to him or her shall, upon written certification of such inability given under oath to the qualifying officer, be exempt from paying the election assessment.

History.—s. 9, ch. 89-338; s. 2, ch. 91-107; s. 538, ch. 95-147.

99.095 Alternative method of qualifying.—

(1) A person seeking to qualify for nomination to any office may qualify to have his or her name placed on the ballot for the first primary election by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee or party assessment required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election, the candidate must indicate in his or her oath for which group or district office he or she is running. The oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the first primary is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The Department of State shall prescribe the form to be used in adminis-

tering and filing such oath. No signatures shall be obtained by a candidate on any nominating petition until the candidate has filed the oath required in this section. If the person is running for an office which will be grouped on the ballot with two or more similar offices to be filled at the same election and the petition does not indicate the group or district office for which the person is running, the signatures obtained on such petition will not be counted.

(2) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with petition forms in sufficient numbers to facilitate the gathering of signatures pursuant to this section. Such forms shall be prescribed by the Department of State.

(3) When a candidate has filed the oath prescribed in subsection (1), the candidate may begin to seek signatures on petitions supporting his or her candidacy. Only signatures of electors who are registered in the political party by which the candidate seeks to be nominated and who are registered to vote in the county, district, or other geographical entity represented by the office sought shall be counted toward obtaining the minimum numbers of signatures prescribed in this subsection. A candidate for an office elected on a statewide basis shall obtain the signatures of a number of qualified electors equal to at least 3 percent of the total number of registered electors of Florida who are registered in the party by which the candidate seeks nomination, as shown by the compilation by the Department of State for the last preceding general election. A candidate for any federal, state, county, or district office to be elected on less than a statewide basis shall obtain the signatures of a number of qualified electors of the district, county, or other geographical entity equal to at least 3 percent of the total number of registered voters of the party by which the candidate seeks nomination that are registered within the district, county, or other geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election. A separate petition shall be circulated for each candidate availing himself or herself of the provisions of this section. However, candidates for the offices of Governor and Lieutenant Governor forming joint candidacies shall use the same nominating petition for both candidates.

(4)(a) Each candidate for nomination to federal, state, or multicounty district office shall file a separate petition for each county from which signatures are sought. Each petition shall be submitted, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which such petition is circulated. Each supervisor of elections to whom a petition is submitted shall check the signatures on the petition to verify their status as electors of the political party by which the candidate seeks nomination and of that county, district, or other geographical unit represented by the office being sought by the candidate. Prior to the first date for qualifying, the supervisor shall certify the number shown as registered electors of such county, district, or other geographical unit and of the appropriate political party and submit such certification to the Department of State. The Department of State shall determine whether

the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of such notice to, and file his or her qualifying papers and oath prescribed by s. 99.021 with, the Department of State. Upon receipt of the copy of such notice and the qualifying papers, the department shall certify the name of the candidate to the appropriate supervisor or supervisors of elections as having qualified for the office sought.

(b) Each candidate for nomination to a county office, or district office not covered by paragraph (a), shall submit his or her petition, prior to noon of the 21st day preceding the first day of the qualifying period for the office sought, to the supervisor of elections of the county for which the petition was circulated. The supervisor shall check the signatures on the petition to verify their status as electors of the political party for which the candidate seeks nomination and of the county, district, or other geographical entity represented by the office being sought. Prior to the first date for qualifying, the supervisor shall determine whether the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and shall notify the candidate. If the required number of signatures has been obtained, the candidate shall, during the time prescribed for qualifying for office, submit a copy of the notice and file his or her qualifying papers and oath prescribed by s. 99.021 with the supervisor of elections. Upon receipt of the copy of such notice and the qualifying papers by the supervisor of elections, such candidate shall be entitled to have his or her name printed on the ballot.

History.—s. 2, ch. 74-119; s. 6, ch. 77-175; s. 29, ch. 79-400; s. 10, ch. 89-338; s. 9, ch. 90-315; s. 539, ch. 95-147.

99.0955 Independent candidate for office; name on general election ballot.—

(1) Any registered elector seeking to have his or her name placed on the ballot at the general election as an independent candidate for an office may have his or her name printed on the general election ballot in which election such office is to be filled, provided the registered elector is otherwise qualified to hold the office that he or she seeks and provided a petition requesting that he or she be assigned a position on the general election ballot is signed by the required number of registered electors. Such person shall obtain the signatures on a petition form prescribed by the Department of State and furnished by the appropriate qualifying officer. Such forms may be obtained from the qualifying officer at any time after the first Tuesday following the first Monday in January preceding the general election.

