

By Representative Cusack

1                                   A bill to be entitled  
2           An act relating to supervisors of elections;  
3           amending s. 98.015, F.S.; providing that the  
4           supervisor of elections is a nonpartisan  
5           officer subject to certain restrictions on  
6           political activity; providing for the  
7           nonpartisan election of supervisors of  
8           elections; creating s. 98.017, F.S.; providing  
9           restrictions on the political activity of  
10          supervisors of elections; providing a  
11          definition; authorizing the Commission on  
12          Ethics to investigate violations of such  
13          restrictions; providing penalties; amending ss.  
14          101.141 and 101.151, F.S., relating to ballot  
15          format, to conform; amending s. 105.031, F.S.;  
16          requiring candidates for supervisor of  
17          elections to pay a qualifying fee, subscribe to  
18          an oath, and file certain items to qualify;  
19          amending s. 105.035, F.S.; providing procedures  
20          for candidates for supervisor of elections to  
21          qualify by the alternative method; amending s.  
22          105.041, F.S.; providing for the form of the  
23          ballot for candidates for supervisor of  
24          elections; providing for write-in candidates  
25          for supervisor of elections; amending s.  
26          105.051, F.S.; providing for determination of  
27          election to office of candidates for supervisor  
28          of elections; amending s. 105.061, F.S.;  
29          providing that supervisors of elections shall  
30          be elected by vote of the qualified electors of  
31          the county; amending s. 105.071, F.S.;

1 providing limitations on political activity of  
2 candidates for supervisor of elections;  
3 providing penalties; amending s. 105.08, F.S.;  
4 providing requirements for candidates for  
5 supervisor of elections with respect to  
6 campaign contributions and expenses and their  
7 reporting; amending s. 105.09, F.S.;  
8 prohibiting certain political activity on  
9 behalf of a candidate for supervisor of  
10 elections; providing penalties; providing an  
11 effective date.

12

13 Be It Enacted by the Legislature of the State of Florida:

14

15 Section 1. Subsection (1) of section 98.015, Florida  
16 Statutes, is amended to read:

17 98.015 Supervisor of elections; election, tenure of  
18 office, compensation, custody of books, office hours,  
19 successor, seal; appointment of deputy supervisors; duties.--

20 (1)(a) A supervisor of elections shall be elected in a  
21 nonpartisan election in each county at the general election in  
22 each year the number of which is a multiple of four for a  
23 4-year term commencing on the first Tuesday after the first  
24 Monday in January succeeding his or her election. Each  
25 supervisor shall, before performing any of his or her duties,  
26 take the oath prescribed in s. 5, Art. II of the State  
27 Constitution.

28 (b) As a nonpartisan officer, each supervisor shall be  
29 subject to the restrictions on political activity specified in  
30 s. 98.017.

31

1           Section 2. Section 98.017, Florida Statutes, is  
2 created to read:

3           98.017 Supervisors of elections; restrictions on  
4 political activity.--

5           (1)(a) A supervisor of elections, as a nonpartisan  
6 officer, shall not:

7           1. Act as a leader or hold an office in a political  
8 organization.

9           2. Publicly endorse or publicly oppose any candidate  
10 for public office or any ballot issue.

11           3. Make speeches on behalf of a political  
12 organization.

13           4. Attend political party functions.

14           5. Solicit funds for, pay an assessment to, or make a  
15 contribution to a political organization or candidate, or  
16 purchase tickets for political party dinners or other  
17 functions.

18           6. Accept funds for or from any candidate or political  
19 organization.

20           (b) For purposes of this section, "political  
21 organization" means any political committee, committee of  
22 continuous existence, or political party and includes any  
23 other entity engaging in partisan political activity on behalf  
24 of any candidate or ballot issue.

25           (2) The Commission on Ethics shall have all duties and  
26 powers provided in s. 112.322 to investigate violations of  
27 this section.

28           (3) Violation of any provision of this section may be  
29 punished as provided in s. 112.317, and the Attorney General  
30 may bring a civil action to recover any civil penalty assessed  
31 by the Commission on Ethics as provided in s. 112.317(2).

