

 KeyCite Red Flag - Severe Negative Treatment
Unconstitutional or PreemptedHeld Unconstitutional by Wright v. City of Miami Gardens, Fla., Sep. 15, 2016

 KeyCite Yellow Flag - Negative Treatment
Proposed Legislation

West's Florida Statutes Annotated

Title IX. Electors and Elections (Chapters 97-109)

Chapter 99. Candidates (Refs & Annos)

West's F.S.A. § 99.061

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

Effective: May 19, 2011

Currentness

(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 election to a judicial office as defined in chapter 105 or the office of school board member, 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 petition process pursuant to s. 99.095 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 primary election, but not later than noon of the 116th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to federal office or to the office of the state attorney or the public defender; and noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of the state attorney or the public defender.

(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 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 petition process pursuant to s. 99.095 with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election. 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) Notwithstanding the provisions of any special act to the contrary, each person seeking to qualify for election to a special district office shall qualify between noon of the 71st day prior to the primary election and noon of the 67th day prior to the date of the primary election. Candidates for single-county special districts shall qualify with the supervisor of elections in the county in which the district is located. If the district is a multicounty district, candidates shall qualify with the Department of State. All special district candidates shall qualify by paying a filing fee of \$25 or qualify by the petition process pursuant to s. 99.095. Notwithstanding s. 106.021, a candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to appoint a campaign treasurer or designate a primary campaign depository.

(4)(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 is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in must be provided on the general election ballot. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.

(5) 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, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a), and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(6) 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.

(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 payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. 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 have until the end of qualifying 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, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

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

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

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(b) If the filing officer receives qualifying papers during the qualifying period prescribed in this section which 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.

(c) The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

(8) Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

(9) 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 71st day prior to the primary election, but not later than noon of the 67th day prior to the primary election.

(10) The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.

(11) The decision of the filing officer concerning whether a candidate is qualified is exempt from the provisions of chapter 120.

Credits

Laws 1913, c. 6469, §§ 25, 26; Rev.Gen.St.1920, §§ 329, 330; Comp.Gen.Laws 1927, §§ 386, 387; Laws 1929, c. 13761, §§ 4, 5; Laws 1935, c. 1699, § 1; Comp.Gen.Laws, Supp.1936, § 386; Laws 1939, c. 19007, § 1; Laws 1939, c. 19008, § 1; Laws 1939, c. 19009, § 1; Comp.Gen.Laws Supp.1940, §§ 386, 4969(3); Laws 1941, c. 20619, § 1; Laws 1943, c. 21851, § 1; Laws 1945, c. 23006, § 1; Laws 1947, c. 24163, § 1; Fla.St.1949, §§ 102.32, 102.33, 102.351, 102.36, 102.66, 102.69; Laws 1951, c. 26870, § 3; Laws 1953, c. 28156, § 11; Laws 1955, c. 29936, § 4; Laws 1957, c. 57-1, § 10; Laws 1959, c. 59-84, § 1; Laws 1961, c. 61-373, § 1; Laws 1961, c. 61-530, § 4; Laws 1963, c. 63-502, § 1; Laws 1965, c. 65-378, § 7; Laws 1967, c. 67-531, § 2; Laws 1969, c. 69-106, §§ 10, 35; Laws 1969, c. 69-281, § 5; Laws 1969, c. 69-300, § 1; Laws 1970, c. 70-42, § 1; Laws 1970, c. 70-93, § 1; Laws 1970, c. 70-439, § 1; Laws 1977, c. 77-175, § 6; Laws 1978, c. 78-188, §

1; Laws 1981, c. 81-105, § 3. Amended by Laws 1983, c. 83-15, § 2, eff. Oct. 1, 1983; Laws 1983, c. 83-25, § 2, eff. July 1, 1983; Laws 1983, c. 83-251, § 1, eff. Oct. 1, 1983; Laws 1984, c. 84-302, § 29, eff. July 1, 1984; Laws 1986, c. 86-7, § 1, eff. Jan. 1, 1987; Laws 1989, c. 89-338, § 6, eff. Jan. 1, 1990; Laws 1990, c. 90-315, § 8, eff. Jan. 1, 1991; Laws 1991, c. 91-107, § 32, eff. Jan. 1, 1992; Laws 1995, c. 95-147, § 536, eff. July 10, 1995; Laws 1995, c. 95-156, § 1, eff. Jan. 1, 1996; Laws 1999, c. 99-318, § 9, eff. June 11, 1999; Laws 1999, c. 99-326, § 9, eff. Jan. 1, 2000; Laws 2001, c. 2001-75, § 3, eff. May 29, 2001; Laws 2005, c. 2005-277, § 11, eff. Jan. 1, 2006; Laws 2005, c. 2005-278, § 51, eff. Jan. 1, 2006; Laws 2005, c. 2005-286, § 7, eff. Jan. 1, 2006; Laws 2007, c. 2007-30, § 16, eff. Jan. 1, 2008; Laws 2011, c. 2011-40, § 14, eff. May 19, 2011.

Editors' Notes

VALIDITY

<For validity of subsec. (7)(a)1., see *Wright v. City of Miami Gardens*, 200 So.3d 765 (2016).>

Notes of Decisions (59)

West's F. S. A. § 99.061, FL ST § 99.061

Current through the 2018 Second Regular Session of the 25th Legislature.

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