

**The statute addressed in this opinion has changed.  
Please consult current Florida law.**

**DE 076-35 – December 13, 1976**

**BROWARD MUNICIPAL  
ELECTION, FILING  
DATES AND BOOK  
CLOSINGS  
CHAPTER 75-350 LAWS OF FLA.  
CHAPTER 75-336 LAWS OF FLA.  
SECTION 98.051, F.S.**

*To: Honorable Jane Carroll, Supervisor of Elections, Broward County, Room 170, Broward County Courthouse, Fort Lauderdale, Florida*

*Prepared by: Division of Elections*

You ask the dates to be observed by Broward municipal candidates seeking to file for office under the terms of Chapter 76-336, Laws of Florida (amending Chapter 75-350) which provides that candidates shall make filing:

... no earlier than noon on the second day in January nor later than noon on the sixteenth day in January of the calendar year in which the election is to be held.

Because in 1977 the second day in January is a Sunday, filing should commence on the following Monday at noon. Note that no filing may be made "earlier" than January 2, but may be made later. Hence, January 3, 1977.

By the same token, filing may not occur after noon, January 16th, and must be completed before that time. Accordingly, filing should be permitted until noon time on Saturday, January 15th, 1977.

Thereafter, where there is no conflict between the statute and calendar dates, as there is in 1977, the statute may and should be literally applied.

Secondly, you note that Chapter 76-336 empowers municipalities to hold referenda elections and you observe that three cities will hold primary elections on February 8, 1977 — presumably having elected to do so in and by said referenda per Section 3 of Chapter 76-336. Since Section 98.051(4), F.S., requires the closing of the books 45-days prior to each local election and 45 days prior to February 8, 1977 is Christmas Day, December 25, 1976, a Saturday. This would, of course, require an adjustment of book closing. Section 98.051(5)(a), F.S., mandates in such a situation that where the 45th day is a Sunday or holiday, the books close on the preceding day. If December 24th is a legal holiday, as you suggest, the books should close on December 23, 1976. In this regard, Section 98.051(5)(a) requires the books to close at 5:00 P.M.

Thirdly, you note that the cities will hold elections March 8th and will close their books 45-days prior thereto, January 22, 1977. You ask whether the three cities with February 8th

primaries should have a second book closing on January 22, 1977. Your question is answered in the affirmative.