

1                                   A bill to be entitled  
 2       An act relating to write-in candidates; amending s.  
 3       99.021, F.S.; providing additional requirements for  
 4       qualification as a write-in candidate relating to  
 5       disclosure of party affiliation; amending s. 99.061, F.S.;  
 6       requiring write-in candidates to pay filing fees and  
 7       election assessments for qualification; authorizing write-  
 8       in candidates to qualify by petition process; providing  
 9       for deposit of fees; amending s. 99.092, F.S.; specifying  
 10      the amount of qualifying fees required of write-in  
 11      candidates; amending s. 99.095, F.S.; providing for write-  
 12      in candidates to qualify by petition process; amending s.  
 13      101.151, F.S.; providing conditions under which blank  
 14      spaces for write-in candidates are placed on the primary  
 15      ballot; amending s. 103.121, F.S.; specifying the amount  
 16      of party assessments required of write-in candidates;  
 17      providing an effective date.

18  
 19   Be It Enacted by the Legislature of the State of Florida:

20  
 21           Section 1. Paragraph (c) of subsection (1) of section  
 22   99.021, Florida Statutes, is redesignated as paragraph (d), and  
 23   a new paragraph (c) is added to that subsection to read:

24           99.021 Form of candidate oath.--

25           (1)

26           (c) In addition to the requirements set forth in paragraph  
 27   (a), any person seeking to qualify as a write-in candidate  
 28   shall, at the time of subscribing to the oath or affirmation,

29 state in writing:

30 1. The party of which the person is a member. If the  
 31 person is not a member of any party, that person shall so  
 32 indicate by writing "no party affiliation".

33 2. That the person has not been a registered member of any  
 34 other political party at any time during the 6 months  
 35 immediately preceding that date.

36 Section 2. Subsection (3) of section 99.061, Florida  
 37 Statutes, is amended to read:

38 99.061 Method of qualifying for nomination or election to  
 39 federal, state, county, or district office.--

40 (3)(a) Each person seeking to qualify for election to  
 41 office as a write-in candidate shall file his or her  
 42 qualification papers with, and pay the qualifying fee, which  
 43 shall consist of the filing fee and election assessment, to the  
 44 respective qualifying officer or qualify by the petition process  
 45 pursuant to s. 99.095, at any time after noon of the 1st day for  
 46 qualifying, but not later than noon of the last day of the  
 47 qualifying period for the office sought. Filing fees paid to the  
 48 Department of State shall be deposited in the General Revenue  
 49 Fund of the state. Filing fees paid to the supervisor of  
 50 elections shall be deposited into the general revenue fund of  
 51 the county.

52 (b) ~~Any person who is seeking election as a write-in~~  
 53 ~~candidate shall not be required to pay a filing fee, election~~  
 54 ~~assessment, or party assessment. A write-in candidate is shall~~  
 55 ~~not be~~ entitled to have his or her name printed on any ballot;  
 56 however, space for the write-in candidate's name to be written

HB 1091

2007

57 in must ~~shall~~ be provided on the general election ballot. A ~~No~~  
58 person may not qualify as a write-in candidate if the person has  
59 also otherwise qualified for nomination or election to such  
60 office.

61 Section 3. Subsection (1) of section 99.092, Florida  
62 Statutes, is amended to read:

63 99.092 Qualifying fee of candidate; notification of  
64 Department of State.--

65 (1) Each person seeking to qualify for nomination or  
66 election to any office, except a person seeking to qualify by  
67 the petition process pursuant to s. 99.095 ~~and except a person~~  
68 ~~seeking to qualify as a write-in candidate~~, shall pay a  
69 qualifying fee, which shall consist of a filing fee and election  
70 assessment, to the officer with whom the person qualifies, and  
71 any party assessment levied, and shall attach the original or  
72 signed duplicate of the receipt for his or her party assessment  
73 or pay the same, in accordance with the provisions of s.  
74 103.121, at the time of filing his or her other qualifying  
75 papers. The amount of the filing fee is 3 percent of the annual  
76 salary of the office; however, the filing fee for a write-in  
77 candidate is 0.5 percent of the annual salary of the office. The  
78 amount of the election assessment is 1 percent of the annual  
79 salary of the office; however, the election assessment for a  
80 write-in candidate is 0.2 percent of the annual salary of the  
81 office sought. The election assessment shall be deposited into  
82 the Elections Commission Trust Fund. The amount of the party  
83 assessment is 2 percent of the annual salary; however, the party  
84 assessment for a write-in candidate is 0.3 percent of the annual

HB 1091

2007

85 salary. The annual salary of the office for purposes of  
86 computing the filing fee, election assessment, and party  
87 assessment shall be computed by multiplying 12 times the monthly  
88 salary, excluding any special qualification pay, authorized for  
89 such office as of July 1 immediately preceding the first day of  
90 qualifying. No qualifying fee shall be returned to the candidate  
91 unless the candidate withdraws his or her candidacy before the  
92 last date to qualify. If a candidate dies prior to an election  
93 and has not withdrawn his or her candidacy before the last date  
94 to qualify, the candidate's qualifying fee shall be returned to  
95 his or her designated beneficiary, and, if the filing fee or any  
96 portion thereof has been transferred to the political party of  
97 the candidate, the Secretary of State shall direct the party to  
98 return that portion to the designated beneficiary of the  
99 candidate.

