

real estate for homestead tax exemption purposes; however, the term "condominium" is not defined in the constitution. The legislature may by statute define "condominium" for one or several purposes. *Ammerman v. Markham*, 222 So.2d 423 (Fla. 1969).

As stated above, the ninety-eight year limitation applies only to cooperative apartments, and the proposed Senate bill, adding the same amendatory language to §196.041, F. S. 1971, would merely define this concept for homestead tax exemption purposes.

Your third question is answered in the negative.

Section 196.041, *supra*, describes a condominium for the purpose of homestead tax exemption only, and since it is your desire to retain the ninety-eight year lease requirement prospectively, it is not necessary to amend §711.08, F. S.

073-137—April 26, 1973

ELECTIONS

MUNICIPAL ELECTION NOT REQUIRED TO BE HELD—NO OPPOSING OR WRITE-IN CANDIDATES

To: William J. Rish, City Attorney, Port St. Joe

Prepared by: Rebecca Bowles Hawkins, Assistant Attorney General

QUESTION:

When a municipality's charter act contains no provision for write-in candidates and adopts the general law of this state relating to elections not inconsistent with its charter act, must the municipality hold an election when only one candidate has qualified for each vacant municipal office and the time for qualifying as a write-in candidate under general law has expired?

SUMMARY:

In the absence of any controlling charter act provisions, a municipality which has adopted the general election law is not required to hold a municipal election when only one candidate has qualified for each vacant municipal office and the time for write-in candidates to qualify under §99.023, F. S., has expired.

Your question is answered in the negative.

Section 101.151(5)(b), F. S., provides that

The names of unopposed candidates shall not appear on the general election ballot unless a write-in candidate has qualified under §99.023. Each unopposed candidate shall be deemed to have voted for himself.

And under §99.023, F. S., in order to have write-in votes cast for him counted, a write-in candidate must qualify for the office he seeks not less than forty-five days prior to the general election. Thus, under general law, if the forty-five days had expired, the names of unopposed candidates would not be placed on the general election ballot; and, by the same token, the names of the unopposed candidates for municipal office would not be placed on the municipal ballot in this situation, when the municipality is operating under the general law in this respect. It necessarily follows that, in the circumstances here present, no municipal election is required to be held as it would serve no useful purpose.