

By Senator Aronberg

27-726B-07

1 A bill to be entitled
2 An act relating to election procedures for
3 write-in candidates; amending s. 99.021, F.S.;
4 requiring any person seeking election as a
5 write-in candidate to state in writing his or
6 her party affiliation; requiring a write-in
7 candidate to state in writing that he or she
8 has not been a registered member of any other
9 political party during a specified period
10 preceding the date on which the candidate
11 subscribes to the required oath; amending ss.
12 99.061 and 99.095, F.S.; requiring write-in
13 candidates to pay a filing fee, an election
14 assessment, and a party assessment before a
15 certain deadline; requiring the deposit of
16 filing fees paid to the Department of State and
17 the supervisor of elections into the state and
18 county general revenue funds, respectively;
19 requiring write-in candidates to submit, before
20 a specified deadline, petitions containing a
21 specified number of signatures of voters
22 registered in the geographical area represented
23 by the office sought; amending s. 99.092, F.S.;
24 specifying an amount for the filing fee,
25 election assessment, and party assessment that
26 must be paid by a write-in candidate; amending
27 s. 101.151, F.S.; requiring the placement of a
28 blank space on the primary election ballot
29 under the heading for the office sought if all
30 party candidates for a particular office have
31 the same party affiliation and a write-in

1 candidate for the office shares that party
2 affiliation; amending s. 103.121, F.S. ;
3 specifying an amount for the party assessment
4 that must be paid by a write-in candidate who
5 is registered as a member of a political party;
6 providing an effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Present paragraph (c) of subsection (1) of
11 section 99.021, Florida Statutes, is redesignated as paragraph
12 (d), and a new paragraph (c) is added to that subsection, to
13 read:

14 99.021 Form of candidate oath.--

15 (1)

16 (c) In addition to the requirements set forth in
17 paragraph (a), any person seeking to qualify as a write-in
18 candidate shall, at the time of subscribing to the oath or
19 affirmation, state in writing:

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

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

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

28 99.061 Method of qualifying for nomination or election
29 to federal, state, county, or district office.--

30 (3)(a) Each person seeking to qualify for election to
31 office as a write-in candidate shall file his or her

1 qualification papers with, and pay the qualifying fee, which
2 consists of the filing fee and election assessment, to the
3 respective qualifying officer, or shall qualify by the
4 petition process pursuant to s. 99.095, at any time after noon
5 of the 1st day for qualifying, but not later than noon of the
6 last day of the qualifying period for the office sought.
7 Filing fees paid to the Department of State shall be deposited
8 in the General Revenue Fund. Filing fees paid to the
9 supervisor of elections shall be deposited in the general
10 revenue fund of the county.

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

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

22 99.092 Qualifying fee of candidate; notification of
23 Department of State.--

24 (1) Each person seeking to qualify for nomination or
25 election to any office, except a person seeking to qualify by
26 the petition process pursuant to s. 99.095 ~~and except a person~~
27 ~~seeking to qualify as a write-in candidate,~~ shall pay a
28 qualifying fee, which shall consist of a filing fee and
29 election assessment, to the officer with whom the person
30 qualifies, and any party assessment levied, and shall attach
31 the original or signed duplicate of the receipt for his or her

1 party assessment or pay the same, in accordance with the
2 provisions of s. 103.121, at the time of filing his or her
3 other qualifying papers. The amount of the filing fee is 3
4 percent of the annual salary of the office; however, the
5 filing fee for a write-in candidate is 0.5 percent of the
6 annual salary of the office. The amount of the election
7 assessment is 1 percent of the annual salary of the office;
8 however, the election assessment for a write-in candidate is
9 0.2 percent of the annual salary of the office ~~sought~~. The
10 election assessment shall be deposited into the Elections
11 Commission Trust Fund. The amount of the party assessment is 2
12 percent of the annual salary; however, the party assessment
13 for a write-in candidate is 0.3 percent of the annual salary.
14 The annual salary of the office for purposes of computing the
15 filing fee, election assessment, and party assessment shall be
16 computed by multiplying 12 times the monthly salary, excluding
17 any special qualification pay, authorized for such office as
18 of July 1 immediately preceding the first day of qualifying.
19 No qualifying fee shall be returned to the candidate unless
20 the candidate withdraws his or her candidacy before the last
21 date to qualify. If a candidate dies prior to an election and
22 has not withdrawn his or her candidacy before the last date to
23 qualify, the candidate's qualifying fee shall be returned to
24 his or her designated beneficiary, and, if the filing fee or
25 any portion thereof has been transferred to the political
26 party of the candidate, the Secretary of State shall direct
27 the party to return that portion to the designated beneficiary
28 of the candidate.

