



730056

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/16/2009	.	
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The Committee on Ethics and Elections (Justice) recommended the following:

Senate Amendment to Amendment (294434) (with directory and title amendments)

Between lines 20 and 21
insert:

(15)~~(14)~~ Bring and maintain such actions at law or in equity by mandamus or injunction to enforce the performance of any duties of a county supervisor of elections or any official performing duties with respect to chapters 97-102 and chapter 105 or to enforce compliance with a rule of the Department of State adopted to interpret or implement any of those chapters.



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12 (a) Venue for such actions shall be in the Circuit Court of
13 Leon County.

14 (b) When the secretary files an action under this section
15 and not more than 60 days remain before an election as defined
16 in s. 97.021, or during the time period after the election and
17 before certification of the election pursuant to s. 102.112 or
18 s. 102.121, the court, including an appellate court, shall set
19 an immediate hearing, giving the case priority over other
20 pending cases.

21 (c) Prior to filing an action to enforce performance of the
22 duties of the supervisor of elections or any official described
23 in this subsection, the secretary or his or her designee first
24 must confer, or must make a good faith attempt to confer, with
25 the supervisor of elections or the official to ensure compliance
26 with chapters 97-102 and chapter 105 or the rules of the
27 Department of State adopted under any of those chapters.

28 (16)-(15) Conduct preliminary investigations into any
29 irregularities or fraud involving voter registration, voting,
30 candidate petition, or issue petition activities and report his
31 or her findings to the statewide prosecutor or the state
32 attorney for the judicial circuit in which the alleged violation
33 occurred for prosecution, if warranted. The Department of State
34 may prescribe by rule requirements for filing an elections-fraud
35 complaint and for investigating any such complaint.

36 (17) Be nonpartisan in all decisions and statements. The
37 secretary may not:

38 (a) Hold an office in or take an active role in any
39 function of a political organization;

40 (b) Publicly endorse or publicly oppose a candidate for



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41 public office or partisan organization;

42 (c) Take a public position for or against, or participate
43 in, a campaign to support or oppose the merits of any ballot
44 initiative or ballot measure, except to act in his or her
45 official capacity;

46 (d) Make speeches on behalf of a candidate or political
47 organization;

48 (e) Attend political party functions, except to act in his
49 or her official capacity; or

50 (f) Solicit funds for, pay an assessment to, or make a
51 contribution to a political organization or candidate, or
52 purchase, accept, or distribute tickets for any political party
53 function.

54
55 A person who violates the provisions of this subsection commits
56 a misdemeanor of the second degree, punishable as provided in s.
57 775.082 or s. 775.083.

58
59 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

60 And the directory clause is amended as follows:

61 Delete line 12

62 and insert:

63 (16), respectively, and new subsections (14) and (17) are added
64 to that

65
66 ===== T I T L E A M E N D M E N T =====

67 And the title is amended as follows:

68 Delete line 1778

69 and insert:



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capacity as chief election officer; prohibiting the
secretary from performing certain actions; amending s.