1           Section 3. Subsection (4) of section 101.141, Florida  
2 Statutes, is amended to read:

3           101.141 Specifications for primary election  
4 ballot.--In counties in which voting machines are not used,  
5 and in other counties for use as absentee ballots not designed  
6 for tabulation by an electronic or electromechanical voting  
7 system, the primary election ballot shall conform to the  
8 following specifications:

9           (4) The ballot shall have the headings, under which  
10 appear the names of the offices and the candidates for the  
11 respective offices alphabetically arranged as to surnames, in  
12 the following order: the heading "Congressional" and  
13 thereunder the offices of United States Senator and  
14 Representative in Congress; the heading "State" and thereunder  
15 the offices of Governor and Lieutenant Governor, Secretary of  
16 State, Attorney General, Comptroller, Treasurer, Commissioner  
17 of Education, Commissioner of Agriculture, state attorney, and  
18 public defender; the heading "Legislative" and thereunder the  
19 offices of state senator and state representative; the heading  
20 "County" and thereunder clerk of the circuit court, clerk of  
21 the county court (when authorized by law), sheriff, property  
22 appraiser, tax collector, and district superintendent of  
23 ~~schools, and supervisor of elections~~. Thereafter follows:  
24 members of the board of county commissioners, and such other  
25 county and district offices as are involved in the primary  
26 election, in the order fixed by the Department of State,  
27 followed, in the years of their election, by "Party offices,"  
28 and thereunder the offices of state and county party executive  
29 committee members. Immediately following the name of each  
30 office on the ballot shall be printed, "Vote for One." When  
31 more than one candidate is to be nominated for office, the

1 candidates for such office shall qualify and run in a group or  
2 district. The group or district number shall be printed  
3 beneath the name of the office. The names of candidates in  
4 the respective group or district shall be arranged thereunder  
5 in alphabetical order as to surnames, and following the group  
6 or district number there shall be printed the words, "Vote for  
7 One." The name of the office shall be printed over each  
8 numbered group or district and each numbered group or district  
9 shall be clearly separated from the next numbered group or  
10 district, the same as in the case of single offices. When two  
11 or more candidates running for the same office have the same  
12 or similar surname and one candidate is currently holding that  
13 office, the word "Incumbent" shall be printed next to the  
14 incumbent's name. If in any primary election all the offices  
15 as above set forth are not involved, those offices to be  
16 filled shall be arranged on the ballot in the order named.

17 Section 4. Paragraph (a) of subsection (3) of section  
18 101.151, Florida Statutes, is amended to read:

19 101.151 Specifications for general election  
20 ballot.--In counties in which voting machines are not used,  
21 and in other counties for use as absentee ballots not designed  
22 for tabulation by an electronic or electromechanical voting  
23 system, the general election ballot shall conform to the  
24 following specifications:

25 (3)(a) Beneath the caption and preceding the names of  
26 candidates shall be the following words: "To vote for a  
27 candidate whose name is printed on the ballot, place a cross  
28 (X) mark in the blank space at the right of the name of the  
29 candidate for whom you desire to vote. To vote for a write-in  
30 candidate, write the name of the candidate in the blank space  
31 provided for that purpose." The ballot shall have headings

1 under which shall appear the names of the offices and names of  
2 duly nominated candidates for the respective offices in the  
3 following order: the heading "Electors for President and Vice  
4 President" and thereunder the names of the candidates for  
5 President and Vice President of the United States nominated by  
6 the political party which received the highest vote for  
7 Governor in the last general election of the Governor in this  
8 state, above which shall appear the name of said party. Then  
9 shall appear the names of other candidates for President and  
10 Vice President of the United States who have been properly  
11 nominated. Votes cast for write-in candidates for President  
12 and Vice President shall be counted as votes cast for the  
13 presidential electors supporting such candidates. Then shall  
14 follow the heading "Congressional" and thereunder the offices  
15 of United States Senator and Representative in Congress; then  
16 the heading "State" and thereunder the offices of Governor and  
17 Lieutenant Governor, Secretary of State, Attorney General,  
18 Comptroller, Treasurer, Commissioner of Education,  
19 Commissioner of Agriculture, state attorney, and public  
20 defender, together with the names of the candidates for each  
21 office and the title of the office which they seek; then the  
22 heading "Legislative" and thereunder the offices of state  
23 senator and state representative; then the heading "County"  
24 and thereunder clerk of the circuit court, clerk of the county  
25 court (when authorized by law), sheriff, property appraiser,  
26 tax collector, and district superintendent of schools, ~~and~~  
27 ~~supervisor of elections~~. Thereafter follows: members of the  
28 board of county commissioners, and such other county offices  
29 as are involved in the general election, in the order fixed by  
30 the Department of State. When a write-in candidate has  
31 qualified for any office, a subheading "Write-in Candidate for

1 ...(name of office)... shall be provided followed by a blank  
2 space in which to write the name of the candidate. With  
3 respect to write-in candidates, if two or more candidates are  
4 seeking election to one office, only one blank space shall be  
5 provided.

