

## Public officers; loyalty oaths

**Number:** INFORMAL

**Date:** July 01, 1996

Mr. Walter G. Lavers  
Post Office Box 1319  
Fort McCoy, Florida 32134

RE: LOYALTY OATH--PUBLIC OFFICERS--SPECIAL DISTRICTS--loyalty oath requirement. s. 876.09, Fla. Stat.

Dear Mr. Lavers:

Thank you for contacting this office regarding the necessity of signing a loyalty oath by candidates and elected officers. Attorney General Butterworth has asked me to respond to your letter.

I am enclosing a copy of Attorney General's Opinion 96-41 which discusses section 876.05, Florida Statutes. The statute prescribes an oath that must be taken as a minimum requirement for elected public service. The provisions of section 876.05, Florida Statutes, apply to all employees and elected officers of the state, including the Governor and constitutional officers and all employees and elected officers of all cities, towns, counties, and political subdivisions, including the school system. Clearly, the statute would apply to the Marion County Soil and Water Conservation District Board. In addition, the oath is a prerequisite to qualification for public service. Any candidate who fails or refuses to file the oath will have failed to qualify as a candidate for public office and his or her name may not be printed on the ballot as a qualified candidate.

I trust that the discussion in this opinion will assist you in resolving your questions relating to loyalty oaths. Any questions relating to elections issues or statutes contained in the Elections Code, Chapters 97 through 106, Florida Statutes, may be submitted to the Division of Elections at the following address:

Department of State  
Division of Elections  
Suite 1801, The Capitol  
Tallahassee, Florida 32399-0250

In addition, you may wish to informally discuss election related issues with Mr. Michael Cochran, General Counsel for the Division of Elections. Mr Cochran's telephone number is: (904) 488-7690.

Sincerely,

Gerry Hammond

Assistant Attorney General

GH/tgk

Enclosure: AGO 96-41