

By Senator Sebesta

20-419A-02

See HB

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; amending s. 101.151, F.S., relating

6 to specifications for ballots, to conform;

7 amending s. 105.031, F.S.; requiring candidates

8 for supervisor of elections to pay a qualifying

9 fee, subscribe to an oath, and file certain

10 items to qualify; amending s. 105.035, F.S.;

11 providing procedures for candidates for

12 supervisor of elections to qualify by the

13 alternative method; amending s. 105.041, F.S.;

14 providing for the form of the ballot for

15 candidates for supervisor of elections;

16 providing for write-in candidates for

17 supervisor of elections; amending s. 105.051,

18 F.S.; providing for determination of election

19 to office of candidates for supervisor of

20 elections; amending s. 105.061, F.S.; providing

21 that supervisors of elections shall be elected

22 by vote of the qualified electors of the

23 county; amending s. 105.08, F.S.; providing

24 requirements for candidates for supervisor of

25 elections with respect to campaign

26 contributions and expenses and their reporting;

27 amending s. 105.09, F.S.; prohibiting certain

28 political activity on behalf of a candidate for

29 supervisor of elections; providing penalties;

30 providing an effective date.

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

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

5 98.015 Supervisor of elections; election, tenure of
6 office, compensation, custody of books, office hours,
7 successor, seal; appointment of deputy supervisors; duties.--

8 (1) A supervisor of elections shall be elected in a
9 nonpartisan election in each county at the general election in
10 each year the number of which is a multiple of four for a
11 4-year term commencing on the first Tuesday after the first
12 Monday in January succeeding his or her election. Each
13 supervisor shall, before performing any of his or her duties,
14 take the oath prescribed in s. 5, Art. II of the State
15 Constitution.

16 Section 2. Paragraph (a) of subsection (2) of section
17 101.151, Florida Statutes, is amended to read:

18 101.151 Specifications for ballots.--

19 (2)(a) The ballot shall have headings under which
20 shall appear the names of the offices and names of duly
21 nominated candidates for the respective offices in the
22 following order: the heading "President and Vice President"
23 and thereunder the names of the candidates for President and
24 Vice President of the United States nominated by the political
25 party that received the highest vote for Governor in the last
26 general election of the Governor in this state. Then shall
27 appear the names of other candidates for President and Vice
28 President of the United States who have been properly
29 nominated. Votes cast for write-in candidates for President
30 and Vice President shall be counted as votes cast for the
31 presidential electors supporting such candidates. Then shall

1 follow the heading "Congressional" and thereunder the offices
2 of United States Senator and Representative in Congress; then
3 the heading "State" and thereunder the offices of Governor and
4 Lieutenant Governor, Secretary of State, Attorney General,
5 Comptroller, Treasurer, Commissioner of Education,
6 Commissioner of Agriculture, state attorney, and public
7 defender, together with the names of the candidates for each
8 office and the title of the office which they seek; then the
9 heading "Legislative" and thereunder the offices of state
10 senator and state representative; then the heading "County"
11 and thereunder clerk of the circuit court, clerk of the county
12 court (when authorized by law), sheriff, property appraiser,
13 tax collector, and district superintendent of schools, ~~and~~
14 ~~supervisor of elections~~. Thereafter follows: members of the
15 board of county commissioners, and such other county and
16 district offices as are involved in the general election, in
17 the order fixed by the Department of State, followed, in the
18 year of their election, by "Party Offices," and thereunder the
19 offices of state and county party executive committee members.
20 In addition to the names printed on the ballot, a blank space
21 shall be provided under each heading for an office for which a
22 write-in candidate has qualified. With respect to write-in
23 candidates, if two or more candidates are seeking election to
24 one office, only one blank space shall be provided.

