

who was not prior to that time a candidate. In such a case I think it would not be necessary to file the first statement of campaign expenses for the very obvious reason that such person was not at the time when the statement was required to be filed a candidate, but became a candidate later and after the last day for filing such statement.

The Attorney General is not authorized to officially advise in a case of this kind and, therefore, what is stated in this letter cannot be regarded as an official expression from this office.

Yours very truly,

T. F. WEST,
Attorney General.

REQUIREMENT AS TO FILING SWORN STATEMENTS UNDER CORRUPT PRACTICES ACT NOT WAIVABLE.

Tallahassee, Fla., May 18, 1916.

My dear Sir:

Yours of the 17th inst. has been received and noted.

This subject is covered by paragraphs 19 and 20 of Chapter 6470, 9cts of 1913, Laws of Florida, commonly called the Corrupt Practices Act. By reference to Section 19 you will see that the expense accounts required to be filed by candidates must be filed in the office of the Clerk of the Circuit Court, the first one *not more than* thirty days *nor less than* twenty-five days prior to the primary, etc. And by reference to Section 20 you will see that any candidate who fails to make and file either of these statements in the form and *at the time specified* shall not have the right to have his name placed on the ballot to be used in the primary election. And it is further provided that the name of no candidate failing to

file such statements as required shall be allowed or printed on the official ballot used in the general State and county election. In addition to this, all officers and committees are forbidden to issue any commission or certificate to a candidate who fails to comply with this statute, and any officer violating this provision may be punished by fine not exceeding \$500 or imprisonment not exceeding six months.

This statute expressly forbids the placing of the name of a candidate who fails to file the statements required on the ballot for either the primary or the general election, and prescribes a definite penalty for those who violate it. In my opinion, no one has authority to waive the express provisions of this law. The petition of opposing candidates indicates a very generous spirit, but it is, in my opinion, ineffectual to except the candidate in default or the officers mentioned from the penalties imposed by the statute. If this could be done, it would mean that all candidates for any given office could agree among themselves not to insist upon a compliance with this statute and, therefore, defeat the very purpose that it was designed to accomplish. This is not the situation in the case in your county now, but if it should be held that the candidates for this office could by agreement waive the provisions of this statute as to one of such candidates, it would necessarily mean that, if it was desirable, it could be waived as to all of them, and all of the candidates for any other office could do likewise.

The Attorney General is not authorized to officially advise in a case of this kind and, therefore, what is stated in this letter can not be regarded as an official expression from this office. It represents simply my views on the law of the case, but is not necessarily binding upon anyone.

Yours very truly,

T. F. WEST,
Attorney General.