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1 A bill to be entitled
2 An act relating to elections; amending s. 98.015, F.S.;
3 requiring that a supervisor of elections in each county be
4 elected in a nonpartisan election; amending s. 101.151,
5 F.S.; deleting a provision requiring that the title
6 "supervisor of elections" and the names of candidates
7 running for such office appear under the heading entitled
8 "County" on election ballots; amending s. 105.031, F.S.;
9 requiring that candidates for the office of supervisor of
10 elections pay a specified qualifying fee, subscribe to an
11 oath, and file certain items with the supervisor of
12 elections before the end of the qualifying period;
13 amending s. 105.035, F.S.; including candidates for the
14 office of supervisor of elections among the list of
15 candidates who may qualify for election by a specified
16 petition process; amending s. 105.041, F.S.; requiring
17 that space be made available on a general election ballot
18 for an elector to write in the name of a write-in
19 candidate for the office of supervisor of elections if
20 such candidate has qualified as a write-in candidate
21 pursuant to state law; amending s. 105.051, F.S.;
22 prohibiting the name of an unopposed candidate for the
23 office of supervisor of elections from appearing on any
24 ballot; amending s. 105.061, F.S.; requiring that the
25 election of a supervisor of elections be by vote of the
26 qualified electors of a county; amending s. 105.08, F.S.;
27 limiting the contributions that may be accepted and the
28 expenses that may be incurred by a candidate for the

29 office of supervisor of elections; requiring such
 30 candidates to keep an accurate record of such
 31 contributions and expenses; requiring that such
 32 information be reported in accordance with state law;
 33 amending s. 105.09, F.S.; prohibiting a political party or
 34 partisan political organization from endorsing,
 35 supporting, or assisting any candidate in a campaign for
 36 election to the office of supervisor of elections;
 37 providing that it is a second-degree misdemeanor to
 38 knowingly commit such acts; providing an effective date.
 39

40 Be It Enacted by the Legislature of the State of Florida:
 41

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

44 98.015 Supervisor of elections; election, tenure of
 45 office, compensation, custody of registration-related documents,
 46 office hours, successor, seal; appointment of deputy
 47 supervisors; duties.--

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

55 Section 2. Paragraph (a) of subsection (2) of section
 56 101.151, Florida Statutes, is amended to read:

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57 | 101.151 Specifications for ballots.--

58 | (2) (a) The ballot shall have headings under which shall

59 | appear the names of the offices and the names of the candidates

60 | for the respective offices in the following order: the heading

61 | "President and Vice President" and thereunder the names of the

62 | candidates for President and Vice President of the United States

63 | nominated by the political party that received the highest vote

64 | for Governor in the last general election of the Governor in

65 | this state. Then shall appear the names of other candidates for

66 | President and Vice President of the United States who have been

67 | properly nominated. Then shall follow the heading

68 | "Congressional" and thereunder the offices of United States

69 | Senator and Representative in Congress; then the heading "State"

70 | and thereunder the offices of Governor and Lieutenant Governor,

71 | Attorney General, Chief Financial Officer, Commissioner of

72 | Agriculture, state attorney, and public defender, together with

73 | the names of the candidates for each office and the title of the

74 | office which they seek; then the heading "Legislative" and

75 | thereunder the offices of state senator and state

76 | representative; then the heading "County" and thereunder clerk

77 | of the circuit court, clerk of the county court (when authorized

78 | by law), sheriff, property appraiser, tax collector, and

79 | district superintendent of schools, ~~and supervisor of elections.~~

80 | Thereafter follows: members of the board of county

81 | commissioners, and such other county and district offices as are

82 | involved in the election, in the order fixed by the Department

83 | of State, followed, in the year of their election, by "Party

84 | Offices," and thereunder the offices of state and county party

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85 executive committee members. In a general election, in addition
86 to the names printed on the ballot, a blank space shall be
87 provided under each heading for an office for which a write-in
88 candidate has qualified. With respect to write-in candidates, if
89 two or more candidates are seeking election to one office, only
90 one blank space shall be provided.

