

HOUSE OF REPRESENTATIVES STAFF FINAL BILL ANALYSIS

BILL #: HJR 31 Partisan Elections for Members of District School Boards

SPONSOR(S): Roach, Sirois and others

TIED BILLS: None. **IDEN./SIM. BILLS:** SJR 94

FINAL HOUSE FLOOR ACTION: 79 Y's 34 N's **GOVERNOR'S ACTION:** N/A

SUMMARY ANALYSIS

HJR 31 passed the House on March 31, 2023, and subsequently passed the Senate on April 19, 2023.

The joint resolution proposes an amendment to the Florida Constitution requiring that members of a district school board be elected in a partisan election. District school board members have been elected in nonpartisan elections since 2000, but were elected in partisan elections prior to that year.

The proposed change would apply only to elections on or after November 3, 2026, except that earlier primaries for the purposes of nominating candidates for placement on the 2026 general election ballot are permissible.

The amendment proposed in the joint resolution will take effect on January 7, 2025, if approved by 60 percent of the voters during the 2024 general election.

The joint resolution is not subject to the Governor's veto powers.

I. SUBSTANTIVE INFORMATION

A. EFFECT OF CHANGES:

Present Situation

District School Boards

Under Florida's Constitution, unless otherwise voted upon by electors, each county constitutes a school district.¹ In Florida, there are 67 school districts to match the 67 counties in the state.² The Florida Constitution further states that each school district must have a school board composed of five or more members.³ The school boards operate, control, and supervise all free public schools within the school district and determine the rate of school district taxes within constitutional limits.⁴ The powers and duties of the district school board are further set forth in law.⁵

Election of School Board Members

The election of school board members is established in Florida's Constitution.⁶ Historically, district school board members were elected in partisan elections as required by state law.⁷ In 1998, Florida voters approved Amendment 11, an election reform package offered by the 1997-98 Constitution Revision Commission, that required district school board members to be elected in nonpartisan elections.⁸ Therefore, since 2000, school board members are chosen by vote of qualified electors in non-partisan elections and serve in appropriately staggered terms of four years, as provided by law.⁹

School districts are divided into at least five district school board member residence areas for the purpose of electing members.¹⁰ For districts with more than five school board members, the district can be divided into five district school board member residence areas, with the remaining district school board members serving at large, or the district can be divided into district school board member residence areas for each member.¹¹ A candidate for a district school board must be a resident of the district school board member residence area from which the candidate seeks election at the time he or she qualifies.¹²

¹ Art. IX, s. 4(a), Fla. Const.; s. 1001.30, F.S. Two or more contiguous counties, upon vote of the electors of each county pursuant to law, may be combined into one school district.

² Florida Department of Education, *Public Schools/Districts*, https://web03.fldoe.org/Schools/schoolmap_text.asp (last visited Apr. 23, 2023). The Florida School for the Deaf and Blind, the Florida Virtual School, and the university laboratory schools are considered independent school districts but their governing boards are not elected.

³ Art. IX, s. 4(a), Fla. Const.

⁴ Art. IX, s. 4(b), Fla. Const.

⁵ Sections 1001.41 and 1001.42, F.S.

⁶ Art. IX, s. 4(a), Fla. Const.

⁷ See s. 230.08, F.S. (1998), repealed by s. 15, ch. 1999-326, L.O.F.

⁸ Florida Constitution Revision Commission, *Analysis of the Revisions for the November 1998 Ballot*, <http://library.law.fsu.edu/Digital-Collections/CRC/CRC-1998/tabloid.html#R11> (last visited Apr. 23, 2023). Along with the change to district school board elections, Amendment 11 equalized ballot access requirements for all major and minor party and independent candidates; allowed all voters to participate in primary elections when all candidates belong to the same party and will have no opposition in the general election; provided that when candidates for statewide public office agree to limit campaign expenditures, they qualify for limited public funding; allowed candidates for Governor to run in a primary without a Lieutenant Governor candidate; and corrected the voting age from 21 to 18, to align with federal law. *Id.*

⁹ Section 1001.35, F.S.; Art. IX, s. 4(a), Fla. Const.

