

LEXSTAT

LexisNexis (R) Florida Annotated Statutes  
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\*\*\* Statutes and Constitution are updated through the 2012 Regular Session and 2012 Special Session B. \*\*\*  
\*\*\* Annotations current through November 30, 2012 \*\*\*

TITLE 9. ELECTORS AND ELECTIONS (Chs. 97-107)  
CHAPTER 99. CANDIDATES

**GO TO FLORIDA STATUTES ARCHIVE DIRECTORY**

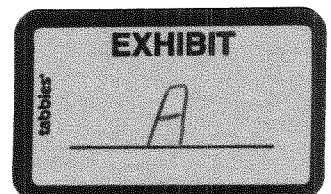
Fla. Stat. § 99.093 (2012)

§ 99.093. Municipal candidates; election assessment

(1) Each person seeking to qualify for nomination or election to a municipal office shall pay, at the time of qualifying for office, an election assessment. The election assessment shall be an amount equal to 1 percent of the annual salary of the office sought. Within 30 days after the close of qualifying, the qualifying officer shall forward all assessments collected pursuant to this section to the Florida Elections Commission for deposit in the Elections Commission Trust Fund.

(2) Any person seeking to qualify for nomination or election to a municipal office who is unable to pay the election assessment without imposing an undue burden on personal resources or on resources otherwise available to him or her shall, upon written certification of such inability given under oath to the qualifying officer, be exempt from paying the election assessment.

**HISTORY:** S. 9, ch. 89-338; s. 2, ch. 91-107; s. 538, ch. 95-147; s. 12, ch. 97-13; s. 3, ch. 2010-16, eff. July 1, 2010; s. 17, ch. 2011-40, eff. May 19, 2011.



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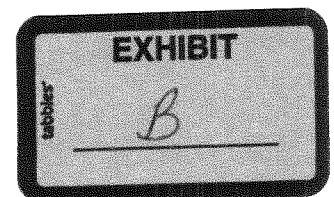
Fla. Stat. § 99.092 (2012)

§ 99.092. Qualifying fee of candidate; notification of Department of State

(1) Each person seeking to qualify for nomination or election to any office, except a person seeking to qualify by the petition process pursuant to s. 99.095 and except a person seeking to qualify as a write-in candidate, shall pay a qualifying fee, which shall consist of a filing fee and election assessment, to the officer with whom the person qualifies, and any party assessment levied, and shall attach the original or signed duplicate of the receipt for his or her party assessment or pay the same, in accordance with the provisions of s. 103.121, at the time of filing his or her other qualifying papers. The amount of the filing fee is 3 percent of the annual salary of the office. The amount of the election assessment is 1 percent of the annual salary of the office sought. The election assessment shall be transferred to the Elections Commission Trust Fund. The amount of the party assessment is 2 percent of the annual salary. The annual salary of the office for purposes of computing the filing fee, election assessment, and party assessment shall be computed by multiplying 12 times the monthly salary, excluding any special qualification pay, authorized for such office as of July 1 immediately preceding the first day of qualifying. No qualifying fee shall be returned to the candidate unless the candidate withdraws his or her candidacy before the last date to qualify. If a candidate dies prior to an election and has not withdrawn his or her candidacy before the last date to qualify, the candidate's qualifying fee shall be returned to his or her designated beneficiary, and, if the filing fee or any portion thereof has been transferred to the political party of the candidate, the Secretary of State shall direct the party to return that portion to the designated beneficiary of the candidate.

(2) The supervisor of elections shall, immediately after the last day for qualifying, submit to the Department of State a list containing the names, party affiliations, and addresses of all candidates and the offices for which they qualified.

**HISTORY:** S. 24, ch. 6469, 1913; RGS 328; CGL 385; s. 3, ch. 26870, 1951; s. 12, ch. 29934, 1955; s. 4, ch. 65-378; s. 1, ch. 67-531; ss. 10, 35, ch. 69-106; s. 6, ch. 69-281; s. 1, ch. 74-119; s. 1, ch. 75-123; s. 1, ch. 75-247; s. 6, ch. 77-175; s. 28, ch. 79-400; s. 4, ch. 81-105; s. 1, ch. 83-242; s. 8, ch. 89-338; s. 1, ch. 91-107; s. 537, ch. 95-147; s. 11, ch. 97-13; s. 2, ch. 99-140; s. 10, ch. 99-318; s. 13, ch. 2005-277; s. 2, ch. 2010-16, eff. July 1, 2010; s. 16, ch. 2011-40, eff. May 19, 2011.



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TITLE 9. ELECTORS AND ELECTIONS (Chs. 97-107)  
CHAPTER 99. CANDIDATES

**GO TO FLORIDA STATUTES ARCHIVE DIRECTORY**

Fla. Stat. § 99.061 (2012)

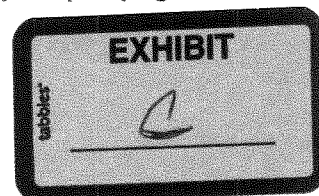
§ 99.061. Method of qualifying for nomination or election to federal, state, county, or district office

(1) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a federal, state, or multicounty district office, other than election to a judicial office as defined in chapter 105 or the office of school board member, shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the Department of State, or qualify by the petition process pursuant to s. 99.095 with the Department of State, at any time after noon of the 1st day for qualifying, which shall be as follows: the 120th day prior to the primary election, but not later than noon of the 116th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to federal office or to the office of the state attorney or the public defender; and noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election, for persons seeking to qualify for nomination or election to a state or multicounty district office, other than the office of the state attorney or the public defender.

(2) The provisions of any special act to the contrary notwithstanding, each person seeking to qualify for nomination or election to a county office, or district office not covered by subsection (1), shall file his or her qualification papers with, and pay the qualifying fee, which shall consist of the filing fee and election assessment, and party assessment, if any has been levied, to, the supervisor of elections of the county, or shall qualify by the petition process pursuant to s. 99.095 with the supervisor of elections, at any time after noon of the 1st day for qualifying, which shall be the 71st day prior to the primary election, but not later than noon of the 67th day prior to the date of the primary election. Within 30 days after the closing of qualifying time, the supervisor of elections shall remit to the secretary of the state executive committee of the political party to which the candidate belongs the amount of the filing fee, two-thirds of which shall be used to promote the candidacy of candidates for county offices and the candidacy of members of the Legislature.

(3) Notwithstanding the provisions of any special act to the contrary, each person seeking to qualify for election to a special district office shall qualify between noon of the 71st day prior to the primary election and noon of the 67th day prior to the date of the primary election. Candidates for single-county special districts shall qualify with the supervisor of elections in the county in which the district is located. If the district is a multicounty district, candidates shall qualify with the Department of State. All special district candidates shall qualify by paying a filing fee of \$ 25 or qualify by the petition process pursuant to s. 99.095. Notwithstanding s. 106.021, a candidate who does not collect contributions and whose only expense is the filing fee or signature verification fee is not required to appoint a campaign treasurer or designate a primary campaign depository.

(4) (a) Each person seeking to qualify for election to office as a write-in candidate shall file his or her qualification papers with the respective qualifying officer at any time after noon of the 1st day for qualifying, but not later than noon of the last day of the qualifying period for the office sought.



(b) Any person who is seeking election as a write-in candidate shall not be required to pay a filing fee, election assessment, or party assessment. A write-in candidate is not entitled to have his or her name printed on any ballot; however, space for the write-in candidate's name to be written in must be provided on the general election ballot. A person may not qualify as a write-in candidate if the person has also otherwise qualified for nomination or election to such office.

(5) At the time of qualifying for office, each candidate for a constitutional office shall file a full and public disclosure of financial interests pursuant to s. 8, Art. II of the State Constitution, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a), and a candidate for any other office, including local elective office, shall file a statement of financial interests pursuant to s. 112.3145.

(6) The Department of State shall certify to the supervisor of elections, within 7 days after the closing date for qualifying, the names of all duly qualified candidates for nomination or election who have qualified with the Department of State.

(7) (a) In order for a candidate to be qualified, the following items must be received by the filing officer by the end of the qualifying period:

1. A properly executed check drawn upon the candidate's campaign account payable to the person or entity as prescribed by the filing officer in an amount not less than the fee required by s. 99.092, unless the candidate obtained the required number of signatures on petitions pursuant to s. 99.095. The filing fee for a special district candidate is not required to be drawn upon the candidate's campaign account. If a candidate's check is returned by the bank for any reason, the filing officer shall immediately notify the candidate and the candidate shall have until the end of qualifying to pay the fee with a cashier's check purchased from funds of the campaign account. Failure to pay the fee as provided in this subparagraph shall disqualify the candidate.

2. The candidate's oath required by s. 99.021, which must contain the name of the candidate as it is to appear on the ballot; the office sought, including the district or group number if applicable; and the signature of the candidate, which must be verified under oath or affirmation pursuant to s. 92.525(1)(a).

3. If the office sought is partisan, the written statement of political party affiliation required by s. 99.021(1)(b).

4. The completed form for the appointment of campaign treasurer and designation of campaign depository, as required by s. 106.021.

