

AUTHORITY TO RETURN TO CANDIDATES  
UNUSED PORTION OF FILING FEE.

Tallahassee, Fla., July 3, 1916.

My dear Sir:

Yours of the 30 ultimo has been received and noted.

In this reply I am assuming that you refer to the filing fee imposed by Section 24 of the Primary Election Law upon candidates for nomination for office.

Candidates for nomination for an office to be voted for wholly within a single county pay this filing fee to the Clerk of the Circuit Court of the County, who receives the same in his capacity as Clerk of the Board of County Commissioners of said County.

Since the expenses of the primary election are paid from public funds, my understanding of the purpose of this law was to provide a fund sufficient to take care of this expense. It happens in your case that the amount was greater than was necessary for this purpose, but it was not, in my opinion, the intention of the legislature that any excess of this fund be returned to those paying it into the treasury.

The only way for returning it to those paying it would be by warrants drawn by the Board of County Commissioners in the usual manner of paying out public funds and there is nothing in the law to forbid this being done and the County Commissioners probably have the power to do it, but, as I have said, my opinion is that this was not the intention of the legislature when the law was enacted any more than it was their intention that the legislature should, by appropriation for that purpose, return to the candidates for other offices any excess remaining in this fund after the expenses of the primary, which are paid from the State treasury, have been met.

Yours very truly,

T. F. WEST,  
Attorney General.