

By the Committee on Ethics and Elections; and Senator Aronberg

582-2614-07

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. 103.121, F.S.; specifying an amount for the
28 party assessment that must be paid by a
29 write-in candidate who is registered as a
30 member of a political party; providing an
31 effective date.

1 Be It Enacted by the Legislature of the State of Florida:

2

3 Section 1. Present paragraph (c) of subsection (1) of
4 section 99.021, Florida Statutes, is redesignated as paragraph
5 (d), and a new paragraph (c) is added to that subsection, to
6 read:

7 99.021 Form of candidate oath.--

8 (1)

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

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

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

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

21 99.061 Method of qualifying for nomination or election
22 to federal, state, county, or district office.--

23 (3)(a) Each person seeking to qualify for election to
24 office as a write-in candidate shall file his or her
25 qualification papers with, and pay the qualifying fee, which
26 consists of the filing fee and election assessment, to the
27 respective qualifying officer, or shall qualify by the
28 petition process pursuant to s. 99.095, at any time after noon
29 of the 1st day for qualifying, but not later than noon of the
30 last day of the qualifying period for the office sought.
31 Filing fees paid to the Department of State shall be deposited

1 in the General Revenue Fund. Filing fees paid to the
2 supervisor of elections shall be deposited in the general
3 revenue fund of the county.

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

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

15 99.092 Qualifying fee of candidate; notification of
16 Department of State.--

17 (1) Each person seeking to qualify for nomination or
18 election to any office, except a person seeking to qualify by
19 the petition process pursuant to s. 99.095 ~~and except a person~~
20 ~~seeking to qualify as a write in candidate~~, shall pay a
21 qualifying fee, which shall consist of a filing fee and
22 election assessment, to the officer with whom the person
23 qualifies, and any party assessment levied, and shall attach
24 the original or signed duplicate of the receipt for his or her
25 party assessment or pay the same, in accordance with the
26 provisions of s. 103.121, at the time of filing his or her
27 other qualifying papers. The amount of the filing fee is 3
28 percent of the annual salary of the office; however, the
29 filing fee for a write-in candidate is 0.5 percent of the
30 annual salary of the office. The amount of the election
31 assessment is 1 percent of the annual salary of the office;

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

22 Section 4. Paragraph (a) of subsection (2) of section
23 99.095, Florida Statutes, is amended to read:

24 99.095 Petition process in lieu of a qualifying fee
25 and party assessment.--

26 (2)(a) A candidate must ~~shall~~ obtain the number of
27 signatures of voters in the geographical area represented by
28 the office sought equal to at least 1 percent of the total
29 number of registered voters of that geographical area, as
30 shown by the compilation by the department for the immediately
31 ~~last~~ preceding general election; however, any person seeking

1 election as a write-in candidate must obtain the number of
2 signatures of voters in the geographical area represented by
3 the office sought equal to at least 0.10 percent of the total
4 number of registered voters of that geographical area as shown
5 by the department's compilation for the immediately preceding
6 general election. Signatures may not be obtained until the
7 candidate has filed the appointment of campaign treasurer and
8 designation of campaign depository pursuant to s. 106.021.

9 Section 5. Paragraph (b) of subsection (1) and
10 subsection (5) of section 103.121, Florida Statutes, are
11 amended to read:

12 103.121 Powers and duties of executive committees.--

13 (1)

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

28 (5) The state chair of each state executive committee
29 shall return the ~~2 percent~~ committee assessment for county
30 candidates to the appropriate county executive committees only
31 upon receipt of a written statement that such county executive

1 | committee chooses not to endorse, certify, screen, or
2 | otherwise recommend one or more candidates for such party's
3 | nomination for election and upon the state chair's
4 | determination that the county executive committee is in
5 | compliance with all Florida statutes and all state party
6 | rules, bylaws, constitutions, and requirements.

7 | Section 6. This act shall take effect July 1, 2007.

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9 | STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
10 | COMMITTEE SUBSTITUTE FOR
11 | Senate Bill 1820

12 | The committee substitute differs from the original bill in
13 | that it: deletes a provision that moved some write-in
14 | candidates to the primary election ballot instead of the
15 | general election ballot.