5. The full and public disclosure or statement of financial interests required by subsection (5). A public officer who has filed the full and public disclosure or statement of financial interests with the Commission on Ethics or the supervisor of elections prior to qualifying for office may file a copy of that disclosure at the time of qualifying.

(b) If the filing officer receives qualifying papers during the qualifying period prescribed in this section which do not include all items as required by paragraph (a) prior to the last day of qualifying, the filing officer shall make a reasonable effort to notify the candidate of the missing or incomplete items and shall inform the candidate that all required items must be received by the close of qualifying. A candidate's name as it is to appear on the ballot may not be changed after the end of qualifying.

(c) The filing officer performs a ministerial function in reviewing qualifying papers. In determining whether a candidate is qualified, the filing officer shall review the qualifying papers to determine whether all items required by paragraph (a) have been properly filed and whether each item is complete on its face, including whether items that must be verified have been properly verified pursuant to s. 92.525(1)(a). The filing officer may not determine whether the contents of the qualifying papers are accurate.

(8) Notwithstanding the qualifying period prescribed in this section, a qualifying office may accept and hold qualifying papers submitted not earlier than 14 days prior to the beginning of the qualifying period, to be processed and filed during the qualifying period.

(9) Notwithstanding the qualifying period prescribed by this section, in each year in which the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office shall be between noon of the 71st day prior to the primary election, but not later than noon of the 67th day prior to the primary election.



(10) The Department of State may prescribe by rule requirements for filing papers to qualify as a candidate under this section.

(11) The decision of the filing officer concerning whether a candidate is qualified is exempt from the provisions of chapter 120.

**HISTORY:** SS. 25, 26, ch. 6469, 1913; RGS 329, 330; CGL 386, 387; ss. 4, 5, ch. 13761, 1929; s. 1, ch. 16990, 1935; CGL 1936 Supp. 386; ss. 1, chs. 19007, 19008, 19009, 1939; CGL 1940 Supp. 4769(3); s. 1, ch. 20619, 1941; s. 1, ch. 21851, 1943; s. 1, ch. 23006, 1945; s. 1, ch. 24163, 1947; s. 3, ch. 26870, 1951; s. 11, ch. 28156, 1953; s. 4, ch. 29936, 1955; s. 10, ch. 57-1; s. 1, ch. 59-84; s. 1, ch. 61-373 and s. 4, ch. 61-530; s. 1, ch. 63-502; s. 7, ch. 65-378; s. 2, ch. 67-531; ss. 10, 35, ch. 69-106; s. 5, ch. 69-281; s. 1, ch. 69-300; s. 1, ch. 70-42; s. 1, ch. 70-93; s. 1, ch. 70-439; s. 6, ch. 77-175; s. 1, ch. 78-188; s. 3, ch. 81-105; s. 2, ch. 83-15; s. 2, ch. 83-25; s. 1, ch. 83-251; s. 29, ch. 84-302; s. 1, ch. 86-7; s. 6, ch. 89-338; s. 8, ch. 90-315; s. 32, ch. 91-107; s. 536, ch. 95-147; s. 1, ch. 95-156; s. 9, ch. 99-318; s. 9, ch. 99-326; s. 3, ch. 2001-75; s. 11, ch. 2005-277; s. 51, ch. 2005-278; s. 7, ch. 2005-286; s. 16, ch. 2007-30, eff. Jan. 1, 2008; s. 14, ch. 2011-40, eff. May 19, 2011.

**CITY OF WINTER PARK  
2013 MUNICIPAL ELECTION INFORMATION**

**DATE OF ELECTION:** Primary: February 12, 2013 (if necessary)  
General: March 12, 2013

**SEATS OPEN:** Seat 3 (Incumbent: Commissioner Carolyn Cooper)  
Seat 4 (Incumbent: Commissioner Tom McMacken)

**QUALIFICATIONS:** At the time of qualifying, you must be a qualified elector and reside within the City limits of Winter Park.

**QUALIFYING DATE:** Opens: Tuesday, January 1, 2013 - 12:00 (noon) – City Hall is closed  
Ends: Tuesday, January 8, 2013 - 12:00 (noon)

**PLEASE NOTE: VOTER REGISTRATION BOOKS CLOSE 29 DAYS PRIOR TO EACH ELECTION.**

**EARLY VOTING:** Please check the Orange County Supervisor of Elections website ([www.ocfelections.com](http://www.ocfelections.com)) or call 407-836-2070 (SOE) or 407-599-3277 (City Clerk's office) for dates and times for early voting.

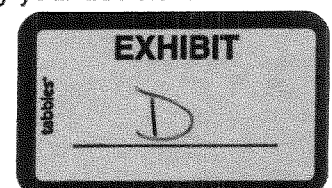
**ABSENTEES:** Absentees are provided by the Orange County Supervisor of Elections. Please call 407-836-2070 to obtain an absentee ballot.

**QUALIFYING PAPERS:** **TO BE RETURNED TO THE CITY CLERK BY THE END OF QUALIFYING, JANUARY 8, 2013 (NOON). THESE ARE PART OF THIS NOTEBOOK FOUND IN THE FILE FOLDER.**

**TREASURER/  
DEPOSITORY:** The candidate must appoint a campaign treasurer and depository (Form DS-DE 9A) before he can actively campaign and receive any contributions or make any expenditures.  
FS 106.021(1)(a))

**CAMPAIGN  
ACCOUNT:** The candidate must open an account as set forth in the handbook in order to receive or expend any campaign funds and to pay the election assessment at the time of qualifying. Any contribution received by a candidate on the day of election, or less than 5 days prior to the election, shall be returned to the contributor and shall not be used or expended by or on behalf of the candidate. (106.08(3) (a))

**NOMINATING  
PETITION:** Nominating petitions are part of the package. They must contain the signatures of no less than 25 registered voters of Winter Park. Petitions are to be filed with the City Clerk as part of qualifying prior to 12:00 p.m. (noon), January 8, 2013. You have been provided 40 petitions. It is highly suggested that you obtain more than the required 25 signatures in case some signatures are not valid (i.e., not registered, signature not legible, etc.). This is entirely your decision.



**OATHS:**  
(FS 99.021)  
FS 876.05(1))

The candidate must subscribe to the State Loyalty Oath and Candidate's Oath, and the City of Winter Park Candidate Oath. You will need to sign these in front of the City Clerk at the time you submit your qualifying papers.

**STATEMENT OF  
FINANCIAL  
DISCLOSURE:**  
(FS 99.021(6))

The Statement of Financial Disclosure must be filed at the time of filed at the time of qualifying.

**REPORTS:**

Deadline for filing reports are provided within the package. An original of the Summary sheet containing original signatures must be provided to the City Clerk. The contributions and expenditure forms must be provided in electronic format using the Excel spreadsheet as provided on the CD. All reports must be submitted no later than 5:00 on the day they are due to avoid late fees.

**POLITICAL SIGNS:**

Refer to FS 106.1435 and the City Code as provided within this package.

**ELECTION  
ASSESSMENT:**  
(FS 99.093 (1))

All candidates for municipal office shall pay an election assessment at the time of qualifying for office, an amount equal to one (1) percent of the salary of the office sought. The annual Commissioner salary is \$2,400.00. The sum of \$24.00 must be paid out of the campaign account at the time of qualifying with the check being made out to the City of Winter Park.

**CANDIDATE'S  
HANDBOOK:**

This information is general in nature. Each candidate is provided with a copy of the Candidate's Handbook and Florida Statutes Chapter 106 (campaign financing). You must refer to these specific instructions for all matters concerning your campaign for election. If you need additional information or have questions, contact the City Clerk's office at 407-599-3277 or the Orange County Supervisor of Elections, 407-836-2070.

CITY OF WINTER PARK  
2013 MUNICIPAL ELECTION

*Clerk's*  
**CANDIDATE'S**  
COPY

Ross Johnston Commission  
NAME OF CANDIDATE (Please Print) OFFICE SEAT NUMBER

1671 Oneida Ave, Winter Park, FL 32789  
RESIDENCE ADDRESS

PO Box 206, Winter Park, FL 32790  
MAILING ADDRESS

Yossj200@gmail.com  
E-MAIL ADDRESS

TELEPHONE NUMBERS: HOME: 467.951-5130 BUSINESS: \_\_\_\_\_  
CELL: 415.377-3341

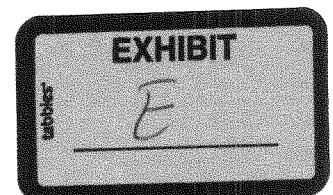
Please indicate with a checkmark next to which number you would prefer the public to contact you on.

