

DE 82-21-August 13, 1982

s. 99.0955, F.S.

PARTY CHANGE

To: Honorable Denny Hutchinson, Supervisor of Elections, P.O. Box 186, Quincy, Florida 32351

Prepared by: Division of Elections

This responds to your request and our telephone conversation regarding an opinion on substantially the following question:

May a person who is a registered Democrat, republican or other party and has announced his or her candidacy as such within the six (6) months preceding the General Election still qualify as an Independent candidate during the regular qualifying period?

As indicated in our telephone conversation, section 99.0955, F.S. (1981), provides:

“(1) Any registered elector seeking to have his name placed on the ballot at the general election as an independent candidate for an office may have his name printed on the general election ballot in which election such office is to be filled, provided he is otherwise qualified to hold the office that he seeks and provided a petition requesting that he be assigned a position on the general election ballot is signed by the required number of registered electors.” (Emphasis supplied)

From the above statutory language, it is clear that an independent candidate need only meet the requisite qualifications of the office sought and have the required number of registered signatures on the petition requesting his or her name to be placed on the ballot regardless of any previous party affiliation. Thus, any registered elector meeting the preceding criteria should be permitted to qualify during the regular qualifying period.

To answer your question whether a problem exists with an independent candidate taking the Oath of Office prescribed in s. 99.021, F.S., having recently changed from being a party candidate, there is a provision in s. 99.021, F.S., that prevents a person seeking a party nomination from switching to an independent candidacy or vice versa. A change to an independent candidacy must occur before noon on the 49th day prior to the first primary or July 20, 1982, the deadline for submitting petitions to the Supervisors of Election, as required by s. 99.0955, F.S. On submitting the required signatures, a person should be allowed to take the Oath to become a candidate having met the qualifications for an independent candidacy.