100 Section 4. Paragraph (a) of subsection (2) of section  
101 99.095, Florida Statutes, is amended to read:

102 99.095 Petition process in lieu of a qualifying fee and  
103 party assessment.--

104 (2) (a) A candidate shall obtain the number of signatures  
105 of voters in the geographical area represented by the office  
106 sought equal to at least 1 percent of the total number of  
107 registered voters of that geographical area, as shown by the  
108 compilation by the department for the last preceding general  
109 election; however, any person seeking election as a write-in  
110 candidate shall obtain the number of signatures of voters in the  
111 geographical area represented by the office sought equal to at  
112 least 0.1 percent of the total number of registered voters of

HB 1091

2007

113 that geographical area as shown by the compilation by the  
 114 department for the last preceding general election. Signatures  
 115 may not be obtained until the candidate has filed the  
 116 appointment of campaign treasurer and designation of campaign  
 117 depository pursuant to s. 106.021.

118 Section 5. Paragraph (a) of subsection (2) of section  
 119 101.151, Florida Statutes, is amended to read:

120 101.151 Specifications for ballots.--

121 (2) (a) The ballot shall have headings under which shall  
 122 appear the names of the offices and the names of the candidates  
 123 for the respective offices in the following order: the heading  
 124 "President and Vice President" and thereunder the names of the  
 125 candidates for President and Vice President of the United States  
 126 nominated by the political party that received the highest vote  
 127 for Governor in the last general election of the Governor in  
 128 this state. Then shall appear the names of other candidates for  
 129 President and Vice President of the United States who have been  
 130 properly nominated. Then shall follow the heading  
 131 "Congressional" and thereunder the offices of United States  
 132 Senator and Representative in Congress; then the heading "State"  
 133 and thereunder the offices of Governor and Lieutenant Governor,  
 134 Attorney General, Chief Financial Officer, Commissioner of  
 135 Agriculture, state attorney, and public defender, together with  
 136 the names of the candidates for each office and the title of the  
 137 office which they seek; then the heading "Legislative" and  
 138 thereunder the offices of state senator and state  
 139 representative; then the heading "County" and thereunder clerk  
 140 of the circuit court, clerk of the county court (when authorized

141 by law), sheriff, property appraiser, tax collector, district  
 142 superintendent of schools, and supervisor of elections.  
 143 Thereafter follows: members of the board of county  
 144 commissioners, and such other county and district offices as are  
 145 involved in the election, in the order fixed by the Department  
 146 of State, followed, in the year of their election, by "Party  
 147 Offices," and thereunder the offices of state and county party  
 148 executive committee members. In a general election, in addition  
 149 to the names printed on the ballot, a blank space shall be  
 150 provided under each heading for an office for which a write-in  
 151 candidate has qualified. With respect to write-in candidates, if  
 152 two or more candidates are seeking election to one office, only  
 153 one blank space shall be provided. However, if all party  
 154 candidates for an office share the same party affiliation, and  
 155 if a write-in candidate for that office has the same party  
 156 affiliation as those party candidates, a blank space must be  
 157 placed on the primary ballot instead of the general election  
 158 ballot. If two or more write-in candidates seek election for an  
 159 office and each write-in candidate has the same party  
 160 affiliation as all party candidates for that office, only one  
 161 blank space may be provided on the primary ballot.

162 Section 6. Paragraph (b) of subsection (1) and subsection  
 163 (5) of section 103.121, Florida Statutes, are amended to read:

164 103.121 Powers and duties of executive committees.--

165 (1)

166 (b) The county executive committee shall receive payment  
 167 of assessments upon candidates to be voted for in a single  
 168 county except state senators and members of the House of

HB 1091

2007

169 Representatives and representatives to the Congress of the  
170 United States; and the state executive committees shall receive  
171 all other assessments authorized. All party assessments shall be  
172 2 percent of the annual salary of the office sought by the  
173 respective candidate; however, the party assessment for a write-  
174 in candidate registered as a member of a political party shall  
175 be 0.3 percent of the annual salary of the office sought by the  
176 write-in candidate. All such committee assessments shall be  
177 remitted to the state executive committee of the appropriate  
178 party and distributed in accordance with subsection (5).

179 (5) The state chair of each state executive committee  
180 shall return the ~~2 percent~~ committee assessment for county  
181 candidates to the appropriate county executive committees only  
182 upon receipt of a written statement that such county executive  
183 committee chooses not to endorse, certify, screen, or otherwise  
184 recommend one or more candidates for such party's nomination for  
185 election and upon the state chair's determination that the  
186 county executive committee is in compliance with all Florida  
187 statutes and all state party rules, bylaws, constitutions, and  
188 requirements.

189 Section 7. This act shall take effect July 1, 2007.