RESIDENT AND REGISTERED VOTER OF WINTER PARK? ☒

REGISTRATION VERIFIED WITH ORANGE COUNTY: \_\_\_\_\_

DATE OF BIRTH: 1/13/67 LAST FOUR DIGITS OF SSN: 0587

1. Primary and General Election information sheet
2. City of Winter Park Charter, Article III, Nominations and Elections  
City of Winter Park Code of Ordinances, Chapter 42, Elections
3. City of Winter Park Zoning Code, Section 31-19(e), Political or Campaign Signs
4. 2012 Guide to Sunshine Amendment and Code of Ethics
5. Chapter 106 Florida Statutes, Campaign Financing (2011)
6. November 2011 Candidate and Campaign Treasurer's Handbook (latest edition)
7. Campaign Treasurer's Report Summary - (includes itemized contribution and expenditure forms)
8. CD with Excel spreadsheet for electronically filing report.
9. Schedule of Due Dates for Campaign Financial Reports
10. Poll Watcher Florida Statute 101.131 and Poll Watcher Designation Form



**MUST BE RETURNED TO THE CITY CLERK NO LATER THAN TUESDAY,  
JANUARY 8, 2013, AT 12:00 P. M. (END OF QUALIFYING):**

Returned Date	
1-8-13	Appointment of Campaign Treasurer and Designation of Campaign Depository For Candidates form.
1-8-13	Statement of Candidate (to be filed within 10 days of filing Appointment of Campaign Treasurer form).
1-8-13	Nominating Petition forms. <i>After deadline</i>
1-8-13	Election Assessment (\$24.00) - Florida Statutes 99.093 (Must be paid out of campaign account which needs to be opened to qualify and payable to the City of Winter Park).
1-8-13	Form 1 - Financial Interests Statement (2011)
1-8-13	Notification of pre-election equipment testing
1-8-13	City of Winter Park Candidate Oath
1-8-13	State Loyalty Oath & Oath of Candidate

*sporadically  
came in  
CB*

I acknowledge receipt of the above election documents.

*R. JLT*  
Signature of Candidate

1/8/13  
Date

**APPOINTMENT OF CAMPAIGN TREASURER  
AND DESIGNATION OF CAMPAIGN  
DEPOSITORY FOR CANDIDATES**

(Section 106.021(1), F.S.)

(PLEASE PRINT OR TYPE)

01-08-13A11:58 RCVD

NOTE: This form must be on file with the qualifying officer before opening the campaign account.

OFFICE USE ONLY

**1. CHECK APPROPRIATE BOX(ES):**

☐ Initial Filing of Form      Re-filing to Change: ☐ Treasurer/Deputy    ☐ Depository    ☐ Office    ☐ Party

**2. Name of Candidate (in this order: First, Middle, Last)**

Ross Johnston

**3. Address (include post office box or street, city, state, zip code)**

1671 Onele Ave

Winter Park, FL

32789

**4. Telephone**

(415) 377-3341

**5. E-mail address**

rossj200@gmail.com

**6. Office sought (include district, circuit, group number)**

City Commission Seat #3

**7. If a candidate for a nonpartisan office, check if applicable:**

☐ My intent is to run as a Write-In candidate.

**8. If a candidate for a partisan office, check block and fill in name of party as applicable: My intent is to run as a**

☐ Write-In    ☒ No Party Affiliation    ☐ \_\_\_\_\_ Party candidate.

**9. I have appointed the following person to act as my** ☐ Campaign Treasurer ☒ Deputy Treasurer

**10. Name of Treasurer or Deputy Treasurer**

Meg Fitzgerald

**11. Mailing Address**

2204 Fosgate Dr.

**12. Telephone**

(321) 478 5985

**13. City**

Winter Park

**14. County**

Orange

**15. State**

FL

**16. Zip Code**

32789

**17. E-mail address**

megfitzgerald3@me.com

**18. I have designated the following bank as my** ☐ Primary Depository ☐ Secondary Depository

**19. Name of Bank**

Orange Bank

**20. Address**

**21. City**

**22. County**

**23. State**

**24. Zip Code**

UNDER PENALTIES OF PERJURY, I DECLARE THAT I HAVE READ THE FOREGOING FORM FOR APPOINTMENT OF CAMPAIGN TREASURER AND DESIGNATION OF CAMPAIGN DEPOSITORY AND THAT THE FACTS STATED IN IT ARE TRUE.

**25. Date**

1/8/13

**26. Signature of Candidate**

X R. J. Lt

**27. Treasurer's Acceptance of Appointment (fill in the blanks and check the appropriate block)**

I, Margaret (Meg) Fitzgerald, do hereby accept the appointment  
(Please Print or Type Name)

designated above as:

☐

Campaign Treasurer

☐

Deputy Treasurer.

1/8/13

Date

X M. Fitzgerald

Signature of Campaign Treasurer or Deputy Treasurer

CITY OF WINTER PARK  
CANDIDATE OATH  
(Section 42-7 (3))

01-03-13P12:05 RCVD

Ross Johnston Commissioner  
NAME OF CANDIDATE (Please Print) Office  
1671 Aneel Ave Winter Park, FL 32789  
RESIDENCE ADDRESS  
Po Box 286, Winter Park, FL 32790  
MAILING ADDRESS  
TELEPHONE NO: HOME: 407. 951. 5130 BUSINESS: 415. 377. 3341

STATE OF FLORIDA  
COUNTY OF ORANGE

Before me, an officer authorized to administer oaths, personally appeared Ross Johnston to me well known, who, being sworn, says that he/she is a candidate for the office of Commissioner; that he/she is a qualified elector of the City of Winter Park, Orange County, Florida; that he/she is qualified under the constitution and the laws of Florida to hold the office to which he/she desires to be nominated or elected; that he/she has taken the oath required by F. S. 876.05-876.10; that he/she has not violated any of the laws of the state relating to elections or the registration of electors; that he/she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he/she seeks; that he/she has resigned from any office from which he/she is required to resign pursuant to F. S. 99.012; and that he/she has submitted a sworn statement of contributions and expenditures, if any, incurred prior to the time of qualifying and since the last preceding general election.

R. J. L.  
(Signature of Candidate)  
Sworn to and subscribed before me this 8th day of January, 20 13 at Orange County, Florida.

Cynthia Bonham  
Signature and Title of Officer  
Administering Oath

**CANDIDATE OATH –  
NONPARTISAN OFFICE**

01-08-13P12:10 RCVD

(Not for use by Judicial or  
School Board Candidates)

OFFICE USE ONLY

**OATH OF CANDIDATE**  
(Section 99.021, Florida Statutes)

I, Ross Johnston

(PLEASE PRINT NAME AS YOU WISH IT TO APPEAR ON THE BALLOT \* -- NAME MAY NOT BE CHANGED AFTER THE END OF QUALIFYING)

am a candidate for the nonpartisan office of

Mayor Commissioner

(office)

(district #)

03  
(circuit #) (group or seat #)

I am a qualified elector of

Orange

County, Florida.

I am qualified under the Constitution and the Laws of Florida to hold the office to which I desire to be nominated or elected; I have qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with the office I seek; and I have resigned from any office from which I am required to resign pursuant to Section 99.012, Florida Statutes; and I will support the Constitution of the United States and the Constitution of the State of Florida.

x R J L

Signature of Candidate

(415) 377-3341

Telephone Number

rossj200@gmail.com

Email Address

1671 Oneta Ave

Address

Winter Park

City

FL

State

32789

ZIP Code

Candidate's Florida Voter Registration Number (located on your voter information card): \_\_\_\_\_

\* Please print name phonetically on the line below as you wish it to be pronounced on the audio ballot for persons with disabilities (see instructions on page 2 of this form):

Ross Johnston

STATE OF FLORIDA

COUNTY OF Orange

Sworn to (or affirmed) and subscribed before me this 8<sup>th</sup> day of January, 2012.

Personally Known: \_\_\_\_\_ or

Produced Identification: X

Type of Identification Produced: Drivers License

Michelle Bernstein

Signature of Notary Public

Print, Full Name of Notary Public





# INSTRUCTIONS: INSERTING PHONETIC SPELLING OF CANDIDATE'S NAME FOR AUDIO BALLOT

Use the PRONUNCIATION KEY below to provide pronunciations for ambiguous first names and surnames. Capitalize STRESSED syllables, use lower case for unstressed syllables. Use dashes (-) to separate syllables. You should also add any notes such as rhyming examples, silent letters, etc.