6 Section 5. Subsection (3), paragraph (a) of subsection  
7 (4), and paragraph (a) of subsection (5) of section 105.031,  
8 Florida Statutes, are amended to read:

9 105.031 Qualification; filing fee; candidate's oath;  
10 items required to be filed.--

11 (3) QUALIFYING FEE--Each candidate qualifying for  
12 election to a judicial office, the office of supervisor of  
13 elections, or the office of school board member, except  
14 write-in ~~judicial~~ candidates, shall, during the time for  
15 qualifying, pay to the officer with whom he or she qualifies a  
16 qualifying fee, which shall consist of a filing fee and an  
17 election assessment, or qualify by the alternative method. The  
18 amount of the filing fee is 3 percent of the annual salary of  
19 the office sought. The amount of the election assessment is 1  
20 percent of the annual salary of the office sought. The  
21 Department of State shall forward all filing fees to the  
22 Department of Revenue for deposit in the Elections Commission  
23 Trust Fund. The supervisor of elections shall forward all  
24 filing fees to the Elections Commission Trust Fund. The  
25 election assessment shall be deposited into the Elections  
26 Commission Trust Fund. The annual salary of the office for  
27 purposes of computing the qualifying fee shall be computed by  
28 multiplying 12 times the monthly salary authorized for such  
29 office as of July 1 immediately preceding the first day of  
30 qualifying. This subsection shall not apply to candidates  
31 qualifying for retention to judicial office.

1 (4) CANDIDATE'S OATH.--

2 (a) All candidates for the office of supervisor of  
3 elections or the office of school board member shall subscribe  
4 to the oath as prescribed in s. 99.021.

5 (5) ITEMS REQUIRED TO BE FILED.--

6 (a) In order for a candidate for judicial office, the  
7 office of supervisor of elections, or the office of school  
8 board member to be qualified, the following items must be  
9 received by the filing officer by the end of the qualifying  
10 period:

11 1. Except for candidates for retention to judicial  
12 office, a properly executed check drawn upon the candidate's  
13 campaign account in an amount not less than the fee required  
14 by subsection (3) or, in lieu thereof, the copy of the notice  
15 of obtaining ballot position pursuant to s. 105.035. If a  
16 candidate's check is returned by the bank for any reason, the  
17 filing officer shall immediately notify the candidate and the  
18 candidate shall, the end of qualifying notwithstanding, have  
19 48 hours from the time such notification is received,  
20 excluding Saturdays, Sundays, and legal holidays, to pay the  
21 fee with a cashier's check purchased from funds of the  
22 campaign account. Failure to pay the fee as provided in this  
23 subparagraph shall disqualify the candidate.

24 2. The candidate's oath required by subsection (4),  
25 which must contain the name of the candidate as it is to  
26 appear on the ballot; the office sought, including the  
27 district or group number if applicable; and the signature of  
28 the candidate, duly acknowledged.

29 3. The loyalty oath required by s. 876.05, signed by  
30 the candidate and duly acknowledged.

31



1           4. The completed form for the appointment of campaign  
2 treasurer and designation of campaign depository, as required  
3 by s. 106.021. In addition, each candidate for judicial  
4 office, including an incumbent judge, shall file a statement  
5 with the qualifying officer, within 10 days after filing the  
6 appointment of campaign treasurer and designation of campaign  
7 depository, stating that the candidate has read and  
8 understands the requirements of the Florida Code of Judicial  
9 Conduct. Such statement shall be in substantially the  
10 following form:

11

12                           Statement of Candidate for Judicial Office

13

14 I, ...(name of candidate)..., a judicial candidate, have  
15 received, read, and understand the requirements of the Florida  
16 Code of Judicial Conduct.

17

...(Signature of candidate)...

18

...(Date)...

19

20           5. The full and public disclosure of financial  
21 interests required by s. 8, Art. II of the State Constitution  
22 or the statement of financial interests required by s.  
23 112.3145, whichever is applicable.

