

By Representative Justice

1                                   A bill to be entitled  
2           An act relating to supervisors of elections;  
3           amending s. 98.015, F.S.; providing for the  
4           nonpartisan election of supervisors of  
5           elections; providing that the supervisor of  
6           elections is a nonpartisan officer subject to  
7           certain restrictions on political activity;  
8           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 s.  
14          101.151, F.S., relating to specifications for  
15          ballots, 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 the office of supervisor of  
3 elections; providing penalties; amending s.  
4 105.08, F.S.; providing requirements for  
5 candidates for supervisor of elections with  
6 respect to campaign contributions and expenses  
7 and their 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. Participate in any partisan political party  
8 activities, except that any supervisor of elections may  
9 register to vote as a member of any political party and may  
10 vote in any party primary for candidates for nomination of the  
11 party in which he or she is registered to vote.

12           2. Accept or retain a place on any political  
13 organization.

14           3. Publicly represent or advertise himself or herself  
15 as a member of any political party.

16           4. Make speeches on behalf of a political  
17 organization.

18           5. Solicit funds for, pay an assessment to, or make a  
19 contribution to a political organization or candidate, or  
20 purchase tickets for political party dinners or other  
21 functions of political organizations.

22           6. Accept funds for or from any candidate or political  
23 organization.

24           (b) For purposes of this section, "political  
25 organization" means any political committee, committee of  
26 continuous existence, or political party or any other entity  
27 engaging in partisan political activity on behalf of any  
28 candidate or ballot issue.

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

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

5           Section 3. Paragraph (a) of subsection (2) of section  
6 101.151, Florida Statutes, is amended to read:

7           101.151 Specifications for ballots.--

8           (2)(a) The ballot shall have headings under which  
9 shall appear the names of the offices and names of duly  
10 nominated candidates for the respective offices in the  
11 following order: the heading "President and Vice President"  
12 and thereunder the names of the candidates for President and  
13 Vice President of the United States nominated by the political  
14 party that received the highest vote for Governor in the last  
15 general election of the Governor in this state. Then shall  
16 appear the names of other candidates for President and Vice  
17 President of the United States who have been properly  
18 nominated. Votes cast for write-in candidates for President  
19 and Vice President shall be counted as votes cast for the  
20 presidential electors supporting such candidates. Then shall  
21 follow the heading "Congressional" and thereunder the offices  
22 of United States Senator and Representative in Congress; then  
23 the heading "State" and thereunder the offices of Governor and  
24 Lieutenant Governor, Secretary of State, Attorney General,  
25 Comptroller, Treasurer, Commissioner of Education,  
26 Commissioner of Agriculture, state attorney, and public  
27 defender, together with the names of the candidates for each  
28 office and the title of the office which they seek; then the  
29 heading "Legislative" and thereunder the offices of state  
30 senator and state representative; then the heading "County"  
31 and thereunder clerk of the circuit court, clerk of the county

1 court (when authorized by law), sheriff, property appraiser,  
2 tax collector, and district superintendent of schools, ~~and~~  
3 ~~supervisor of elections~~. Thereafter follows: members of the  
4 board of county commissioners, and such other county and  
5 district offices as are involved in the general election, in  
6 the order fixed by the Department of State, followed, in the  
7 year of their election, by "Party Offices," and thereunder the  
8 offices of state and county party executive committee members.  
9 In addition to the names printed on the ballot, a blank space  
10 shall be provided under each heading for an office for which a  
11 write-in candidate has qualified. With respect to write-in  
12 candidates, if two or more candidates are seeking election to  
13 one office, only one blank space shall be provided.

14 Section 4. Subsection (3), paragraph (a) of subsection  
15 (4), and paragraph (a) of subsection (5) of section 105.031,  
16 Florida Statutes, are amended to read:

17 105.031 Qualification; filing fee; candidate's oath;  
18 items required to be filed.--

19 (3) QUALIFYING FEE.--Each candidate qualifying for  
20 election to a judicial office, the office of supervisor of  
21 elections, or the office of school board member, except  
22 write-in ~~judicial~~ candidates, shall, during the time for  
23 qualifying, pay to the officer with whom he or she qualifies a  
24 qualifying fee, which shall consist of a filing fee and an  
25 election assessment, or qualify by the alternative method. The  
26 amount of the filing fee is 3 percent of the annual salary of  
27 the office sought. The amount of the election assessment is 1  
28 percent of the annual salary of the office sought. The  
29 Department of State shall forward all filing fees to the  
30 Department of Revenue for deposit in the Elections Commission  
31 Trust Fund. The supervisor of elections shall forward all

1 filing fees to the Elections Commission Trust Fund. The  
2 election assessment shall be deposited into the Elections  
3 Commission Trust Fund. The annual salary of the office for  
4 purposes of computing the qualifying fee shall be computed by  
5 multiplying 12 times the monthly salary authorized for such  
6 office as of July 1 immediately preceding the first day of  
7 qualifying. This subsection shall not apply to candidates  
8 qualifying for retention to judicial office.