## Samples:

PRONUNCIATION KEY	
Stressed Vowel Sounds	
EE	(FEET) feet
I	(FIT) fit
E	(BED) bed
A	(KAT) cat (KAD) cad
AH	(FAH-thur) father
PAHR	par
HAHT	hot (TAH-dee) toddy
UH	(FUHJ) fudge
FLUHD	flood
UH	(CHUHRCH) church
AW	(FAWN) fawn
U	(FUL) full
OO	(FOOD) food
OU	(FOUND) found
O	(FO) foe
EI	(FEIT) fight
AI	(FAIT) fate
OI	(FOIL) foil
YOO	(FYOOR-ee-uhs) furious

NAME ON BALLOT	PRONOUNCED AS
Mishaud	mee-SHO ('d' is silent)
Jahn	HAHN (rhyme: fawn)
Beauprez	boo-PRAI (rhyme: hooray)
Maniscalco	man-uh-SKAL-ko
Tangipahoa	TAN-ji-pah-HO-uh
Monte	Mahn-TAI
Tahya *	TAWN-yuh (not TAN)

Unstressed Vowel Sounds	
uh	(SO-fuh) sofa (FING-guhr) finger

Certain Vowel Sounds with R	
AHR	(PAHR) par
ER	(PER) pair
IR	(PIR) peer *
OR	(POR) pour
OOR	(POOR) poor
UHR	(PUHR) purr

Consonant Sounds			
B	(BED) bed	TS	(ITS) its (PITS-feeld) Pittsfield
D	(DET) debt	TH	(THEI) Thigh
F	(FED) fed	TH	(THEI) Thy
G	(GET) get	ZH	(A-zuhr) azure (VI-zuhn) vision
H	(HED) head	Z	(GOODZ) goods (HUH-buhz-tuhn) Hubbardston
HW	(HWICH) which		
J	(JUHG) jug		
K	(KAD) cad		
L	(LAIM) lame		
M	(MAT) mat		
N	(NET) net		
NG	(SING-uh) singer		
P	(PET) pet		
R	(RED) red		
S	(SET) set		
T	(TEN) ten		
V	(VET) vet		
Y	(YET) yet		
W	(WICH) witch		
CH	(CHUCRCH) church		
SH	(SHEEP) sheep		

NOTE: This page should not be submitted to the filing officer.

**STATEMENT OF  
CANDIDATE**

(Section 106.023, F.S.)

(Please print or type)

OFFICE USE ONLY

01-08-13 P12:10 RCVD

I, Ross Johnston

candidate for the office of Commissioner Seat #3

have been provided access to read and understand the requirements of  
Chapter 106, Florida Statutes.

X R. Johnston  
Signature of Candidate

1/8/13  
Date

Each candidate must file a statement with the qualifying officer within 10 days after the Appointment of Campaign Treasurer and Designation of Campaign Depository is filed. Willful failure to file this form is a first degree misdemeanor and a civil violation of the Campaign Financing Act which may result in a fine of up to \$1,000, (ss. 106.19(1)(c), 106.265(1), Florida Statutes).

01-08-13P12:16 RCVD

Campaign account for Ross Johnston

0991  
63-1575/631  
26

PAY  
TO THE  
ORDER OF

City of Winter Park

DATE 1/8/13

Twenty Four + 00/100

\$ 24.00/100

DOLLARS

ORANGE  
BANK

Winter Park Office  
Express Line 1-888-354-2265  
www.orangebankfl.com

FOR

R. J. L.

⑈000991⑈ ⑆063115754⑆

61005410⑈

FORM 1

STATEMENT OF

2011

FINANCIAL INTERESTS

Please print or type your name, mailing address, agency name, and position below:

LAST NAME -- FIRST NAME -- MIDDLE NAME :  
*Johnston, Ross, Donnelly*

MAILING ADDRESS :  
*Po Box 206*

CITY : *Winter Park* ZIP : *32796* COUNTY : *Orange*

NAME OF AGENCY :  
*City of Winter Park*

NAME OF OFFICE OR POSITION HELD OR SOUGHT :  
*Commissioner Seat #3*

You are not limited to the space on the lines on this form. Attach additional sheets, if necessary.

CHECK ONLY IF ☒ CANDIDATE OR ☐ NEW EMPLOYEE OR APPOINTEE

FOR OFFICE USE ONLY:

ID Code \_\_\_\_\_

ID No. \_\_\_\_\_

Conf. Code \_\_\_\_\_

P. Req. Code \_\_\_\_\_

\*\*\*\* BOTH PARTS OF THIS SECTION MUST BE COMPLETED \*\*\*\*

DISCLOSURE PERIOD:  
THIS STATEMENT REFLECTS YOUR FINANCIAL INTERESTS FOR THE PRECEDING TAX YEAR, WHETHER BASED ON A CALENDAR YEAR OR ON A FISCAL YEAR. PLEASE STATE BELOW WHETHER THIS STATEMENT IS FOR THE PRECEDING TAX YEAR ENDING EITHER (must check one):

☒ DECEMBER 31, 2011 OR ☐ SPECIFY TAX YEAR IF OTHER THAN THE CALENDAR YEAR: \_\_\_\_\_

MANNER OF CALCULATING REPORTABLE INTERESTS:  
THE LEGISLATURE ALLOWS FILERS THE OPTION OF USING REPORTING THRESHOLDS THAT ARE ABSOLUTE DOLLAR VALUES, WHICH REQUIRES FEWER CALCULATIONS, OR USING COMPARATIVE THRESHOLDS, WHICH ARE USUALLY BASED ON PERCENTAGE VALUES (see instructions for further details). PLEASE STATE BELOW WHETHER THIS STATEMENT REFLECTS EITHER (must check one):

☐ COMPARATIVE (PERCENTAGE) THRESHOLDS OR ☐ DOLLAR VALUE THRESHOLDS

PART A -- PRIMARY SOURCES OF INCOME [Major sources of income to the reporting person - See instructions p. 4] (If you have nothing to report, you must write "none" or "n/a")		
NAME OF SOURCE OF INCOME	SOURCE'S ADDRESS	DESCRIPTION OF THE SOURCE'S PRINCIPAL BUSINESS ACTIVITY
<i>Orange County Environmental</i>	<i>Po Box 206, WP, FL 32796</i>	<i>Recycling, Landfills</i>

PART B -- SECONDARY SOURCES OF INCOME [Major customers, clients, and other sources of income to businesses owned by the reporting person - See instructions p. 4] (If you have nothing to report, you must write "none" or "n/a")			
NAME OF BUSINESS ENTITY	NAME OF MAJOR SOURCES OF BUSINESS' INCOME	ADDRESS OF SOURCE	PRINCIPAL BUSINESS ACTIVITY OF SOURCE
<i>NA</i>			

PART C -- REAL PROPERTY [Land, buildings owned by the reporting person - See instructions p. 4]  
(If you have nothing to report, you must write "none" or "n/a")

*Home Residence*

**FILING INSTRUCTIONS** for when and where to file this form are located at the bottom of page 2.

**INSTRUCTIONS** on who must file this form and how to fill it out begin on page 3.

**OTHER FORMS** you may need to file are described on page 5.

**PART D — INTANGIBLE PERSONAL PROPERTY** [Stocks, bonds, certificates of deposit, etc. - See instructions p. 5]  
(If you have nothing to report, you must write "none" or "n/a")

TYPE OF INTANGIBLE	BUSINESS ENTITY TO WHICH THE PROPERTY RELATES
NA	

**PART E — LIABILITIES** [Major debts - See instructions p. 5]  
(If you have nothing to report, you must write "none" or "n/a")

NAME OF CREDITOR	ADDRESS OF CREDITOR
NA	

**PART F — INTERESTS IN SPECIFIED BUSINESSES** [Ownership or positions in certain types of businesses - See instructions p. 5]  
(If you have nothing to report, you must write "none" or "n/a")

	BUSINESS ENTITY # 1	BUSINESS ENTITY # 2	BUSINESS ENTITY # 3
NAME OF BUSINESS ENTITY	NA		
ADDRESS OF BUSINESS ENTITY			
PRINCIPAL BUSINESS ACTIVITY			
POSITION HELD WITH ENTITY			
I OWN MORE THAN A 5% INTEREST IN THE BUSINESS			
NATURE OF MY OWNERSHIP INTEREST			

IF ANY OF PARTS A THROUGH F ARE CONTINUED ON A SEPARATE SHEET, PLEASE CHECK HERE ☐

**SIGNATURE (required):**

K. L. L.

**DATE SIGNED (required):**

1/8/13

**FILING INSTRUCTIONS:**

**WHAT TO FILE:**

After completing all parts of this form, **including signing and dating it**, send back only the first sheet (pages 1 and 2) for filing.

If you have nothing to report in a particular section, you must write "none" or "n/a" in that section(s).

**NOTE:**

**MULTIPLE FILING UNNECESSARY:**

Generally, a person who has filed Form 1 for a calendar or fiscal year is not required to file a second Form 1 for the same year. However, a candidate who previously filed Form 1 because of another public position must at least file a copy of his or her original Form 1 when qualifying.

**WHERE TO FILE:**

If you were mailed the form by the Commission on Ethics or a County Supervisor of Elections for your annual disclosure filing, return the form to that location.

**Local officers/employees** file with the Supervisor of Elections of the county in which they permanently reside. (If you do not permanently reside in Florida, file with the Supervisor of the county where your agency has its headquarters.)

**State officers or specified state employees** file with the Commission on Ethics, P.O. Drawer 15709, Tallahassee, FL 32317-5709; physical address: 3600 Maclay Boulevard, South, Suite 201, Tallahassee, FL 32312.

**Candidates** file this form together with their qualifying papers.

To determine what category your position falls under, see the "Who Must File" Instructions on page 3.

**Facsimiles will not be accepted.**

**WHEN TO FILE:**

**Initially**, each local officer/employee, state officer, and specified state employee must file **within 30 days** of the date of his or her appointment or of the beginning of employment. Appointees who must be confirmed by the Senate must file prior to confirmation, even if that is less than 30 days from the date of their appointment.