(2) A candidate for an office elected on a statewide basis shall obtain the signatures of a number of the qualified electors equal to 3 percent of the registered electors of Florida, as shown by the compilation by the Department of State for the last preceding general election. When joint candidacies for the offices of Governor and Lieutenant Governor are provided by law, independent candidates for the offices of Governor and Lieuten-

ant Governor shall form a joint candidacy, and only one petition shall be used to place both names on the ballot as otherwise provided in this section. A candidate for any federal, state, county, or district office to be elected on less than a statewide basis shall obtain the signatures of a number of the qualified electors of the district, county, or other geographical entity equal to at least 3 percent of the total number of the registered voters of the district, county, or other geographical entity represented by the office sought, as shown by the compilation by the Department of State for the last preceding general election.

(3)(a) Each candidate for a federal, state, or multicounty district office shall submit a separate petition for each county from which signatures are sought. Each petition shall be submitted, prior to noon of the last day of the qualifying period prescribed in s. 99.061(1) for state office, to the supervisor of elections of the county for which such petition was circulated. Each supervisor to whom a petition is submitted shall check the names and shall, upon payment of the cost of checking the petitions or filing of the oath as prescribed in s. 99.097, certify to the Department of State, within 30 days of the last day for qualifying, the number shown as registered electors of said county. The Department of State shall determine whether or not the required number of signatures has been obtained and shall notify the candidate. If the required number of signatures has been obtained and the candidate has, during the time prescribed for qualifying for the office sought, filed his or her qualifying papers with the Department of State, paid his or her qualifying fee, and taken the oath provided in s. 99.021, such candidate shall be entitled to have his or her name printed on the general election ballot. However, any candidate who is unable to pay such fee without imposing an undue burden on personal resources or upon resources otherwise available to him or her shall, upon written certification of such inability given under oath to the Department of State, be exempt from paying the qualifying fee. The name of each candidate who is entitled pursuant to this paragraph to have his or her name printed on the general election ballot shall be certified to the supervisor of elections of each county affected by such candidacy by the Department of State at the time the names of other candidates to be printed on the general election ballot are certified to each supervisor.

(b) Each candidate for a county office, or district office not covered by paragraph (a), shall submit his or her petition, prior to noon of the last day of the qualifying period prescribed in s. 99.061(2), to the supervisor of elections of the county for which such petition was circulated. The supervisor shall determine whether the required number of signatures has been obtained and shall, within 30 days of the last day for qualifying, notify the candidate. If the required number of signatures has been obtained for the name of the candidate to be placed on the ballot and the candidate has, during the time prescribed for qualifying for office, filed his or her qualification papers with the supervisor of elections, paid his or her qualifying fee, and taken the oath prescribed in s. 99.021, such candidate shall be entitled to have his or her name printed on the general election ballot. However, any candidate who is unable to pay such

fee without imposing an undue burden on personal resources or upon resources otherwise available to him or her shall, upon written certification of such inability given under oath to the supervisor, be exempt from paying the qualifying fee. Upon paying the cost of checking the petitions or filing the oath required by s. 99.097, such candidate shall be entitled to have his or her name placed on the general election ballot.

History.—s. 6, ch. 70-269; s. 1, ch. 70-439; s. 3, ch. 74-119; s. 7, ch. 77-175; s. 2, ch. 78-188; s. 11, ch. 89-338; s. 10, ch. 90-315; s. 540, ch. 95-147; s. 13, ch. 95-280.

Note.—Former s. 99.152.

99.096 Minor party candidates; names on ballot.—

(1) A minor political party may have the names of its candidates for offices which are elected on a statewide basis printed on the general election ballot in an election in which one or more of those offices will be filled if a petition requesting that the party be assigned a position on the general election ballot is signed by 3 percent of the registered electors of the state, as shown by the compilation by the Department of State for the last preceding general election.

(2) A minor political party may have the names of its candidates for offices which are elected on less than a statewide basis printed on the general election ballot in an election in which one or more of those offices are to be filled if such party has obtained signatures on a petition requesting that the party be assigned a position on the general election ballot and such petition is signed by 3 percent of the registered electors of the district, county, or other geographical entity represented by the office, as shown by the compilation by the Department of State for the last preceding general election.

(3) Petitions to have the names of minor party candidates printed on the ballot shall be provided by the Department of State. The form of the petitions shall be prescribed by the Department of State. A minor political party may obtain such petition forms at any time after the first Tuesday after the first Monday in January preceding said general election.

(4) A separate petition shall be submitted from each county for which signatures are solicited. The petition shall be submitted to the supervisor of elections of the county prior to noon of the first day of the qualifying period prescribed in s. 99.061(1) for candidates for state office, and the supervisor shall check the names and shall, upon payment of the cost of checking the petitions prescribed in s. 99.097, certify, within 30 days after the first day for qualifying, the number shown as registered electors of the county. The supervisor shall then forward the certificate to the Department of State which shall determine whether or not the percentage factor as required in this section has been met. When the percentage factor has been met, the Department of State shall notify the minor party executive committee that the party has secured a position on the general election ballot.

