

Participating governmental units may designate to membership ex officio *and without vote* their chief planning officer and engineer, or either of them. (Emphasis supplied.)

Accordingly, your questions are answered in the negative.

073-403—November 5, 1973

ELECTION

PROVISION OF SPACE FOR WRITE-IN VOTE, WHEN NO WRITE-IN CANDIDATE QUALIFIED, UNNECESSARY

To: *Hal Roberts, City Attorney, Lakeland*

Prepared by: *Michael Parrish, Assistant Attorney General*

QUESTION:

Must a municipality provide a space for write-in votes on a ballot when the time for qualifying as a write-in candidate under general law has expired without anyone so qualifying when the municipality's charter act contains no provision for write-in candidates and adopts the general law of this state relating to elections except as otherwise specified in its charter act?

SUMMARY:

In the absence of any controlling charter act provisions, a municipality which has adopted the general election law is not required to include a space for write-in votes on its ballots when the time for write-in candidates to qualify under §99.023, F. S., has expired without anyone having so qualified.

Section 101.151(5)(a), F. S., provides that "[a] blank line shall be left at the bottom of the list of the candidates *in races where write-in candidates have qualified under §99.023.*" (Emphasis supplied.) Thus, when no write-in candidate has qualified under §99.023, the statute does not require that the ballot contain a space for write-in votes. It should also be noted that pursuant to §99.023, a write-in candidate is not entitled to have votes counted for him unless he has complied with the requirements of that section. Therefore, when no write-in candidate has qualified under §99.023 and there is no charter act provision establishing any other method of qualification as a write-in candidate, no useful purpose would be served by including a space for write-in votes on the ballots. *Accord:* Attorney General Opinion 073-137, holding, in similar circumstances, that a municipality is not required to hold an election when only one candidate has qualified for each vacant office and the time for qualifying as a write-in candidate has expired.

Your question is, therefore, answered in the negative.

073-404—November 6, 1973

STANDARDS OF CONDUCT LAW

SALES TO COUNTY WHEN COMPANY OFFICER SERVING TEMPORARILY AS COUNTY COMMISSIONER

To: *Temporary County Commissioner*

Prepared by: *Rebecca Bowles Hawkins, Assistant Attorney General*