**Candidates** for publicly-elected local office must file at the same time they file their qualifying papers.

**Thereafter**, local officers/employees, state officers, and specified state employees are required to file by July 1st following each calendar year in which they hold their positions.

**Finally**, at the end of office or employment, each local officer/employee, state officer, and specified state employee is required to file a final disclosure form (Form 1F) within 60 days of leaving office or employment. However, filing a CE Form 1F (Final Statement of Financial Interests) does **not** relieve the filer of filing a CE Form 1 if he or she was in their position on December 31, 2011.

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013


(Any registered elector of the City of Winter Park may sign)

- All information on this form, including your signature, becomes a public record upon receipt by the City Clerk. Your signature must match what is on file at the Supervisor of Elections Office.
- Under Florida Law, it is a first degree misdemeanor, punishable as provided in s. 775.082 or s. 775.083, Florida Statutes, to knowingly sign more than one petition for a candidate, a minor political party, or an issue. (Section 104.185, Florida Statutes)
- If all requested information on this form is not completed, the form will not be effective as a Candidate Petition Form.

I, Lauren Meyer the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnston

placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>4/23/90</u>		Residence Address <u>315 E New England Ave</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION


PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, STEVEN LARRY the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSTON  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

<b>Date of Birth</b> <u>1/21/66</u>	<b>Residence Address</b> <u>4122 BIRCHTREE CT</u>		
<b>City</b> Winter Park	<b>County</b> Orange	<b>State</b> Florida	<b>Zip Code</b> <u>32789</u>
<b>Signature of Voter</b> 			<b>Date Signed (To be completed by voter)</b> <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, W.P. Battaglia the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>05/05/50</u>		Residence Address <u>300 S. Interlachen Ave. #602</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter <u>W.P. Battaglia</u>			Date Signed (To be completed by voter) <u>01/08/13</u>



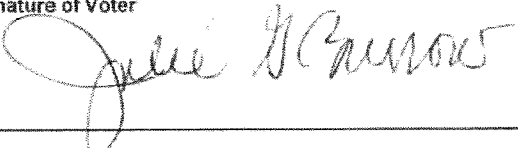
CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

(Any registered elector of the City of Winter Park may sign)

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- If all requested information on this form is not completed, the form will not be effective as a Candidate Petition Form.

I, Julie G Burrow the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)  
the City of Winter Park, Florida, petition to have the name of Ross Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>1/20/62</u>		Residence Address <u>1011 Temple Grove</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

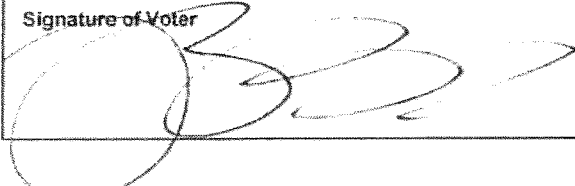
PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

(Any registered elector of the City of Winter Park may sign)

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I, FORTUNATA S. BLACKWELDER the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSTON  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>03.09.42</u>	Residence Address <u>427 W. PHELPS AVE</u>		
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>01-08-13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION


PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

(Any registered elector of the City of Winter Park may sign)

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I, MARSHALL VERMILLION the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSTON  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>3/14/47</u>		Residence Address <u>1146 VIA CAPRI</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

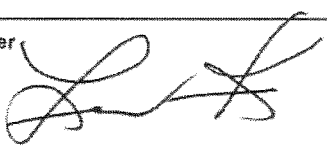
CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, Linda Keen the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)  
the City of Winter Park, Florida, petition to have the name of Ross Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>06/05/48</u>	Residence Address <u>140 E Morse Blvd</u>		
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

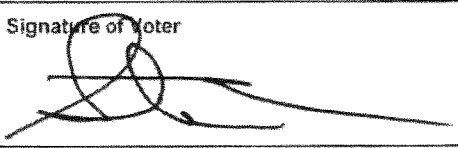
PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

(Any registered elector of the City of Winter Park may sign)

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I, STEVEN ROBERT MATHER the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSON  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>5/12/61</u>		Residence Address <u>1217 SHARON PL</u>	
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter 		Date Signed (To be completed by voter) <u>1/8/13</u>	

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, Graham K. Hill the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of

ROSS Johnston

placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>07/05/1941</u>		Residence Address <u>595 Huntington Ave</u>	
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, Francine Schenberg the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)  
the City of Winter Park, Florida, petition to have the name of Ross Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>7/21/42</u>	Residence Address <u>601 Park Ave Winter Park</u>		
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter <u>Francine Schenberg 1/8/13</u>			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION


PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, M. BAILEY WICK the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSTON  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>3/27/60</u>	Residence Address <u>1517 WILLIAMS DRIVE</u>		
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter 		Date Signed (To be completed by voter) <u>1/8/13</u>	



CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, CAROL H. BELLONS the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>2/26/40</u>	Residence Address <u>444 W. NEW ENGLAND AVE. APT 304</u>		
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter  <u>Carol H. Bellons</u>		Date Signed (To be completed by voter)  <u>01/03/2013</u>	

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013


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I, Richard H. Bellows the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnston

placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>11/20/37</u>		Residence Address <u>747 W. NEW ENGLAND AVE APT 304</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1-8-13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, Ross Johnston the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)  
the City of Winter Park, Florida, petition to have the name of Ross Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>1/13/67</u>		Residence Address <u>1671 ONWEL AVE</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter <u>R. Johnston</u>			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

(Any registered elector of the City of Winter Park may sign)

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- If all requested information on this form is not completed, the form will not be effective as a Candidate Petition Form.

I, Ronald D. McManis the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)  
the City of Winter Park, Florida, petition to have the name of Ross Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>2/13/41</u>	Residence Address <u>1621 Forest Ave.</u>		
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter <u>Ronald D. McManis</u>			Date Signed (To be completed by voter) <u>1/8/2013</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

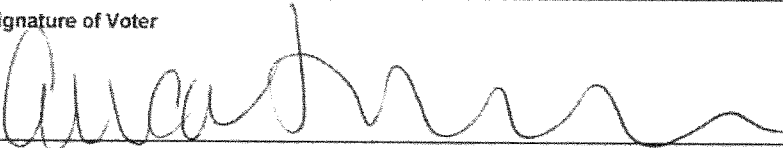
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I, ERICA LARSON the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnston

placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>08/07/1987</u>		Residence Address <u>151 N. Orlando Ave #108</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

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I, Margaret E. Fitzgerald the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnston

placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth 9/8/74	Residence Address 2204 Rosgate Dr.		
City Winter Park	County Orange	State Florida	Zip Code 32789
Signature of Voter <u>Margaret E. Fitzgerald</u>			Date Signed (To be completed by voter) 1/8/13

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION


PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, DANIEL B. BELLONS the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSTON  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>5/14/64</u>		Residence Address <u>411 W. NEW ENGLAND AVE, suite PH</u>	
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter 		Date Signed (To be completed by voter) <u>1/7/13</u>	

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

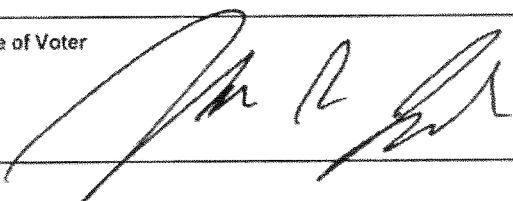
PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
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I, JOHN INFOLIA the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSTON  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>2/12/50</u>	Residence Address <u><del>311</del> 311 E. MONTE BLVD 3-3 W.P.</u>		
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>



CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
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I, R. E. BATTAGLIA the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSON  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>10/10/46</u>		Residence Address <u>1466 ALABAMA DR</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter <u>RE Battaglia</u>			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

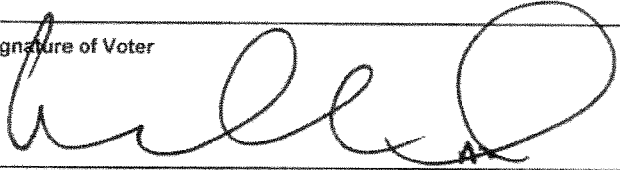
PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
GENERAL ELECTION: MARCH 13, 2013

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I, Michael Maher the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnson  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>7-28-41</u>		Residence Address <u>616 Seminole Dr</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

**CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION**

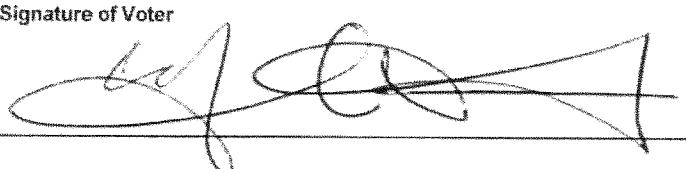
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I, Stephanie Wong the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>1/7/88</u>		Residence Address <u>208 Scottsdale Sq</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32792</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/12</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION


PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
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I, Allan E. Keel the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Irwin  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth 4/17/48	Residence Address 140 E. MORSE BLVD "K"		
City Winter Park	County Orange	State Florida	Zip Code 32785
Signature of Voter 			Date Signed (To be completed by voter) 1/8/13

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

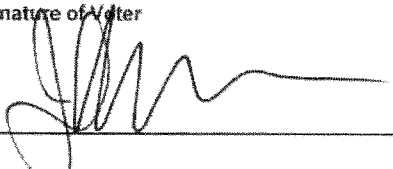
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I, Joe Skinner the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS Johnson  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>9/12/1958</u>		Residence Address <u>1809 Pineview Cir Winter Park FL</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
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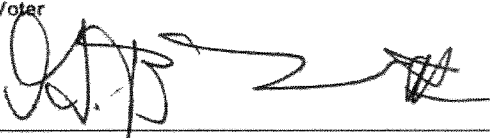
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I, GEORGE B. MATHEWS III the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of ROSS JOHNSTON

placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>6-16-43</u>	Residence Address <u>5584 NEW ENGLAND AVE #309</u>		
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1-8-13</u>

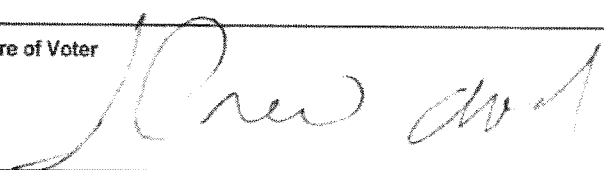
**CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION**

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I, ANDREW (DREW) ABEL the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)  
the City of Winter Park, Florida, petition to have the name of ROSS Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>6/20/70</u>		Residence Address <u>838 Appalachee Ave</u>	
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32792</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>1/8/13</u>

CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

PRIMARY ELECTION: FEBRUARY 12, 2013 IF NECESSARY  
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I, AB Miller the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnson  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>2/27/1958</u>	Residence Address <u>1555 Lakehurst Ave</u>		
City <u>Winter Park</u>	County <u>Orange</u>	State <u>Florida</u>	Zip Code <u>32789</u>
Signature of Voter <u>AB Miller</u>			Date Signed (To be completed by voter) <u>1/8/2013</u>



CITY OF WINTER PARK  
CANDIDATE PETITION 2013 ELECTION

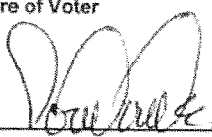
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I, Louis E. Moreno the undersigned, a registered elector in  
(Please print name as it appears on your voter information card)

the City of Winter Park, Florida, petition to have the name of Ross Johnston  
placed on the election ballot as a nonpartisan candidate for the office of City Commissioner.

Date of Birth <u>05/17/1953</u>		Residence Address <u>433 W. NEW ENGLAND AVE # 202</u>	
City Winter Park	County Orange	State Florida	Zip Code <u>32789</u>
Signature of Voter 			Date Signed (To be completed by voter) <u>01/08/2013</u>

MEMO TO: CYNTHIA S. BONHAM, CITY CLERK

FROM: CATHERINE D. REISCHMANN, ESQ.

COPY TO: RANDY KNIGHT, CITY MANAGER  
USHER L. BROWN, CITY ATTORNEY

RE: ELECTION QUALIFYING

DATE: JANUARY 9, 2013

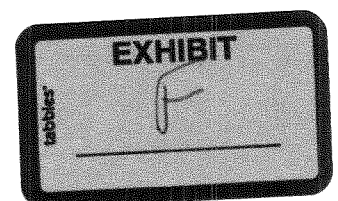
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You have asked whether a candidate can submit material required for qualifying shortly after the qualifying period has ended, and still be eligible to run for office as a city commissioner. Under State law and City Code, certain documents must be filed before the end of qualifying in order for a candidate to have his/her name placed on the ballot. Section 42-7(a)(1) of the Winter Park Code provides the deadline for qualifying, stating that a candidate must qualify and file his or her "application to have or her name printed on the ballot", "no later than noon of the 35th day...prior to the date of the primary election." The primary, pursuant to Charter section 3.04, is held on the second Tuesday in February, which this year is February 12th. Therefore, to qualify, one must file the qualifying papers "no later than the 35th day" before February 12th, which means the end of the qualification period is noon on January 8th. That code provision is unambiguous.

Section 42-7(a) provides that in order to qualify, the potential candidate must do four things by noon on January 8th: 1) file an application; 2) have the application endorsed by not less than 25 registered voters; 3) swear to an oath set forth in the code, which substantially tracks the one required by Fla. Stat. 99.021; and 4) file a financial disclosure statement, also required by Fla. Stat. 99.061(5). Section 42-7(b) provides that it is each candidate's duty to comply with the code, but that the Clerk is to notify each candidate of any "defect or deficiency" in the application. The candidate can make "corrections or additions" any time before the end of the qualification term "but not thereafter". In summary, the end of the qualification term is January 8<sup>th</sup> at noon. No additions to the qualifying packets noted by the Clerk are to be made after noon on January 8<sup>th</sup>.

Florida Statutes also provide certain requirements for qualification for office. Fla. Stat. 106.021 requires the appointment of campaign treasurer prior to qualifying for office, and the designation of a campaign depository before any contribution is accepted, or expenditure of funds are made. This means that technically the campaign treasurer must be appointed and the depository account must be opened before the filing fee/election assessment is paid. It appears that the Statement of Candidate required by Fla. Stat. 106.023 is also required before the end of qualifying, according to the City Clerk's website, although the statute only requires filing the form within 10 days after appointment of campaign treasurer.

Florida Statutes 99.021(1) requires that in order to qualify every candidate must pay a filing fee and an election assessment, provided for in Fla. Stat. 99.092 and 99.093. This fee must be paid at the time of filing qualifying papers, per the statute. The fee must be drawn from the campaign account. The statutes also require an oath be sworn at time of qualifying.



Mr. Johnston came into the Clerk's office to file all necessary documents just before noon on January 8<sup>th</sup>. He was informed by the Clerk that noon was the filing deadline. He began filling out the necessary forms. He filed his Appointment of Campaign Treasurer on 11:58. He did not have a check for the election assessment with him, but someone brought it to the Clerk at 12:15. All other required filings were after 12:00 p.m., but Mr. Johnston was in the office filling out forms at noon. He provided the oaths of office at 12:05 and 12:10, and the financial disclosure form at 12:09. He did not provide any petitions at noon, but did provide 25 valid petitions by 1:00. He did not offer a reason why he filed these documents late. It does not appear that there was anything hindering him from doing so.

In an Attorney General Opinion, AGO 058-216, the Attorney General was asked whether the Secretary of State should accept qualification papers for U.S. Congressman which were 10 minutes late. The Attorney General quoted from the statute which is similar to the Winter Park Code, and which requires that the papers be filed prior to noon on the 63<sup>rd</sup> day prior to the primary. The candidate had filed them at 12:10 on the 63<sup>rd</sup> day prior to the primary, and the Attorney General held that anyone who does not file by noon has not complied with the clear terms of the law, and because there are no exceptions, the Secretary of State was not authorized to accept the qualification papers. The Attorney General cited to two opinions from the Florida Supreme Court where the court held the Secretary of State was not required to place candidates' names on the ballots due to late filings.

Candidates are held responsible for knowing and complying with the legal requirements of qualification for office. In *State ex rel. Taylor v. Gary*, 25 So. 2d 492, 496 (Fla. 1946), where a candidate failed to qualify for office because he submitted an insufficient filing fee, the Court stated that the candidate "was charged with the duty, for his own protection, either of determining for himself that the lesser amount would be sufficient, or of at least tendering to the clerk the amount that he, Jones, knew the statute actually provided should be paid." The Court in *Sancho v. Jounos*, 715 So. 2d 382 (Fla. 1<sup>st</sup> DCA 1998), also noted that a candidate does not have a clear legal right to be informed by the Supervisor of Elections that documents are missing from his qualifying papers. The Court upheld the Supervisor's rejection of papers filed late.

There is, however, a case where the courts held that qualifying documents could be taken late. In *Bayne v. Glisson*, 300 So. 2d 79 (Fla. 1<sup>st</sup> DCA 1974), the court agreed that generally a statutory requirement as to time of filing of qualification papers is mandatory, and papers filed late are a nullity. The Court found special circumstances existed in that case, where the facts showed that the candidate's representative was in the Secretary of State's office before the statutory deadline with the completed documents ready to file, but the Secretary's office was filled with so many people that the representative could not get to the correct place in time to file. There was testimony that it was difficult for the representative to find the correct office where the documents had to be filed. The Court cited to cases from out of state where "extraordinary circumstances" were deemed sufficient to justify a technically late filing of qualification papers, and found that similar circumstances existed there.

No facts have been submitted to show extraordinary circumstances in Mr. Johnston's case. It does not appear that Mr. Johnston was in the office with completed papers at noon. In fact, it is clear that Mr. Johnston was still submitting petitions close to 1:00 p.m. Because the complete package was close to an hour late, and there are not any special circumstances, it appears that the Clerk should notify Mr. Johnston that his application package was incomplete at the end of the qualifying period.



