

DE 93-01 - February 15, 1993

**Definition of Petition and Time for Obtaining Petitions to Qualify for Municipal Office
§ 106.021(1)(a), F.S.**

TO: Ms. Joann Manganiello, Village Clerk, Village of Tequesta, Post Office Box 3273, Tequesta, Florida 33469-0273

Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding petition requirements for municipal candidates. The Division of Elections has authority under Section 106.23(2), Florida Statutes, to issue advisory opinions relating to the Florida Election Code (the Code), Chapters 97-106, Florida Statutes, to several categories of persons, including municipal clerks.

You ask the following questions:

1. What is the definition of the word "petition" as used in Section 106.021, Florida Statutes.
2. Whether a municipal candidate must appoint a treasurer and designate a campaign depository prior to obtaining petitions in order to qualify for municipal office by the petitioning method.

As to your first question, the Code contains no definition of the word petition. Therefore, we must rely on the ordinary dictionary definition of that word. State v. Stewart, et al., 374 So. 2d 1381 (Fla. 1979).

Petition is defined in the American Heritage Dictionary to mean, among other things, a written document requesting a right or a benefit from a person in authority. American Heritage Dictionary, Second College Edition, 1985. Thus, the word petition, as used in Section 106.021, Florida Statutes, refers to the documents a candidate obtains from the filing officer in order to obtain signatures and qualify for election or nomination to office.

With respect to your second question, Section 106.021(1)(a), Florida Statutes, clearly states, in part:

Any person who seeks to qualify for election or nomination to any office by means of the petitioning process shall appoint a treasurer and designate a primary depository on or before the date he obtains the petitions. (Emphasis added.)

Accordingly, a candidate must appoint a treasurer and designate a primary depository on or before the date he obtains his qualifying petition.

SUMMARY

Petition, as used in Section 106.021, Florida Statutes, means the forms or documents a candidate

obtains from a qualifying officer in order to obtain signatures and qualify for election or nomination to office. Such petitions may not be obtained unless the candidate has appointed a treasurer and designated a primary depository.