SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 1572

SPONSOR: Senator Sullivan

SUBJECT: Judicial Elections/Circuit Judge

DATE: March 13, 2000   REVISED: _____ _____ _____ _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Johnson	Johnson	JU	Favorable
2.			EE	
3.				
4.				
5.				

I.   Summary:

The names of candidates for the position of circuit court judge are to be placed on the ballot in the order determined by lot rather than in alphabetical order. For single-county circuits the drawing by lot is to be conducted by the county supervisor of elections. For multicounty circuits the drawing is to be conducted by the Division of Elections of the Department of State.

This bill substantially amends the following section of the Florida Statute: s. 105.041.

II.   Present Situation:

Chapter 105 addresses nonpartisan elections including the election of judges. Section 105.041, F.S., establishes the form of the ballot for nonpartisan elections and sets the method for certification of the placement of each candidates name on the ballot. After qualifying as a candidate is completed the Department of State determines the order of the names for each ballot and certifies those names to the counties in the order they are to appear on the ballot. The statute requires the names of candidates for judicial office to be grouped together on a separate portion of the ballot or on a separate ballot. The names of the candidates for each office are to be listed alphabetically on the ballot in the order determined by the Department of State.

III.   Effect of Proposed Changes:

Senate bill 1572 changes the manner of listing the candidates for circuit judge positions from an alphabetical listing to a listing determined by lot. For candidates for the position of circuit judge in a single-county circuit the determination of ballot order shall be by lot conducted by the supervisor of elections. For candidates for the position of circuit judge in a multicounty circuit the ballot order shall be determined by lot conducted by the director of the Division of Elections of the Department of State.

The names of the candidates are to be placed on the general election ballot in the same order as the names were listed on the first primary ballot even though intervening names may have been eliminated in the primary election.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues

The impact of selection of ballot position by lot on the federally-protected right to equal treatment in the assignment of state ballot positions was discussed by the U. S. Supreme Court in *Bradley v. Lunding*, 96 S.Ct. 891, 424 U.S. 1309, 47 L. Ed. 2d 74 (1976). In Bradley appellants requested a stay of imposition of placement on the ballot by lot. The court found "insufficient indication of unfairness or irreparable injury to warrant the issuance of a stay . . . ."

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None

C. Government Sector Impact:

None

VI. Technical Deficiencies:

None.

VII.   Related Issues:

None.

VIII.   Amendments:

None.