

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Cusack offered the following:

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Amendment to Amendment (412611) (with title amendment)

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On page 52, between lines 25 and 26,

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insert:

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Section 48. Subsection (1) of section 98.015, Florida Statutes, is amended to read:

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

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

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(b) As a nonpartisan officer, each supervisor shall be

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subject to the restrictions on political activity specified in

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1 s. 98.017.

2 Section 49. Section 98.017, Florida Statutes, is
3 created to read:

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

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

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

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

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

14 4. 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 5. 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).

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1 Section 50. 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

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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 51. 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

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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

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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 52. Subsection (3), paragraph (a) of
7 subsection (4), and paragraph (a) of subsection (5) of section
8 105.031, 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.

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- 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 4. The completed form for the appointment of campaign

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

10

Statement of Candidate for Judicial Office

11

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

16

...(Signature of candidate)...

17

...(Date)...

18

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

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Section 53. Section 105.035, Florida Statutes, is
amended to read:

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

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

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

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

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

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1 for the last preceding general election. A separate petition
2 shall be circulated for each candidate availing himself or
3 herself of the provisions of this section.

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

30 (b) Each candidate seeking to qualify for election to
31 the office of county court judge, the office of supervisor of

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

20 Section 54. Subsections (1) and (4) of section
21 105.041, Florida Statutes, are amended to read:

22 105.041 Form of ballot.--

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

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1 the names of justices and judges seeking retention to office
2 shall be grouped together on a separate portion of the general
3 election ballot.

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

12 Section 55. Paragraph (a) of subsection (1) of section
13 105.051, Florida Statutes, is amended to read:

14 105.051 Determination of election or retention to
15 office.--

16 (1) ELECTION.--In circuits and counties holding
17 elections:

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

23 Section 56. Subsection (3) is added to section
24 105.061, Florida Statutes, to read:

25 105.061 Electors qualified to vote.--

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

28 Section 57. Section 105.071, Florida Statutes, is
29 amended to read:

30 105.071 Candidates for judicial office or the office
31 of supervisor of elections; limitations on political

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1 activity.--A candidate for judicial office or the office of
2 supervisor of elections shall not:

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

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

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

11 (4) Publicly endorse or oppose any candidate or ballot
12 issue.

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

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

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

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

24 (9) Accept or retain a place on any political party
25 committee.

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

29 (11) Agree to pay all or any part of any advertisement
30 sponsored by any person, group, or organization wherein the
31 candidate may be endorsed for judicial office or the office of

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1 supervisor of elections by any such person, group, or
2 organization.

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

11 Section 58. Subsection (1) of section 105.08, Florida
12 Statutes, is amended to read:

13 105.08 Campaign contribution and expense; reporting.--

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

20 Section 59. Section 105.09, Florida Statutes, is
21 amended to read:

22 105.09 Political activity in behalf of a candidate for
23 judicial office or the office of supervisor of elections
24 limited.--

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

29 (2) Any person who knowingly, in an individual
30 capacity or as an officer of an organization, violates the
31 provisions of this section commits ~~is guilty of~~ a misdemeanor

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1 of the second degree, punishable as provided in s. 775.082 or
2 s. 775.083.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 56, line 15,

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9 after the semicolon, insert:

10 amending s. 98.015, F.S.; providing that the
11 supervisor of elections is a nonpartisan
12 officer subject to certain restrictions on
13 political activity; providing for the
14 nonpartisan election of supervisors of
15 elections; creating s. 98.017, F.S.; providing
16 restrictions on the political activity of
17 supervisors of elections; providing a
18 definition; authorizing the Commission on
19 Ethics to investigate violations of such
20 restrictions; providing penalties; amending ss.
21 101.141 and 101.151, F.S., relating to ballot
22 format, to conform; amending s. 105.031, F.S.;
23 requiring candidates for supervisor of
24 elections to pay a qualifying fee, subscribe to
25 an oath, and file certain items to qualify;
26 amending s. 105.035, F.S.; providing procedures
27 for candidates for supervisor of elections to
28 qualify by the alternative method; amending s.
29 105.041, F.S.; providing for the form of the
30 ballot for candidates for supervisor of
31 elections; providing for write-in candidates

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1 for supervisor of elections; amending s.
2 105.051, F.S.; providing for determination of
3 election to office of candidates for supervisor
4 of elections; amending s. 105.061, F.S.;
5 providing that supervisors of elections shall
6 be elected by vote of the qualified electors of
7 the county; amending s. 105.071, F.S.;
8 providing limitations on political activity of
9 candidates for supervisor of elections;
10 providing penalties; amending s. 105.08, F.S.;
11 providing requirements for candidates for
12 supervisor of elections with respect to
13 campaign contributions and expenses and their
14 reporting; amending s. 105.09, F.S.;
15 prohibiting certain political activity on
16 behalf of a candidate for supervisor of
17 elections; providing penalties;

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