

By Senator Jones

40-606-01

See HB 129

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, 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

Statement of Candidate for Judicial Office

12

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.