9 (4) CANDIDATE'S OATH.--

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

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

14 (a) In order for a candidate for judicial office, the  
15 office of supervisor of elections, or the office of school  
16 board member to be qualified, the following items must be  
17 received by the filing officer by the end of the qualifying  
18 period:

19 1. Except for candidates for retention to judicial  
20 office, a properly executed check drawn upon the candidate's  
21 campaign account in an amount not less than the fee required  
22 by subsection (3) or, in lieu thereof, the copy of the notice  
23 of obtaining ballot position pursuant to s. 105.035. If a  
24 candidate's check is returned by the bank for any reason, the  
25 filing officer shall immediately notify the candidate and the  
26 candidate shall, the end of qualifying notwithstanding, have  
27 48 hours from the time such notification is received,  
28 excluding Saturdays, Sundays, and legal holidays, to pay the  
29 fee with a cashier's check purchased from funds of the  
30 campaign account. Failure to pay the fee as provided in this  
31 subparagraph shall disqualify the candidate.



1           Section 5. Section 105.035, Florida Statutes, is  
2 amended to read:

3           105.035 Alternative method of qualifying for certain  
4 judicial offices, the office of supervisor of elections, and  
5 the office of school board member.--

6           (1) A person seeking to qualify for election to the  
7 office of circuit judge or county court judge, the office of  
8 supervisor of elections, or the office of school board member  
9 may qualify for election to such office by means of the  
10 petitioning process prescribed in this section. A person  
11 qualifying by this alternative method shall not be required to  
12 pay the qualifying fee required by this chapter. A person  
13 using this petitioning process shall file an oath with the  
14 officer before whom the candidate would qualify for the office  
15 stating that he or she intends to qualify by this alternative  
16 method for the office sought. Such oath shall be filed at any  
17 time after the first Tuesday after the first Monday in January  
18 of the year in which the election is held, but prior to the  
19 21st day preceding the first day of the qualifying period for  
20 the office sought. The form of such oath shall be prescribed  
21 by the Division of Elections. No signatures shall be obtained  
22 until the person has filed the oath prescribed in this  
23 subsection.

24           (2) Upon receipt of a written oath from a candidate,  
25 the qualifying officer shall provide the candidate with a  
26 petition format prescribed by the Division of Elections to be  
27 used by the candidate to reproduce petitions for circulation.  
28 If the candidate is running for an office which will be  
29 grouped on the ballot with two or more similar offices to be  
30 filled at the same election, the candidate's petition must  
31 indicate, prior to the obtaining of registered electors'



1 signatures, for which group or district office the candidate  
2 is running.

3 (3) Each candidate for election to a judicial office,  
4 the office of supervisor of elections, or the office of school  
5 board member shall obtain the signature of a number of  
6 qualified electors equal to at least 1 percent of the total  
7 number of registered electors of the district, circuit,  
8 county, or other geographic entity represented by the office  
9 sought as shown by the compilation by the Department of State  
10 for the last preceding general election. A separate petition  
11 shall be circulated for each candidate availing himself or  
12 herself of the provisions of this section.

13 (4)(a) Each candidate seeking to qualify for election  
14 to the office of circuit judge or the office of school board  
15 member from a multicounty school district pursuant to this  
16 section shall file a separate petition from each county from  
17 which signatures are sought. Each petition shall be  
18 submitted, prior to noon of the 21st day preceding the first  
19 day of the qualifying period for the office sought, to the  
20 supervisor of elections of the county for which such petition  
21 was circulated. Each supervisor of elections to whom a  
22 petition is submitted shall check the signatures on the  
23 petition to verify their status as electors of that county and  
24 of the geographic area represented by the office sought. Prior  
25 to the first date for qualifying, the supervisor shall certify  
26 the number shown as registered electors and submit such  
27 certification to the Division of Elections. The division  
28 shall determine whether the required number of signatures has  
29 been obtained for the name of the candidate to be placed on  
30 the ballot and shall notify the candidate. If the required  
31 number of signatures has been obtained, the candidate shall,

1 during the time prescribed for qualifying for office, submit a  
2 copy of such notice and file his or her qualifying papers and  
3 oath prescribed in s. 105.031 with the Division of Elections.  
4 Upon receipt of the copy of such notice and qualifying papers,  
5 the division shall certify the name of the candidate to the  
6 appropriate supervisor or supervisors of elections as having  
7 qualified for the office sought.

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

29 Section 6. Subsections (1) and (4) of section 105.041,  
30 Florida Statutes, are amended to read:

31 105.041 Form of ballot.--

1           (1) BALLOTS.--The names of candidates for judicial  
2 office, candidates for the office of supervisor of elections,  
3 and candidates for the office of school board member which  
4 appear on the ballot at the first primary election shall  
5 either be grouped together on a separate portion of the ballot  
6 or on a separate ballot. The names of candidates for election  
7 to judicial office, candidates for the office of supervisor of  
8 elections,and candidates for the office of school board  
9 member which appear on the ballot at the general election and  
10 the names of justices and judges seeking retention to office  
11 shall be grouped together on a separate portion of the general  
12 election ballot.