(5) The executive committee of the party shall, no later than noon of the first day of the qualifying period prescribed for federal candidates and no later than noon of the first day of the qualifying period for state candidates, submit to the Department of State an official list of the respective candidates nominated by that party to

be on the ballot in the general election. The Department of State shall notify the appropriate supervisor of elections of the name of each minor party candidate eligible to qualify before such supervisor. Candidates selected by a party pursuant to this section shall qualify with the Department of State or appropriate supervisor of elections, pay their qualifying fee, and take and subscribe to the oath provided in s. 99.021 during the time prescribed for qualifying for the office sought. Any candidate who is unable to pay such fee without imposing an undue burden on his or her personal resources or upon resources otherwise available to him or her shall, upon written certification of such inability given under oath to the Department of State or appropriate supervisor of elections, be exempt from paying the qualifying fee. The official list of nominated candidates may not be changed by the party after having been filed with the Department of State, except that candidates who have qualified may withdraw from the ballot pursuant to the provisions of this code.

History.—s. 5, ch. 70-269; s. 1, ch. 70-439; s. 4, ch. 74-119; s. 8, ch. 77-175; s. 3, ch. 78-188; s. 12, ch. 89-338; s. 1, ch. 90-229; s. 11, ch. 90-315; s. 541, ch. 95-147.

Note.—Former s. 101.261.

99.0965 Minor parties; selection of candidates.—A minor political party with a position on the general election ballot may provide for the designation of its official list of nominated candidates in any manner that it deems proper. The state executive committee of the party shall by resolution adopt a procedure for the selection of candidates, a copy of which shall be submitted to the Department of State.

History.—s. 5, ch. 70-269; s. 1, ch. 70-439; s. 9, ch. 77-175.

Note.—Former s. 101.263.

99.09651 Signature requirements for ballot position in year of apportionment.—

(1) In a year of apportionment, any candidate for representative to Congress, state Senate, or state House of Representatives seeking ballot position by the alternative method or as an independent candidate or any minor party seeking ballot position shall obtain at least the number of signatures equal to 1 percent of the ideal population for the district of the office being sought.

(2) For the purposes of this section, "ideal population" means the total population of the state based upon the most recent decennial census divided by the number of districts for representative to Congress, state Senate, or state House of Representatives. For the purposes of this section, ideal population shall be calculated as of July 1 of the year prior to apportionment. The ideal population for a state Senate district and a state representative district shall be calculated by dividing the total population of the state by 40 for a state Senate district and by dividing by 120 for a state representative district.

(3) Signatures may be obtained from any registered voter in Florida regardless of party affiliation or district boundaries.

(4) Petitions shall state the name of the office the candidate is seeking, but shall not include a district number.

(5) Except as otherwise provided in this section, all requirements and procedures relating to the petition

process shall conform to the requirements and procedures in nonapportionment years.

History.—s. 3, ch. 91-107.

99.097 Verification of signatures on petitions.—

(1) As determined by each supervisor, based upon local conditions, the checking of names on petitions may be based on the most inexpensive and administratively feasible of either of the following methods of verification:

(a) A name-by-name, signature-by-signature check of the number of authorized signatures on the petitions; or

(b) A check of a random sample, as provided by the Department of State, of names and signatures on the petitions. The sample must be such that a determination can be made as to whether or not the required number of signatures have been obtained with a reliability of at least 99.5 percent. Rules and guidelines for this method of petition verification shall be promulgated by the Department of State, which may include a requirement that petitions bear an additional number of names and signatures, not to exceed 15 percent of the names and signatures otherwise required. If the petitions do not meet such criteria, then the use of the verification method described in this paragraph shall not be available to supervisors.

(2) When a petitioner submits petitions which contain at least 15 percent more than the required number of signatures, the petitioner may require that the supervisor of elections use the random sampling verification method in certifying the petition.

(3) A name on a petition, which name is not in substantially the same form as a name on the voter registration books, shall be counted as a valid signature if, after comparing the signature on the petition with the signature of the alleged signer as shown on the registration books, the supervisor determines that the person signing the petition and the person who registered to vote are one and the same. In any situation in which this code requires the form of the petition to be prescribed by the Department of State, no signature shall be counted toward the number of signatures required unless it is on a petition form prescribed by the Department of State.