¹⁰ Section 1001.36(1), F.S.

¹¹ Section 1001.36(1)(a), F.S.

¹² Sections 1001.361 and 1001.362(2)(b)1.-2., F.S.

Members of the district school board can be elected by either district-wide election or a single-member district election.¹³ In a district-wide election, all qualified electors in the district are entitled to vote for one candidate from each district school board member residence area.¹⁴ In school districts with single-member representation, candidates for the school board are elected only by qualified electors who reside in the same residence area as the candidate.¹⁵

Candidates for district school board must qualify to run for office with the supervisor of elections of the county containing the district.¹⁶ If two or more candidates, neither of whom is a write-in candidate, qualify to run for office, their names appear on the ballot at the primary election.¹⁷ Their names appear with no reference to political party affiliation.¹⁸ If none of the candidates receive a majority of the votes cast for school board, the names of the two candidates receiving the highest number of votes are placed on the general election ballot with no reference to political party affiliation.¹⁹

A school board member's term begins on the second Tuesday following the general election in which the school board member is elected.²⁰

Partisan Elections in Florida

In order to qualify as a candidate for public office in Florida, a partisan candidate is required to file a written statement identifying the political party of which they are a member.²¹ The candidate must also state they have been a member of the political party for 365 days before the beginning of the qualifying period preceding the general election for which they seek to qualify and they have paid any assessment levied against them by the executive committee of their political party.²² A candidate with no party affiliation (NPA) must state they have not been a registered member of any political party for 365 days before the beginning of the qualifying period preceding the general election.²³

In a primary election with a partisan race, qualified electors will be entitled to vote for candidates of the political party designated in the elector's registration, and no other.²⁴ If all candidates in a partisan race have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary election for that office.²⁵

On a general election ballot, the appropriate three-letter abbreviation of a registered political party or "NPA" in capital letters will be included for each candidate of a partisan race.²⁶

Effect of the Bill

The joint resolution proposes an amendment to the Florida Constitution requiring that candidates for district school boards be elected in partisan races. If adopted, members of district school boards may

¹³ In 41 school districts, schoolboard members are elected by a district-wide vote of electors. In 21 school districts, schoolboard members are elected by a vote of the electors within their residence area (single member district election). In 5 school districts, some schoolboard members are elected by a vote of the electors within their residence area and others are elected by a district wide vote. Florida School Board Association, *School Board & Superintendent Elections & Composition (Jan. 3, 2019)*, available at <https://fsba.org/wp-content/uploads/2019/02/School-Board-Superintendent-Elections-Composition.pdf>.

¹⁴ Section 1001.361, F.S.

¹⁵ Section 1001.362(2)(b), F.S.

¹⁶ Section 105.031(1), F.S.

¹⁷ Section 105.051(1)(b), F.S.

¹⁸ Section 105.041(3), F.S.

¹⁹ Section 105.051(1)(b), F.S.

²⁰ Section 100.041(3)(a), F.S.

²¹ Section 99.021(1)(b), F.S.

²² *Id.*

²³ Section 99.021(1)(c), F.S.

²⁴ Section 101.021, F.S.

²⁵ Art. VI, s. 5(b), Fla. Const.

²⁶ Rule 1S-2.032(9)(c), F.A.C.

not be elected on a partisan basis until the general election held in November 2026. Primary elections for purposes of nominating political party candidates to district school boards may occur before the 2026 general election. The amendment will go into effect upon approval of the electors.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the tenth week and again in the sixth week immediately preceding the week the election is held. The Division of Elections within the Department of State is also required to provide each supervisor of elections with either booklets or posters displaying the full text of each proposed amendment.²⁷

Accurate costs based on the current election cycle cannot be determined until the total number of amendments to be advertised is known. The cost to advertise the amendment and produce booklets would be paid from non-recurring General Revenue funds.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

²⁷ Section 101.171, F.S.