25 Section 3. Subsection (3), paragraph (a) of subsection
26 (4), and paragraph (a) of subsection (5) of section 105.031,
27 Florida Statutes, are amended to read:

28 105.031 Qualification; filing fee; candidate's oath;
29 items required to be filed.--

30 (3) QUALIFYING FEE.--Each candidate qualifying for
31 election to a judicial office, the office of supervisor of

1 elections, or the office of school board member, except
2 write-in ~~judicial~~ candidates, shall, during the time for
3 qualifying, pay to the officer with whom he or she qualifies a
4 qualifying fee, which shall consist of a filing fee and an
5 election assessment, or qualify by the alternative method. The
6 amount of the filing fee is 3 percent of the annual salary of
7 the office sought. The amount of the election assessment is 1
8 percent of the annual salary of the office sought. The
9 Department of State shall forward all filing fees to the
10 Department of Revenue for deposit in the Elections Commission
11 Trust Fund. The supervisor of elections shall forward all
12 filing fees to the Elections Commission Trust Fund. The
13 election assessment shall be deposited into the Elections
14 Commission Trust Fund. The annual salary of the office for
15 purposes of computing the qualifying fee shall be computed by
16 multiplying 12 times the monthly salary authorized for such
17 office as of July 1 immediately preceding the first day of
18 qualifying. This subsection shall not apply to candidates
19 qualifying for retention to judicial office.

20 (4) CANDIDATE'S OATH.--

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

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

25 (a) In order for a candidate for judicial office, the
26 office of supervisor of elections, or the office of school
27 board member to be qualified, the following items must be
28 received by the filing officer by the end of the qualifying
29 period:

30 1. Except for candidates for retention to judicial
31 office, a properly executed check drawn upon the candidate's

1 campaign account in an amount not less than the fee required
2 by subsection (3) or, in lieu thereof, the copy of the notice
3 of obtaining ballot position pursuant to s. 105.035. If a
4 candidate's check is returned by the bank for any reason, the
5 filing officer shall immediately notify the candidate and the
6 candidate shall, the end of qualifying notwithstanding, have
7 48 hours from the time such notification is received,
8 excluding Saturdays, Sundays, and legal holidays, to pay the
9 fee with a cashier's check purchased from funds of the
10 campaign account. Failure to pay the fee as provided in this
11 subparagraph shall disqualify the candidate.

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

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

19 4. The completed form for the appointment of campaign
20 treasurer and designation of campaign depository, as required
21 by s. 106.021. In addition, each candidate for judicial
22 office, including an incumbent judge, shall file a statement
23 with the qualifying officer, within 10 days after filing the
24 appointment of campaign treasurer and designation of campaign
25 depository, stating that the candidate has read and
26 understands the requirements of the Florida Code of Judicial
27 Conduct. Such statement shall be in substantially the
28 following form:

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Statement of Candidate for Judicial Office

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

4 ...(Signature of candidate)...

5 ...(Date)...

6
7 5. The full and public disclosure of financial
8 interests required by s. 8, Art. II of the State Constitution
9 or the statement of financial interests required by s.
10 112.3145, whichever is applicable.

11 Section 4. Section 105.035, Florida Statutes, is
12 amended to read:

13 105.035 Alternative method of qualifying for certain
14 judicial offices, the office of supervisor of elections, and
15 the office of school board member.--

16 (1) A person seeking to qualify for election to the
17 office of circuit judge or county court judge, the office of
18 supervisor of elections, or the office of school board member
19 may qualify for election to such office by means of the
20 petitioning process prescribed in this section. A person
21 qualifying by this alternative method shall not be required to
22 pay the qualifying fee required by this chapter. A person
23 using this petitioning process shall file an oath with the
24 officer before whom the candidate would qualify for the office
25 stating that he or she intends to qualify by this alternative
26 method for the office sought. Such oath shall be filed at any
27 time after the first Tuesday after the first Monday in January
28 of the year in which the election is held, but prior to the
29 21st day preceding the first day of the qualifying period for
30 the office sought. The form of such oath shall be prescribed
31 by the Division of Elections. No signatures shall be obtained

1 until the person has filed the oath prescribed in this
2 subsection.

3 (2) Upon receipt of a written oath from a candidate,
4 the qualifying officer shall provide the candidate with a
5 petition format prescribed by the Division of Elections to be
6 used by the candidate to reproduce petitions for circulation.
7 If the candidate is running for an office which will be
8 grouped on the ballot with two or more similar offices to be
9 filled at the same election, the candidate's petition must
10 indicate, prior to the obtaining of registered electors'
11 signatures, for which group or district office the candidate
12 is running.

13 (3) Each candidate for election to a judicial office,
14 the office of supervisor of elections, or the office of school
15 board member shall obtain the signature of a number of
16 qualified electors equal to at least 1 percent of the total
17 number of registered electors of the district, circuit,
18 county, or other geographic entity represented by the office
19 sought as shown by the compilation by the Department of State
20 for the last preceding general election. A separate petition
21 shall be circulated for each candidate availing himself or
22 herself of the provisions of this section.

