

DE 94-10 - June 1, 1994

**Reproducing Petitions; No Notary Requirement
Section 99.095 and 106.143,F.S.; Fla. Admin. Code R. 1S-2.0081**

*TO: Mr. William D. Brinton, Attorney at Law, Allen, Brinton & Simmons, P.A., Independent Square,
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Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding candidate qualifying petitions. You represent a client who is considering whether to become a candidate. Therefore, pursuant to Section 106.23(2), Florida Statutes, the Division has authority to render this opinion to you.

According to your letter, your client is considering qualifying by the alternative method prescribed in Section 99.095, Florida Statutes, and you ask:

1. Whether there is any requirement that a petition signature must be notarized, and
2. Whether a petition may be reproduced in a newspaper or other periodical in order that the petition might be completed, cut out, and returned to the candidate.

For reasons which follow, the answer to your first question is no; the answer to your second question is yes.

Section 99.095, Florida Statutes, contains the general procedures for a candidate of one of the two major political parties to qualify for nomination or election by the petitioning process. Further, this section mandates that the petition form be prescribed by the Department of State and furnished to the candidate by the qualifying officer. Nowhere in this law is there any requirement that a petition must be notarized. The Division has provided the format for candidate petitions when qualifying pursuant to Section 99.095, Florida Statutes. See, Form DS-DE 16 (1093), a copy of which is enclosed with this opinion.

As to your second question, petition forms may be reproduced in newspapers or other print media so long as the forms are reproduced in the same format as prescribed by the Department of State. If you choose to reproduce these forms at the expense of the campaign, then the forms would have to include the political disclaimer required by Section 106.143, Florida Statutes.

SUMMARY

Candidates qualifying by the alternative method in Section 99.095, Florida Statutes, may reproduce their petitions in newspapers or magazines. Such petitions do not have to be notarized. However, such petitions must have the political disclaimer required by Section 106.143, Florida Statutes.