29 Section 4. Paragraph (a) of subsection (2) of section
30 99.095, Florida Statutes, is amended to read:

31

1 99.095 Petition process in lieu of a qualifying fee
2 and party assessment.--

3 (2)(a) A candidate ~~must shall~~ obtain the number of
4 signatures of voters in the geographical area represented by
5 the office sought equal to at least 1 percent of the total
6 number of registered voters of that geographical area, as
7 shown by the compilation by the department for the immediately
8 ~~last~~ preceding general election; however, any person seeking
9 election as a write-in candidate must obtain the number of
10 signatures of voters in the geographical area represented by
11 the office sought equal to at least 0.10 percent of the total
12 number of registered voters of that geographical area as shown
13 by the department's compilation for the immediately preceding
14 general election. Signatures may not be obtained until the
15 candidate has filed the appointment of campaign treasurer and
16 designation of campaign depository pursuant to s. 106.021.

17 Section 5. Paragraph (a) of subsection (2) of section
18 101.151, Florida Statutes, is amended to read:

19 101.151 Specifications for ballots.--

20 (2)(a) The ballot shall have headings under which
21 shall appear the names of the offices and the names of the
22 candidates for the respective offices in the following order:
23 the heading "President and Vice President" and thereunder the
24 names of the candidates for President and Vice President of
25 the United States nominated by the political party that
26 received the highest vote for Governor in the last general
27 election of the Governor in this state. Then shall appear the
28 names of other candidates for President and Vice President of
29 the United States who have been properly nominated. Then shall
30 follow the heading "Congressional" and thereunder the offices
31 of United States Senator and Representative in Congress; then

1 | the heading "State" and thereunder the offices of Governor and
2 | Lieutenant Governor, Attorney General, Chief Financial
3 | Officer, Commissioner of Agriculture, state attorney, and
4 | public defender, together with the names of the candidates for
5 | each office and the title of the office which they seek; then
6 | the heading "Legislative" and thereunder the offices of state
7 | senator and state representative; then the heading "County"
8 | and thereunder clerk of the circuit court, clerk of the county
9 | court (when authorized by law), sheriff, property appraiser,
10 | tax collector, district superintendent of schools, and
11 | supervisor of elections. Thereafter follows: members of the
12 | board of county commissioners, and such other county and
13 | district offices as are involved in the election, in the order
14 | fixed by the Department of State, followed, in the year of
15 | their election, by "Party Offices," and thereunder the offices
16 | of state and county party executive committee members. In a
17 | general election, in addition to the names printed on the
18 | ballot, a blank space shall be provided under each heading for
19 | an office for which a write-in candidate has qualified. With
20 | respect to write-in candidates, if two or more candidates are
21 | seeking election to one office, only one blank space shall be
22 | provided. However, if all party candidates for a particular
23 | office share the same party affiliation, and if a write-in
24 | candidate for that office has the same party affiliation as
25 | those party candidates, a blank space must be placed on the
26 | primary ballot instead of the general election ballot. If two
27 | or more write-in candidates seek election for an office and
28 | each write-in candidate has the same party affiliation as all
29 | party candidates for that office, only one blank space may be
30 | provided on the primary ballot.

31 |

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

4 103.121 Powers and duties of executive committees.--

5 (1)

6 (b) The county executive committee shall receive
7 payment of assessments upon candidates to be voted for in a
8 single county except state senators and members of the House
9 of Representatives and representatives to the Congress of the
10 United States; and the state executive committees shall
11 receive all other assessments authorized. All party
12 assessments shall be 2 percent of the annual salary of the
13 office sought by the respective candidate; however, the party
14 assessment for a write-in candidate registered as a member of
15 a political party shall be 0.3 percent of the annual salary of
16 the office sought by the write-in candidate. All such
17 committee assessments shall be remitted to the state executive
18 committee of the appropriate party and distributed in
19 accordance with subsection (5).

20 (5) The state chair of each state executive committee
21 shall return the ~~2 percent~~ committee assessment for county
22 candidates to the appropriate county executive committees only
23 upon receipt of a written statement that such county executive
24 committee chooses not to endorse, certify, screen, or
25 otherwise recommend one or more candidates for such party's
26 nomination for election and upon the state chair's
27 determination that the county executive committee is in
28 compliance with all Florida statutes and all state party
29 rules, bylaws, constitutions, and requirements.

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

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SENATE SUMMARY

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3 Requires write-in candidates to make specified assertions
4 in writing. Requires write-in candidates to pay a filing
5 fee, an election assessment, and a party assessment
6 before a certain deadline. Requires the deposit of filing
7 fees paid to the Department of State and the supervisor
8 of elections into the state and county general revenue
9 funds, respectively. Requires write-in candidates to
10 submit, before a specified deadline, petitions containing
11 a number of signatures equal to one-tenth of 1 percent of
12 the voters registered in the geographical area
13 represented by the office sought. Specifies an amount for
14 the filing fee, election assessment, and party assessment
15 that must be paid by a write-in candidate. Requires the
16 placement of a blank space on the primary election ballot
17 under the heading for the office sought if all party
18 candidates for a particular office have the same party
19 affiliation and a write-in candidate for the office
20 shares that party affiliation. Specifies an amount for
21 the party assessment that must be paid by a write-in
22 candidate who is registered as a member of a political
23 party.
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