23 (4)(a) Each candidate seeking to qualify for election
24 to the office of circuit judge or the office of school board
25 member from a multicounty school district pursuant to this
26 section shall file a separate petition from each county from
27 which signatures are sought. Each petition shall be
28 submitted, prior to noon of the 21st day preceding the first
29 day of the qualifying period for the office sought, to the
30 supervisor of elections of the county for which such petition
31 was circulated. Each supervisor of elections to whom a

1 petition is submitted shall check the signatures on the
2 petition to verify their status as electors of that county and
3 of the geographic area represented by the office sought. Prior
4 to the first date for qualifying, the supervisor shall certify
5 the number shown as registered electors and submit such
6 certification to the Division of Elections. The division
7 shall determine whether the required number of signatures has
8 been obtained for the name of the candidate to be placed on
9 the ballot and shall notify the candidate. If the required
10 number of signatures has been obtained, the candidate shall,
11 during the time prescribed for qualifying for office, submit a
12 copy of such notice and file his or her qualifying papers and
13 oath prescribed in s. 105.031 with the Division of Elections.
14 Upon receipt of the copy of such notice and qualifying papers,
15 the division shall certify the name of the candidate to the
16 appropriate supervisor or supervisors of elections as having
17 qualified for the office sought.

18 (b) Each candidate seeking to qualify for election to
19 the office of county court judge, the office of supervisor of
20 elections, or the office of school board member from a single
21 county school district pursuant to this section shall submit
22 his or her petition, prior to noon of the 21st day preceding
23 the first day of the qualifying period for the office sought,
24 to the supervisor of elections of the county for which such
25 petition was circulated. The supervisor shall check the
26 signatures on the petition to verify their status as electors
27 of the county and of the geographic area represented by the
28 office sought. Prior to the first date for qualifying, the
29 supervisor shall determine whether the required number of
30 signatures has been obtained for the name of the candidate to
31 be placed on the ballot and shall notify the candidate. If

1 the required number of signatures has been obtained, the
2 candidate shall, during the time prescribed for qualifying for
3 office, submit a copy of such notice and file his or her
4 qualifying papers and oath prescribed in s. 105.031 with the
5 qualifying officer. Upon receipt of the copy of such notice
6 and qualifying papers, such candidate shall be entitled to
7 have his or her name printed on the ballot.

8 Section 5. Subsections (1) and (4) of section 105.041,
9 Florida Statutes, are amended to read:

10 105.041 Form of ballot.--

11 (1) BALLOTS.--The names of candidates for judicial
12 office, candidates for the office of supervisor of elections,
13 and candidates for the office of school board member which
14 appear on the ballot at the first primary election shall
15 either be grouped together on a separate portion of the ballot
16 or on a separate ballot. The names of candidates for election
17 to judicial office, candidates for the office of supervisor of
18 elections,and candidates for the office of school board
19 member which appear on the ballot at the general election and
20 the names of justices and judges seeking retention to office
21 shall be grouped together on a separate portion of the general
22 election ballot.

23 (4) WRITE-IN CANDIDATES.--Space shall be made
24 available on the general election ballot for an elector to
25 write in the name of a write-in candidate for judge of a
26 circuit court or county court, supervisor of elections,or
27 member of a school board if a candidate has qualified as a
28 write-in candidate for such office pursuant to s. 105.031.
29 This subsection shall not apply to the offices of justices and
30 judges seeking retention.

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1 Section 6. Paragraph (a) of subsection (1) of section
2 105.051, Florida Statutes, is amended to read:

3 105.051 Determination of election or retention to
4 office.--

5 (1) ELECTION.--In circuits and counties holding
6 elections:

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

12 Section 7. Subsection (3) is added to section 105.061,
13 Florida Statutes, to read:

14 105.061 Electors qualified to vote.--

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

17 Section 8. Subsection (1) of section 105.08, Florida
18 Statutes, is amended to read:

19 105.08 Campaign contribution and expense; reporting.--

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

26 Section 9. Section 105.09, Florida Statutes, is
27 amended to read:

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

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

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

10 Section 10. This act shall take effect January 1,
11 2003.

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14 LEGISLATIVE SUMMARY

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