

DE 97-02 - May 30, 1997

**Municipal Election Assessment
§§99.093, 100.3605, F.S.**

TO: Mr. Roger A. Hood, City Manager, City of Frostproof, 111 West First Street, Frostproof, Florida 33843

Prepared by: Division of Elections

This is in response to your request for an advisory opinion regarding methods of qualifying for municipal office. The Division is authorized to provide advisory opinions pursuant to section 106.23 (2), Florida Statutes, when requested by a local officer having election-related duties.

Essentially, you have asked whether a municipal candidate is exempt from paying an election assessment where he has qualified by petition pursuant to local ordinance. For the reasons set forth below, the answer to your question is no.

Pursuant to section 99.093, Florida Statutes, payment of an election assessment is required of each person seeking to qualify for nomination or election to a municipal office, unless the person chooses to avoid the assessment by executing an oath of undue burden. It is our understanding that the City of Frostproof has enacted an ordinance that expressly governs the qualification of municipal candidates. Therefore, except for section 99.093, Florida Statutes, the remaining qualifying provisions of Chapter 99, Florida Statutes, do not apply. See § 100.3605(1), Fla. Stat. (While the Florida Election Code governs the conduct of a municipality's election in the absence of an applicable special act, charter, or ordinance provision, section 99.093, Florida Statutes, is expressly applicable to cities and requires the imposition of the assessment at issue here.)

SUMMARY

Based on the facts provided in your letter, municipal candidates must either pay the election assessment or file a sworn oath stating that they are unable to pay the assessment without imposing an undue burden on their personal resources or resources otherwise available to them.