LexisNexis (R) Florida Annotated Statutes  
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\*\*\* Statutes and Constitution are updated through the 2012 Regular Session and 2012 Special Session B. \*\*\*  
\*\*\* Annotations current through November 30, 2012 \*\*\*

TITLE 9. ELECTORS AND ELECTIONS (Chs. 97-107)  
CHAPTER 99. CANDIDATES

**GO TO FLORIDA STATUTES ARCHIVE DIRECTORY**

*Fla. Stat. § 99.021 (2012)*

§ 99.021. Form of candidate oath

(1) (a) 1. Each candidate, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to any office other than a judicial office as defined in chapter 105 or a federal office, shall take and subscribe to an oath or affirmation in writing. A copy of the oath or affirmation shall be made available to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida

County of

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot) , to me well known, who, being sworn, says that he or she is a candidate for the office of ; that he or she is a qualified elector of County, Florida; that he or she is qualified under the Constitution and the laws of Florida to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, *Florida Statutes*; and that he or she will support the Constitution of the United States and the Constitution of the State of Florida.

(Signature of candidate)



Fla. Stat. § 99.021

(Address)

Sworn to and subscribed before me this      day of      , (year) , at  
County, Florida.

(Signature and title of officer administering oath)

2. Each candidate for federal office, whether a party candidate, a candidate with no party affiliation, or a write-in candidate, in order to qualify for nomination or election to office shall take and subscribe to an oath or affirmation in writing. A copy of the oath or affirmation shall be made available to the candidate by the officer before whom such candidate seeks to qualify and shall be substantially in the following form:

State of Florida

County of

Before me, an officer authorized to administer oaths, personally appeared (please print name as you wish it to appear on the ballot) , to me well known, who, being sworn, says that he or she is a candidate for the office of      ; that he or she is qualified under the Constitution and laws of the United States to hold the office to which he or she desires to be nominated or elected; that he or she has qualified for no other public office in the state, the term of which office or any part thereof runs concurrent with that of the office he or she seeks; and that he or she will support the Constitution of the United States.

(Signature of candidate)

(Address)

Sworn to and subscribed before me this      day of      , (year) , at  
County, Florida.

(Signature and title of officer administering oath)

(b) In addition, any person seeking to qualify for nomination as a candidate of any political party shall, at the time of subscribing to the oath or affirmation, state in writing:

1. The party of which the person is a member.
2. That the person has not been a registered member of any other political party for 365 days before the beginning of qualifying preceding the general election for which the person seeks to qualify.
3. That the person has paid the assessment levied against him or her, if any, as a candidate for said office by the executive committee of the party of which he or she is a member.

(c) The officer before whom such person qualifies shall certify the name of such person to the supervisor of elections in each county affected by such candidacy so that the name of such person may be printed on the ballot. Each person seeking election as a write-in candidate shall subscribe to the oath prescribed in this section in order to be entitled to have write-in ballots cast for him or her counted.

(2) The provisions of subsection (1) relating to the oath required of candidates, and the form of oath prescribed, shall apply with equal force and effect to, and shall be the oath required of, a candidate for election to a political party executive committee office, as provided by law. The requirements set forth in this section shall also apply to any person filling a vacancy on a political party executive committee.

(3) This section does not apply to a person who seeks to qualify for election pursuant to *ss. 103.021 and 103.101*.

**HISTORY:** SS. 22, 23, ch. 6469, 1913; RGS 326, 327; CGL 383, 384; s. 3, ch. 19663, 1939; s. 3, ch. 26870, 1951; s. 10, ch. 28156, 1953; s. 1, ch. 57-742; s. 1, ch. 61-128; s. 2, ch. 63-269; s. 1, ch. 63-66; s. 1, ch. 65-376; s. 1, ch. 67-149; s. 2, ch. 70-269; s. 19, ch. 71-355; s. 6, ch. 77-175; s. 3, ch. 79-365; s. 27, ch. 79-400; s. 2, ch. 81-105; s. 3, ch. 86-134; s. 535, ch. 95-147; s. 7, ch. 99-6; s. 8, ch. 99-318; s. 15, ch. 2007-30, eff. Jan. 1, 2008; s. 10, ch. 2008-95, eff. Jan. 1, 2009; s. 13, ch. 2011-40, eff. May 19, 2011.

#### NOTES:

#### AMENDMENTS

The 2007 amendment by s. 15, ch. 2007-30, effective January 1, 2008, in present (1)(a)1., inserted "or a federal office"; and added (1)(a)2.

The 2008 amendment by s. 10, ch. 2008-95, effective January 1, 2009, in (1)(a)2., at the end of the oath, deleted "and that he or she has resigned from any office from which he or she is required to resign pursuant to s. 99.012, *Florida Statutes*."

The 2011 amendment, in the second sentence of the introductory language of (1)(a)1. and (1)(a)2., deleted "printed" preceding "copy of" and substituted "made available" for "furnished"; in the form of (1)(a)1., deleted "that he or she has taken the oath required by ss. 876.05-876.10, *Florida Statutes*" following "nominated or elected" and added "and that he or she will support the Constitution of the United States and the Constitution of the State of Florida"; added "and that he or she will support the Constitution of the United States" at the end of the oath of (1)(a)2.; in (1)(b)2., deleted "is not a registered member of any other political party and" following "That the person," substituted "registered member of" for "candidate for nomination for," and substituted "for 365 days before the beginning of qualifying" for "for a period of 6 months"; added (3); and made related and stylistic changes.

NOTE.--

Former ss. 102.29, 102.30.

FLORIDA STATUTES REFERENCES

Chapter 97. Qualification and Registration of Electors, *F.S. § 97.026*. Forms to be available in alternative formats and via the Internet.

Chapter 99. Candidates, *F.S. § 99.061*. Method of qualifying for nomination or election to federal, state, county, or district office.

Chapter 99. Candidates, *F.S. § 99.063*. Candidates for Governor and Lieutenant Governor.

Chapter 105. Nonpartisan Elections, *F.S. § 105.031*. Qualification; filing fee; candidate's oath; items required to be filed.

Chapter 112. Public Officers and Employees: General Provisions, *F.S. § 112.312*. Definitions.

LexisNexis (R) Notes:

CASE NOTES

1. Where a primary election candidate filed a complaint for declaratory and injunctive relief against the Florida Secretary of State that sought to have his name placed on a ballot and to declare unconstitutional *Fla. Stat. Ann. § 99.021* and *Fla. Stat. Ann. § 99.092*, which required payment of a five percent filing fee, and where the Secretary filed a motion to dismiss the complaint, the court granted the motion and dismissed the candidate's complaint. The court held that the challenged statutes were a legitimate regulation of the "manner of holding elections," as permitted by *U.S. Const. art. I, § 4, cl. 1*; that *Fla. Const. art. VI, § 1* gave the legislature the power to levy a filing fee as an incident to qualification for party primaries; that the required filing fee was not an additional qualification to hold office but was simply a regulatory measure designed to insure fair and orderly elections; and that the amount of the fee was reasonable, not arbitrary, and not unconstitutional. *Fowler v. Adams*, 315 F. Supp. 592, 1970 U.S. Dist. LEXIS 10798 (M.D. Fla. 1970), appeal dismissed by 400 U.S. 986, 91 S. Ct. 477, 27 L. Ed. 2d 436, 1971 U.S. LEXIS 3438 (1971).

2. State supreme court held it was within the power of a state legislature to regulate the nomination of political party candidates for office by adoption of a primary election law as it was a law that worked within the framework of our party process in elections, thus the lower court preclusion of a Republican from running for a local school board due to a failure to execute the candidate's loyalty oath as required by former Fla. Stat. § 102.29 (now *Fla. Stat. § 99.021*), was upheld. *Mairs v. Peters*, 52 So. 2d 793, 1951 Fla. LEXIS 1365 (Fla. 1951).

3. Where a primary election candidate filed a complaint for declaratory and injunctive relief against the Florida Secretary of State that sought to have his name placed on a ballot and to declare unconstitutional *Fla. Stat. Ann. § 99.021* and *Fla. Stat. Ann. § 99.092*, which required payment of a five percent filing fee, and where the Secretary filed a motion to dismiss the complaint, the court granted the motion and dismissed the candidate's complaint. The court held that the challenged statutes were a legitimate regulation of the "manner of holding elections," as permitted by *U.S. Const. art. I, § 4, cl. 1*; that *Fla. Const. art. VI, § 1* gave the legislature the power to levy a filing fee as an incident to qualification for party primaries; that the required filing fee was not an additional qualification to hold office but was simply a regulatory measure designed to insure fair and orderly elections; and that the amount of the fee was reasonable, not arbitrary, and not unconstitutional. *Fowler v. Adams*, 315 F. Supp. 592, 1970 U.S. Dist. LEXIS 10798 (M.D. Fla. 1970), appeal dismissed by 400 U.S. 986, 91 S. Ct. 477, 27 L. Ed. 2d 436, 1971 U.S. LEXIS 3438 (1971).