91 Section 3. Subsection (3), paragraph (a) of subsection
92 (4), and paragraph (a) of subsection (5) of section 105.031,
93 Florida Statutes, are amended to read:

94 105.031 Qualification; filing fee; candidate's oath; items
95 required to be filed.--

96 (3) QUALIFYING FEE.--Each candidate qualifying for
97 election to a judicial office, the office of supervisor of
98 elections, or the office of school board member, except write-in
99 ~~judicial or school board~~ candidates, shall, during the time for
100 qualifying, pay to the officer with whom he or she qualifies a
101 qualifying fee, which shall consist of a filing fee and an
102 election assessment, or qualify by the petition process. The
103 amount of the filing fee is 3 percent of the annual salary of
104 the office sought. The amount of the election assessment is 1
105 percent of the annual salary of the office sought. The
106 Department of State shall forward all filing fees to the
107 Department of Revenue for deposit in the Elections Commission
108 Trust Fund. The supervisor of elections shall forward all filing
109 fees to the Elections Commission Trust Fund. The election
110 assessment shall be deposited into the Elections Commission
111 Trust Fund. The annual salary of the office for purposes of
112 computing the qualifying fee shall be computed by multiplying 12

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113 times the monthly salary authorized for such office as of July 1
114 immediately preceding the first day of qualifying. This
115 subsection shall not apply to candidates qualifying for
116 retention to judicial office.

117 (4) CANDIDATE'S OATH.--

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

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

122 (a) In order for a candidate for judicial office, the
123 office of supervisor of elections, or the office of school board
124 member to be qualified, the following items must be received by
125 the filing officer by the end of the qualifying period:

126 1. Except for candidates for retention to judicial office,
127 a properly executed check drawn upon the candidate's campaign
128 account in an amount not less than the fee required by
129 subsection (3) or, in lieu thereof, the copy of the notice of
130 obtaining ballot position pursuant to s. 105.035. If a
131 candidate's check is returned by the bank for any reason, the
132 filing officer shall immediately notify the candidate and the
133 candidate shall, the end of qualifying notwithstanding, have 48
134 hours from the time such notification is received, excluding
135 Saturdays, Sundays, and legal holidays, to pay the fee with a
136 cashier's check purchased from funds of the campaign account.
137 Failure to pay the fee as provided in this subparagraph shall
138 disqualify the candidate.

139 2. The candidate's oath required by subsection (4), which
140 must contain the name of the candidate as it is to appear on the

141 ballot; the office sought, including the district or group
 142 number if applicable; and the signature of the candidate, duly
 143 acknowledged.

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

146 4. The completed form for the appointment of campaign
 147 treasurer and designation of campaign depository, as required by
 148 s. 106.021. In addition, each candidate for judicial office,
 149 including an incumbent judge, shall file a statement with the
 150 qualifying officer, within 10 days after filing the appointment
 151 of campaign treasurer and designation of campaign depository,
 152 stating that the candidate has read and understands the
 153 requirements of the Florida Code of Judicial Conduct. Such
 154 statement shall be in substantially the following form:
 155

156 Statement of Candidate for Judicial Office

157
 158 I, ...(name of candidate)..., a judicial candidate, have
 159 received, read, and understand the requirements of the Florida
 160 Code of Judicial Conduct.

161 ... (Signature of candidate) ...

162 ... (Date) ...

163 5. The full and public disclosure of financial interests
 164 required by s. 8, Art. II of the State Constitution or the
 165 statement of financial interests required by s. 112.3145,
 166 whichever is applicable. A public officer who has filed the full
 167 and public disclosure or statement of financial interests with
 168 the Commission on Ethics or the supervisor of elections prior to

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169 | qualifying for office may file a copy of that disclosure at the
170 | time of qualifying.

171 | Section 4. Section 105.035, Florida Statutes, is amended
172 | to read:

173 | 105.035 Petition process of qualifying for certain
174 | judicial offices, the office of supervisor of elections, and the
175 | office of school board member.--

176 | (1) A person seeking to qualify for election to the office
177 | of circuit judge, ~~or~~ county court judge, supervisor of
178 | elections, or ~~the office of~~ school board member may qualify for
179 | election to such office by means of the petitioning process
180 | prescribed in this section. A person qualifying by this petition
181 | process is not required to pay the qualifying fee required by
182 | this chapter.

183 | (2) The petition format shall be prescribed by the
184 | Division of Elections and shall be used by the candidate to
185 | reproduce petitions for circulation. If the candidate is running
186 | for an office that will be grouped on the ballot with two or
187 | more similar offices to be filled at the same election, the
188 | candidate's petition must indicate, prior to the obtaining of
189 | registered electors' signatures, for which group or district
190 | office the candidate is running.

191 | (3) Each candidate for election to a judicial office, the
192 | office of supervisor of elections, or the office of school board
193 | member shall obtain the signature of a number of qualified
194 | electors equal to at least 1 percent of the total number of
195 | registered electors of the district, circuit, county, or other
196 | geographic entity represented by the office sought as shown by

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197 the compilation by the Department of State for the last
198 preceding general election. A separate petition shall be
199 circulated for each candidate availing himself or herself of the
200 provisions of this section. Signatures may not be obtained until
201 the candidate has filed the appointment of campaign treasurer
202 and designation of campaign depository pursuant to s. 106.021.