24

Section 6. Section 105.035, Florida Statutes, is  
25 amended to read:

26

105.035 Alternative method of qualifying for certain  
27 judicial offices, the office of supervisor of elections,and  
28 the office of school board member.--

29

(1) A person seeking to qualify for election to the  
30 office of circuit judge or county court judge, the office of  
31 supervisor of elections,or the office of school board member

1 may qualify for election to such office by means of the  
2 petitioning process prescribed in this section. A person  
3 qualifying by this alternative method shall not be required to  
4 pay the qualifying fee required by this chapter. A person  
5 using this petitioning process shall file an oath with the  
6 officer before whom the candidate would qualify for the office  
7 stating that he or she intends to qualify by this alternative  
8 method for the office sought. Such oath shall be filed at any  
9 time after the first Tuesday after the first Monday in January  
10 of the year in which the election is held, but prior to the  
11 21st day preceding the first day of the qualifying period for  
12 the office sought. The form of such oath shall be prescribed  
13 by the Division of Elections. No signatures shall be obtained  
14 until the person has filed the oath prescribed in this  
15 subsection.

16 (2) Upon receipt of a written oath from a candidate,  
17 the qualifying officer shall provide the candidate with a  
18 petition format prescribed by the Division of Elections to be  
19 used by the candidate to reproduce petitions for circulation.  
20 If the candidate is running for an office which will be  
21 grouped on the ballot with two or more similar offices to be  
22 filled at the same election, the candidate's petition must  
23 indicate, prior to the obtaining of registered electors'  
24 signatures, for which group or district office the candidate  
25 is running.

26 (3) Each candidate for election to a judicial office,  
27 the office of supervisor of elections, or the office of school  
28 board member shall obtain the signature of a number of  
29 qualified electors equal to at least 1 percent of the total  
30 number of registered electors of the district, circuit,  
31 county, or other geographic entity represented by the office

1 sought as shown by the compilation by the Department of State  
2 for the last preceding general election. A separate petition  
3 shall be circulated for each candidate availing himself or  
4 herself of the provisions of this section.

5 (4)(a) Each candidate seeking to qualify for election  
6 to the office of circuit judge or the office of school board  
7 member from a multicounty school district pursuant to this  
8 section shall file a separate petition from each county from  
9 which signatures are sought. Each petition shall be  
10 submitted, prior to noon of the 21st day preceding the first  
11 day of the qualifying period for the office sought, to the  
12 supervisor of elections of the county for which such petition  
13 was circulated. Each supervisor of elections to whom a  
14 petition is submitted shall check the signatures on the  
15 petition to verify their status as electors of that county and  
16 of the geographic area represented by the office sought. Prior  
17 to the first date for qualifying, the supervisor shall certify  
18 the number shown as registered electors and submit such  
19 certification to the Division of Elections. The division  
20 shall determine whether the required number of signatures has  
21 been obtained for the name of the candidate to be placed on  
22 the ballot and shall notify the candidate. If the required  
23 number of signatures has been obtained, the candidate shall,  
24 during the time prescribed for qualifying for office, submit a  
25 copy of such notice and file his or her qualifying papers and  
26 oath prescribed in s. 105.031 with the Division of Elections.  
27 Upon receipt of the copy of such notice and qualifying papers,  
28 the division shall certify the name of the candidate to the  
29 appropriate supervisor or supervisors of elections as having  
30 qualified for the office sought.

31

1           (b) Each candidate seeking to qualify for election to  
2 the office of county court judge, the office of supervisor of  
3 elections, or the office of school board member from a single  
4 county school district pursuant to this section shall submit  
5 his or her petition, prior to noon of the 21st day preceding  
6 the first day of the qualifying period for the office sought,  
7 to the supervisor of elections of the county for which such  
8 petition was circulated. The supervisor shall check the  
9 signatures on the petition to verify their status as electors  
10 of the county and of the geographic area represented by the  
11 office sought. Prior to the first date for qualifying, the  
12 supervisor shall determine whether the required number of  
13 signatures has been obtained for the name of the candidate to  
14 be placed on the ballot and shall notify the candidate. If  
15 the required number of signatures has been obtained, the  
16 candidate shall, during the time prescribed for qualifying for  
17 office, submit a copy of such notice and file his or her  
18 qualifying papers and oath prescribed in s. 105.031 with the  
19 qualifying officer. Upon receipt of the copy of such notice  
20 and qualifying papers, such candidate shall be entitled to  
21 have his or her name printed on the ballot.