4. The court found that uncontradicted evidence showed that republican candidate was a democratic candidate prior to July 20, 1984, and was then a republican candidate after July 20, 1984; thus, the court held that republican candidate clearly, as a matter of law, violated *Fla. Stat. § 99.021(1)(b)*, and was not qualified to have been the Republican Party nominee in the election. *Polly v. Navarro*, 457 So. 2d 1140, 1984 Fla. App. LEXIS 15866 (Fla. 4th DCA 1984).

5. Candidate was able to make a truthful oath as require by *Fla. Stat. § 99.021(1)* that he was qualified as a candidate for an office other than the one he was currently holding by resigning from his present position before entering upon the duties of the office to which he would have been elected; city charter did not prevent city official from running for another elected office. *Miami Beach v. Richard*, 173 So. 2d 480, 1965 Fla. App. LEXIS 4459 (Fla. 3rd DCA 1965).

6. State supreme court held it was within the power of a state legislature to regulate the nomination of political party candidates for office by adoption of a primary election law as it was a law that worked within the framework of our party process in elections, thus the lower court preclusion of a Republican from running for a local school board due to a failure to execute the candidate's loyalty oath as required by former Fla. Stat. § 102.29 (now *Fla. Stat. § 99.021*), was upheld. *Mairs v. Peters*, 52 So. 2d 793, 1951 Fla. LEXIS 1365 (Fla. 1951).

7. State supreme court held it was within the power of a state legislature to regulate the nomination of political party candidates for office by adoption of a primary election law as it was a law that worked within the framework of our party process in elections, thus the lower court preclusion of a Republican from running for a local school board due to a failure to execute the candidate's loyalty oath as required by former Fla. Stat. § 102.29 (now *Fla. Stat. § 99.021*), was upheld. *Mairs v. Peters*, 52 So. 2d 793, 1951 Fla. LEXIS 1365 (Fla. 1951).

8. Order granting temporary injunction directing a political party to seat certain candidates as executive committee members was affirmed because although the party had the right to establish its own separate form of loyalty oath, and a filing deadline for that form pursuant to *Fla. Stat. §§ 99.021* and *103.091*, the party's notices regarding the new form and deadline were too little and too late and thus, the candidate's failure to comply therewith did not disqualify them. *Republican Party v. Davis*, 18 So. 3d 1112, 2009 Fla. App. LEXIS 12508 (Fla. 3rd DCA 2009).

9. Where a republican candidate for sheriff had not complied with the requirement of registering as a republican prior to six months before the election pursuant to *Fla. Stat. § 99.021(1)(b)*, an appeal of a trial court order enjoining a county supervisor of elections from placing the candidate's name on the ballot, that challenged the standing of a republican voter to initially bring the action, was dismissed as moot because the candidate was not qualified under the statute. *Ingham v. Kaney*, 456 So. 2d 592, 1984 Fla. App. LEXIS 15537 (Fla. 5th DCA 1984).

10. *Fla. Stat. § 99.021* and *Fla. Stat. § 99.092* require, among other things, a sworn declaration of party loyalty and affiliation and payment of a five percent filing fee. *Fowler v. Adams*, 315 F. Supp. 592, 1970 U.S. Dist. LEXIS 10798 (M.D. Fla. 1970), appeal dismissed by 400 U.S. 986, 91 S. Ct. 477, 27 L. Ed. 2d 436, 1971 U.S. LEXIS 3438 (1971).



11. Where a primary election candidate filed a complaint for declaratory and injunctive relief against the Florida Secretary of State that sought to have his name placed on a ballot and to declare unconstitutional *Fla. Stat. Ann. § 99.021* and *Fla. Stat. Ann. § 99.092*, which required payment of a five percent filing fee, and where the Secretary filed a motion to dismiss the complaint, the court granted the motion and dismissed the candidate's complaint. The court held that the challenged statutes were a legitimate regulation of the "manner of holding elections," as permitted by *U.S. Const. art. I, § 4, cl. 1*; that *Fla. Const. art. VI, § 1* gave the legislature the power to levy a filing fee as an incident to qualification for party primaries; that the required filing fee was not an additional qualification to hold office but was simply a regulatory measure designed to insure fair and orderly elections; and that the amount of the fee was reasonable, not arbitrary, and not unconstitutional. *Fowler v. Adams*, 315 F. Supp. 592, 1970 U.S. Dist. LEXIS 10798 (M.D. Fla. 1970), appeal dismissed by 400 U.S. 986, 91 S. Ct. 477, 27 L. Ed. 2d 436, 1971 U.S. LEXIS 3438 (1971).

12. Pursuant to former Fla. Const. art. XVI, § 15 (now *Fla. Const. art. II, § 5(a)*) and *Fla. Stat. § 99.021(1)*, multiple candidacies are not consistent with the public policy of Florida. *State ex rel. Fair v. Adams*, 139 So. 2d 879, 1962 Fla. LEXIS 3096 (Fla. 1962).

13. Language of the statute is clear and unambiguous and requires candidates for elected office to take the loyalty oath and not appointees. *Platt v. Lanier*, 127 So. 2d 912, 1961 Fla. App. LEXIS 2992 (Fla. 2nd DCA 1961).

14. Statutory requirement that one swear or affirm in writing that one had not registered as a member of any other political party during the two years immediately preceding the date of said oath was not arbitrary or capricious, but, rather, was reasonably related to the public policy of maintaining party loyalty and perpetrating the party system, which was essential to democratic government; the statute did not offend either the state or federal constitutions. *Crowells v. Petersen*, 118 So. 2d 539, 1960 Fla. LEXIS 2562 (Fla. 1960).

15. Trial court erred in awarding judgment quo warranto for ouster of elected state official who supported a candidate from another political party; there was no justification to oust the official from official's position within the scope of proceedings in quo warranto, and official could not be expelled since there was no violation of an oath to which he had subscribed. *Coles v. Robb*, 69 So. 2d 322, 1954 Fla. LEXIS 1200 (Fla. 1954).

#### OPINIONS OF ATTORNEY GENERAL

1. The Democratic Executive Committee of Florida is not authorized by statute to require an oath of party loyalty on the part of a candidate for party nomination for election to public office as a prerequisite to qualification by said candidate for such nomination and election. AGO 1983-74, 1983 Fla. AG LEXIS 28; 1983 Op. Atty Gen. Fla. 199.

2. A member of the City of Miami Zoning Board, assuming such a member to be an officer within the meaning of the Resign-to-Run Law, may not, by forfeiting the salary which is provided his office by ordinance, avail himself of the exception provided in *Fla. Stat. § 99.021(5)*, and thereby qualify for election to another public office without complying with the resign-to-run requirements of *Fla. Stat. § 99.012(2)* and (3). AGO 1979-82, 1979 Fla. AG LEXIS 31; 1979 Op. Atty Gen. Fla. 208.

3. The number of registered electors as shown by the compilation of the Department of State for the last preceding general election may be used in determining the number of signatures of registered electors required on an independent candidate's petition for a position on the general election ballot as a candidate for county or district office, pursuant to § 99.153, F. S. AGO 1972-344, 1972 Fla. AG LEXIS 347; 1972 Op. Atty Gen. Fla. 584.

4. A candidate for the office of state attorney upon qualifying pursuant to *Fla. Stat. § 99.021*, must meet the five-year bar membership requirement prescribed in revised *Art. V, § 17, State Const.*, on the date he will assume the office of state attorney, if elected. AGO 1972-199, 1972 Fla. AG LEXIS 203; 1972 Op. Atty Gen. Fla. 328.

#### LAW REVIEWS

1. Local Government Law Symposium: Last Word On Recent Developments: Mark R. Johnson, Winter 2010, 39 *Stetson L. Rev.* 483.

2. Recent Developments: Elections & Voting Rights, Winter 2010, 39 *Stetson L. Rev.* 483.

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## 2 Winter Park commissioners get new 3-year terms without opposition

January 9, 2013 | By David Breen, Orlando Sentinel

Winter Park's 2013 city election campaign ended this week before it even began. No candidates qualified by Tuesday's deadline to challenge Seat 3 Commissioner Carolyn Cooper or Seat 4 Commissioner Tom McMacken.

Both were first elected in 2010, and they now will serve additional three-year terms. Cooper emailed supporters to announce that a planned Thursday campaign kickoff event will instead be a celebration of her de facto re-election.

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"I will remain an advocate for our local small businesses and our residents and will do all in my power to protect our outstanding quality of life," Cooper wrote.

Winter Park will save about \$40,000 by not having to hold an election.

[dbreen@tribune.com](mailto:dbreen@tribune.com)

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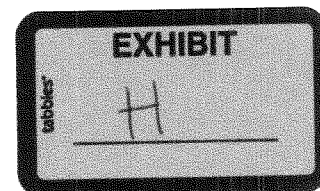
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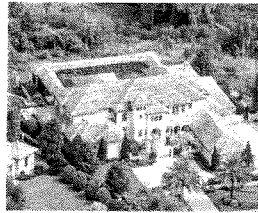


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