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

21           Section 7. Paragraph (a) of subsection (1) of section  
22 105.051, Florida Statutes, is amended to read:

23           105.051 Determination of election or retention to  
24 office.--

25           (1) ELECTION.--In circuits and counties holding  
26 elections:

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

1 Section 8. Subsection (3) is added to section 105.061,  
2 Florida Statutes, to read:

3 105.061 Electors qualified to vote.--

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

6 Section 9. Section 105.071, Florida Statutes, is  
7 amended to read:

8 105.071 Candidates for judicial office or the office  
9 of supervisor of elections; limitations on political  
10 activity.--

11 (1)(a) A candidate for judicial office shall not:

12 1.(1) Participate in any partisan political party  
13 activities, except that such candidate may register to vote as  
14 a member of any political party and may vote in any party  
15 primary for candidates for nomination of the party in which  
16 she or he is registered to vote.

17 2.(2) Campaign as a member of any political party.

18 3.(3) Publicly represent or advertise herself or  
19 himself as a member of any political party.

20 4.(4) Endorse any candidate.

21 5.(5) Make political speeches other than in the  
22 candidate's own behalf.

23 6.(6) Make contributions to political party funds.

24 7.(7) Accept contributions from any political party.

25 8.(8) Solicit contributions for any political party.

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

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

30 11.(11) Agree to pay all or any part of any  
31 advertisement sponsored by any person, group, or organization

1 wherein the candidate may be endorsed for judicial office by  
2 any such person, group, or organization.

3 (b) A candidate for judicial office or retention  
4 therein who violates the provisions of this ~~subsection~~ ~~section~~  
5 is liable for a civil fine of up to \$1,000 to be determined by  
6 the Florida Elections Commission.

7 (2)(a) A candidate for the office of supervisor of  
8 elections shall not:

9 1. Participate in any partisan political party  
10 activities, except that such candidate may register to vote as  
11 a member of any political party and may vote in any party  
12 primary for candidates for nomination of the party in which  
13 she or he is registered to vote.

14 2. Campaign as a member of any political party.

15 3. Publicly represent or advertise herself or himself  
16 as a member of any political party.

17 4. Publicly endorse or oppose any candidate or ballot  
18 issue.

19 5. Make political speeches other than in the  
20 candidate's own behalf.

21 6. Make contributions to any candidate, political  
22 committee, committee of continuous existence, or political  
23 party.

24 7. Accept contributions from any candidate, political  
25 committee, committee of continuous existence, or political  
26 party.

27 8. Solicit or accept contributions for any candidate,  
28 political committee, committee of continuous existence, or  
29 political party.

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31

1           9. Accept or retain a place on any political  
2 committee, committee of continuous existence, or political  
3 party committee.

4           10. Make any contribution to any person, group, or  
5 organization for its endorsement to the office of supervisor  
6 of elections.

7           11. Agree to pay all or any part of any advertisement  
8 sponsored by any person, group, or organization wherein the  
9 candidate may be endorsed for the office of supervisor of  
10 elections by any such person, group, or organization.

11           (b) A candidate for the office of supervisor of  
12 elections who violates any provision of this subsection is  
13 liable for a civil fine of up to \$5,000 for each violation, to  
14 be determined by the Florida Elections Commission.

15           Section 10. Subsection (1) of section 105.08, Florida  
16 Statutes, is amended to read:

17           105.08 Campaign contribution and expense; reporting.--

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

24           Section 11. Section 105.09, Florida Statutes, is  
25 amended to read:

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

29           (1) No political party or partisan political  
30 organization shall endorse, support, or assist any candidate  
31

1 in a campaign for election to judicial office or the office of  
2 supervisor of elections.

3 (2) Any person who knowingly, in an individual  
4 capacity or as an officer of an organization, violates the  
5 provisions of this section commits ~~is guilty of~~ a misdemeanor  
6 of the second degree, punishable as provided in s. 775.082 or  
7 s. 775.083.

8 Section 12. This act shall take effect January 1,  
9 2003.

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11 HOUSE SUMMARY

12 Provides that supervisors of elections are nonpartisan  
13 officers subject to specified restrictions on political  
14 activity. Authorizes the Commission on Ethics to  
15 investigate violations of such restrictions.

16 Provides for the nonpartisan election of supervisors of  
17 elections, and amends various provisions of ch. 105,  
18 F.S., relating to nonpartisan elections, to include the  
19 office of supervisor of elections in such provisions.  
20 Provides for a qualifying fee, an oath, and the filing of  
21 certain items to qualify; procedures for qualifying by  
22 the alternative method; requirements for the form of the  
23 ballot, including provision for write-in candidates;  
24 requirements for determination of election to office; and  
25 requirements with respect to the electors qualified to  
26 vote in an election for supervisor of elections.  
27 Provides limitations on political activity of candidates  
28 for the office of supervisor of elections. Prohibits  
29 certain political activity on behalf of a candidate for  
30 supervisor of elections. Provides requirements for  
31 candidates for supervisor of elections with respect to  
campaign contributions and expenses and the reporting  
thereof. See bill for details.