22           Section 7. Subsections (1) and (4) of section 105.041,  
23 Florida Statutes, are amended to read:

24           105.041 Form of ballot.--

25           (1) BALLOTS--The names of candidates for judicial  
26 office, candidates for the office of supervisor of elections,  
27 and candidates for the office of school board member which  
28 appear on the ballot at the first primary election shall  
29 either be grouped together on a separate portion of the ballot  
30 or on a separate ballot. The names of candidates for election  
31 to judicial office, candidates for the office of supervisor of

1 elections, and candidates for the office of school board  
2 member which appear on the ballot at the general election and  
3 the names of justices and judges seeking retention to office  
4 shall be grouped together on a separate portion of the general  
5 election ballot.

6 (4) WRITE-IN CANDIDATES.--Space shall be made  
7 available on the general election ballot for an elector to  
8 write in the name of a write-in candidate for judge of a  
9 circuit court or county court, supervisor of elections, or  
10 member of a school board if a candidate has qualified as a  
11 write-in candidate for such office pursuant to s. 105.031.  
12 This subsection shall not apply to the offices of justices and  
13 judges seeking retention.

14 Section 8. Paragraph (a) of subsection (1) of section  
15 105.051, Florida Statutes, is amended to read:

16 105.051 Determination of election or retention to  
17 office.--

18 (1) ELECTION.--In circuits and counties holding  
19 elections:

20 (a) The name of an unopposed candidate for the office  
21 of circuit judge, county court judge, supervisor of elections,  
22 or member of a school board shall not appear on any ballot,  
23 and such candidate shall be deemed to have voted for himself  
24 or herself at the general election.

25 Section 9. Subsection (3) is added to section 105.061,  
26 Florida Statutes, to read:

27 105.061 Electors qualified to vote.--

28 (3) The election of the supervisor of elections shall  
29 be by vote of the qualified electors of the county.

30 Section 10. Section 105.071, Florida Statutes, is  
31 amended to read:

1           105.071 Candidates for judicial office or the office  
2 of supervisor of elections; limitations on political  
3 activity.--A candidate for judicial office or the office of  
4 supervisor of elections shall not:

5           (1) Participate in any partisan political party  
6 activities, except that such candidate may register to vote as  
7 a member of any political party and may vote in any party  
8 primary for candidates for nomination of the party in which  
9 she or he is registered to vote.

10           (2) Campaign as a member of any political party.

11           (3) Publicly represent or advertise herself or himself  
12 as a member of any political party.

13           (4) Publicly endorse or oppose any candidate or ballot  
14 issue.

15           (5) Make political speeches other than in the  
16 candidate's own behalf.

17           (6) Make contributions to any candidate, political  
18 committee, committee of continuous existence, or political  
19 party funds.

20           (7) Accept contributions for or from any candidate,  
21 political committee, committee of continuous existence, or  
22 political party.

23           (8) Solicit contributions for any candidate, political  
24 committee, committee of continuous existence, or political  
25 party.

26           (9) Accept or retain a place on any political party  
27 committee.

28           (10) Make any contribution to any person, group, or  
29 organization for its endorsement to judicial office or the  
30 office of supervisor of elections.

31

1           (11) Agree to pay all or any part of any advertisement  
2 sponsored by any person, group, or organization wherein the  
3 candidate may be endorsed for judicial office or the office of  
4 supervisor of elections by any such person, group, or  
5 organization.

6  
7 A candidate for judicial office or retention therein who  
8 violates the provisions of this section is liable for a civil  
9 fine of up to \$1,000 to be determined by the Florida Elections  
10 Commission. A candidate for the office of supervisor of  
11 elections who violates any provision of this section is liable  
12 for a civil fine of up to \$5,000 for each violation, to be  
13 determined by the Florida Elections Commission.

14           Section 11. Subsection (1) of section 105.08, Florida  
15 Statutes, is amended to read:

16           105.08 Campaign contribution and expense; reporting.--

17           (1) A candidate for judicial office, the office of  
18 supervisor of elections, or the office of school board member  
19 may accept contributions and may incur only such expenses as  
20 are authorized by law. Each such candidate shall keep an  
21 accurate record of his or her contributions and expenses, and  
22 shall file reports pursuant to chapter 106.

23           Section 12. Section 105.09, Florida Statutes, is  
24 amended to read:

25           105.09 Political activity in behalf of a candidate for  
26 judicial office or the office of supervisor of elections  
27 limited.--

28           (1) No political party or partisan political  
29 organization shall endorse, support, or assist any candidate  
30 in a campaign for election to judicial office or the office of  
31 supervisor of elections.