203 (4) (a) Each candidate seeking to qualify for election to
204 the office of circuit judge or the office of school board member
205 from a multicounty school district pursuant to this section
206 shall file a separate petition from each county from which
207 signatures are sought. Each petition shall be submitted, prior
208 to noon of the 28th day preceding the first day of the
209 qualifying period for the office sought, to the supervisor of
210 elections of the county for which such petition was circulated.
211 Each supervisor of elections to whom a petition is submitted
212 shall check the signatures on the petition to verify their
213 status as electors of that county and of the geographic area
214 represented by the office sought. No later than the 7th day
215 before the first date for qualifying, the supervisor shall
216 certify the number shown as registered electors and submit such
217 certification to the Division of Elections. The division shall
218 determine whether the required number of signatures has been
219 obtained for the name of the candidate to be placed on the
220 ballot and shall notify the candidate. If the required number of
221 signatures has been obtained, the candidate shall, during the
222 time prescribed for qualifying for office, submit a copy of such
223 notice and file his or her qualifying papers and oath prescribed
224 in s. 105.031 with the Division of Elections. Upon receipt of

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225 the copy of such notice and qualifying papers, the division
 226 shall certify the name of the candidate to the appropriate
 227 supervisor or supervisors of elections as having qualified for
 228 the office sought.

229 (b) Each candidate seeking to qualify for election to the
 230 office of county court judge, the office of supervisor of
 231 elections, or the office of school board member from a single
 232 county school district pursuant to this section shall submit his
 233 or her petition, before ~~prior to~~ noon of the 28th day preceding
 234 the first day of the qualifying period for the office sought, to
 235 the supervisor of elections of the county for which such
 236 petition was circulated. The supervisor shall check the
 237 signatures on the petition to verify their status as electors of
 238 the county and of the geographic area represented by the office
 239 sought. No later than the 7th day before the first date for
 240 qualifying, the supervisor shall determine whether the required
 241 number of signatures has been obtained for the name of the
 242 candidate to be placed on the ballot and shall notify the
 243 candidate. If the required number of signatures has been
 244 obtained, the candidate shall, during the time prescribed for
 245 qualifying for office, submit a copy of such notice and file his
 246 or her qualifying papers and oath prescribed in s. 105.031 with
 247 the qualifying officer. Upon receipt of the copy of such notice
 248 and qualifying papers, such candidate shall be entitled to have
 249 his or her name printed on the ballot.

250 Section 5. Subsection (4) of section 105.041, Florida
 251 Statutes, is amended to read:

252 105.041 Form of ballot.--

253 (4) WRITE-IN CANDIDATES.--Space shall be made available on
 254 the general election ballot for an elector to write in the name
 255 of a write-in candidate for judge of a circuit court or county
 256 court, the office of supervisor of elections, or member of a
 257 school board if a candidate has qualified as a write-in
 258 candidate for such office pursuant to s. 105.031. This
 259 subsection shall not apply to the offices of justices and judges
 260 seeking retention.

261 Section 6. Paragraph (a) of subsection (1) of section
 262 105.051, Florida Statutes, is amended to read:

263 105.051 Determination of election or retention to
 264 office.--

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

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

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

273 105.061 Electors qualified to vote.--

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

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

278 105.08 Campaign contribution and expense; reporting.--

279 (1) A candidate for judicial office, the office of
 280 supervisor of elections, or the office of school board member

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281 | may accept contributions and may incur only such expenses as are
282 | authorized by law. Each such candidate shall keep an accurate
283 | record of his or her contributions and expenses, and shall file
284 | reports pursuant to chapter 106.

285 | Section 9. Section 105.09, Florida Statutes, is amended to
286 | read:

287 | 105.09 Political activity on ~~in~~ behalf of a candidate for
288 | judicial office or the office of supervisor of elections
289 | limited.--

290 | (1) A ~~No~~ political party or partisan political
291 | organization may not ~~shall~~ endorse, support, or assist any
292 | candidate in a campaign for election to judicial office or the
293 | office of supervisor of elections.

294 | (2) Any person who knowingly, in an individual capacity or
295 | as an officer of an organization, violates the provisions of
296 | this section commits ~~is guilty of~~ a misdemeanor of the second
297 | degree, punishable as provided in s. 775.082 or s. 775.083.

298 | Section 10. This act shall take effect July 1, 2009.