(4) The supervisor shall be paid the sum of 10 cents for each signature checked or the actual cost of checking such signature, whichever is less, by the candidate, minor party, or person authorized by such minor party submitting the petition or, in the case of a petition to have an issue placed on the ballot, by the person or organization submitting the petition. However, if a candidate, person, or organization seeking to have an issue placed upon the ballot cannot pay such charges without imposing an undue burden on personal resources or upon the resources otherwise available to such candidate, person, or organization, such candidate, person, or organization shall, upon written certification of such inability given under oath to the supervisor, be entitled to have the signatures verified at no charge. However, an oath in lieu of payment of the charges shall not be allowed to verify the signatures on a petition to obtain ballot position for a minor party. In the event a candidate, person, or organization submitting a petition to have an issue placed upon the ballot is entitled to have the sig-

natures verified at no charge, the supervisor of elections of each county in which the signatures are verified at no charge shall submit the total number of such signatures checked in the county to the Comptroller no later than December 1 of the general election year, and the Comptroller shall cause such supervisor of elections to be reimbursed from the General Revenue Fund in an amount equal to 10 cents for each name checked or the actual cost of checking such signatures, whichever is less. In no event shall such reimbursement of costs be deemed or applied as extra compensation for the supervisor. Petitions shall be retained by the supervisors for a period of 1 year following the election for which the petitions were circulated.

(5) The results of a verification pursuant to paragraph (1)(b) may be contested in the circuit court by the candidate; an announced opponent; a representative of a designated political committee; or a person, party, or other organization submitting the petition. The contestant shall file a complaint, together with the fees prescribed in chapter 28, with the clerk of the circuit court in the county in which the petition is certified or in Leon County if the petition covers more than one county within 10 days after midnight of the date the petition is certified; and the complaint shall set forth the grounds on which the contestant intends to establish his or her right to require a complete check of the names and signatures pursuant to paragraph (1)(a). In the event the court orders a complete check of the petition and the result is not changed as to the success or lack of success of the petitioner in obtaining the requisite number of valid signatures, then such candidate, unless the candidate has filed the oath stating that he or she is unable to pay such charges; announced opponent; representative of a designated political committee; or party, person, or organization submitting the petition, unless such person or organization has filed the oath stating inability to pay such charges, shall pay to the supervisor of elections of each affected county for the complete check an amount calculated at the rate of 10 cents for each additional signature checked or the actual cost of checking such additional signatures, whichever is less.

History.—s. 2, ch. 76-233; s. 10, ch. 77-175; s. 2, ch. 80-20; s. 1, ch. 82-141; s. 13, ch. 89-338; s. 2, ch. 90-229; s. 12, ch. 90-315; s. 542, ch. 95-147.

99.103 Department of State to remit part of filing fees and party assessments of candidates to state executive committee.—

(1) If more than three-fourths of the full authorized membership of the state executive committee of any party was elected at the last previous election for such members and if such party is declared by the Department of State to have recorded on the registration books of the counties, as of the first Tuesday after the first Monday in January prior to the first primary in general election years, 5 percent of the total registration of such counties when added together, such committee shall receive, for the purpose of meeting its expenses, all filing fees collected by the Department of State from its candidates less the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092 and an amount equal to 15 percent of the filing fees after such transfer, which amount the Department of State shall deposit in the General Revenue Fund of the state.

(2) Not later than 20 days after the close of qualifying in even-numbered years, the Department of State shall remit 95 percent of all filing fees, less the amount transferred to the Election Campaign Financing Trust Fund pursuant to s. 99.092 and the amount deposited in general revenue pursuant to subsection (1), or party assessments that may have been collected by the department to the respective state executive committees of the parties complying with subsection (1). Party assessments collected by the Department of State shall be remitted to the appropriate state executive committee, irrespective of other requirements of this section, provided such committee is duly organized under the provisions of chapter 103. The remainder of filing fees or party assessments collected by the Department of State shall be remitted to the appropriate state executive committees not later than the date of the first primary.

History.—s. 1, ch. 29935, 1955; s. 24, ch. 57-1; s. 1, ch. 57-62; s. 4, ch. 57-166; s. 1, ch. 69-295; ss. 10, 35, ch. 69-106; s. 11, ch. 77-175; s. 2, ch. 83-251; s. 4, ch. 91-107.

99.121 Department of State to certify nominations to supervisors of elections.—The Department of State shall certify to the supervisor of elections of each county affected by a candidacy for office the names of persons nominated to such office. The names of such persons shall be printed by the supervisor of elections upon the ballot in their proper place as provided by law.

History.—s. 30, ch. 4328, 1895; s. 10, ch. 4537, 1897; GS 215, 3824; s. 54, ch. 6469, 1913; RGS 259, 358, 5885; CGL 315, 415, 8148; s. 11, ch. 26329, 1949; s. 3, ch. 26870, 1951; s. 5, ch. 57-166; ss. 10, 35, ch. 69-106; s. 11, ch. 77-175.

Note.—Former ss. 99.13, 102.51.