

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Senator Latvala, Chair
Senator Sobel, Vice Chair

MEETING DATE: Monday, September 23, 2013
TIME: 4:00 —5:30 p.m.
PLACE: *Pat Thomas Committee Room, 412 Knott Building*

MEMBERS: Senator Latvala, Chair; Senator Sobel, Vice Chair; Senators Benacquisto, Braynon, Clemens, Diaz de la Portilla, Flores, Gardiner, Joyner, Lee, Legg, Soto, and Thrasher

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 72 Flores (Identical H 9)	Legislature; Fixing the date for convening the regular session of the Legislature in even-numbered years, etc. EE 09/23/2013 Favorable JU RC	Favorable Yeas 11 Nays 2
2	Discussion - Ad Valorem Taxing Authority Boards/Commissions and Senate Confirmation		Discussed
3	Presentation by Dr. Carol Weissert, Director, LeRoy Collins Institute - An Update on Tough Choices: Florida Counties Bridge the Ethics Policy Gap (November 2012) by the LeRoy Collins Institute and CS/SB 2, An act relating to ethics (Chapter 2013-36, L.O.F.)		Presented
4	Discussion - Statutes and court decisions pertaining to the definition of residency for elected officials in Florida		Discussed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Ethics and Elections

BILL: SB 72

INTRODUCER: Senator Flores

SUBJECT: Legislature

DATE: September 12, 2013

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Carlton	Roberts	EE	Favorable
2.	_____	_____	JU	_____
3.	_____	_____	RC	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

SB 72 would require that the Regular Session of the Legislature convene on the first Tuesday after the second Monday in January of each even-numbered year beginning in 2016.

This bill creates a new unnumbered section of the Florida Statutes.

II. Present Situation:

The time to convene the 60-day Regular Session¹ of the Legislature is prescribed by the State Constitution. Specifically, Subsection (b) of Section 3 of Article III of the State Constitution provides:

A regular session of the legislature shall convene on the first Tuesday after the first Monday in March of each odd-numbered year, and on the first Tuesday after the first Monday in March, or such other date as may be fixed by law, of each even-numbered year.²

III. Effect of Proposed Changes:

SB 72 would require that the Regular Session of the Legislature convene on the first Tuesday after the second Monday in January of each even-numbered year beginning in 2016.

¹ The length of the Regular Session is prescribed in Article III, s. 3(d), Florida Constitution.

² Article III, s. 3(b), Florida Constitution.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

This bill would require the Legislature to enact the state budget 6 weeks earlier than otherwise would be required.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Flores

37-00140-14

201472__

1 A bill to be entitled
2 An act relating to the Legislature; fixing the date
3 for convening the regular session of the Legislature
4 in even-numbered years; providing an effective date.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. In accordance with subsection (b) of Section 3
9 of Article III of the State Constitution and in lieu of the date
10 fixed therein, the Regular Session of the Legislature shall
11 convene on the first Tuesday after the second Monday in January
12 of each even-numbered year beginning in calendar year 2016.

13 Section 2. This act shall take effect upon becoming a law.

Tab #1

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

9-23-2013

Date

72

Bill Number

Barcode

Name BRIAN PITTS

Phone 727/897-9291

Address 1119 Newton Avenue S.

E-mail justice2jesus@yahoo.com

Street

St. Petersburg

FL

State

33705

Zip

Job Title Trustee

Speaking: For Against Information

Appearing at request of Chair

Subject Leg Session start dates

Representing Justice-2-Jesus

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes.

If designated employee: Time: from _____ .m. to _____ .m.

Appointments to Special Districts that Levy Ad Valorem Tax

Special District Entity	County	Established	Authority	Creation	Creation Method	Type	Senate Confirmation Required	Number Governor Appoints / Total Members
Alligator Point Water Resources District	Franklin	06/05/63	189.404, F.S.	Chapter 2005-351, L.O.F.	Special Act	Water Management		3 / 3
Baker County Hospital District	Baker	05/27/53	189.404, F.S.	Chapter 1999-431, L.O.F.	Special Act	Hospital		5 / 5
Campbellton-Graceville Hospital	Jackson	07/01/61	189.404, F.S.	Chapters 61-2290, 79-482, and 86-455, L.O.F.	Special Act	Hospital		5 / 5
Eastpoint Water and Sewer District	Franklin	06/17/67	189.404, F.S.	Chapter 67-1399, L.O.F.	Special Act	Water Management		5 / 5
Halifax Hospital Medical Center	Volusia	07/03/79	189.404, F.S.	Chapter 2003-374, L.O.F. (Codified)	Special Act	Hospital		7 / 7
Indian River County Hospital Authority	Indian River	05/31/61	189.404, F.S.	Chapter 2003-382, L.O.F. (Codified)	Special Act	Hospital		Appoints to fill a vacancy only until next election / 7
Lake Shore Hospital Authority	Columbia	07/10/63	189.404, F.S.	Chapter 2005-315, L.O.F. (Codified)	Special Act	Hospital		7 / 7
Lower Florida Keys Hospital District	Monroe	10/03/12	189.404, F.S.	Chapter 2003-307, L.O.F. (Codified)	Special Act	Hospital		9 / 9
Madison County Health and Hospital District	Madison	05/23/51	189.404, F.S.	Chapter 2003-333, L.O.F. (Codified)	Special Act	Hospital		7 / 7
Merritt Island Public Library District	Brevard	06/25/65	189.404, F.S.	Chapter 65-1289, L.O.F.	Special Act	Library - Local		15 / 15
North Broward Hospital District	Broward	06/11/51	189.404, F.S.	Chapter 2006-347, L.O.F. (Codified)	Special Act	Hospital		7 / 7
South Broward Hospital District	Broward	06/16/47	189.404, F.S.	Chapter 2004-397, L.O.F. (Codified)	Special Act	Hospital		7 / 7
Southeast Volusia Hospital District (Bert Fish Medical Center)	Volusia	06/16/47	189.404, F.S.	Chapter 2003-310 (Codified) and 2011-248, L.O.F.	Special Act	Hospital		7 / 7
Hardee County Indigent Health Care Special District	Hardee	06/17/93	154.331, F.S.	County Ordinance 93-03	Local Ordinance	County and Mental Health Care		2 / 5
Hendry County Hospital Authority	Hendry	06/02/47	189.404, F.S.	Chapter 1995-500, L.O.F.	Special Act	Health Care		Appoints to fill a vacancy only until next election / 7
Health Care District of Palm Beach County	Palm Beach	07/11/87	189.404, F.S.	Chapter 2003-326, L.O.F.	Special Act	Health Care		3 / 7
Hillsborough Transit Authority	Hillsborough	02/29/80	163, Part V, F.S.	County Resolution 6824	Local Ordinance	Transportation Systems Services		2 / 13
St. Lucie County Fire District	St. Lucie	07/01/59	191, F.S.	Chapter 2004-407, L.O.F. (Codified)	Special Act	Fire Control and Rescue		1 / 7
Children's Services Council of St. Lucie County	St. Lucie	10/01/90	125.901, F.S.	County Ordinance 90-41	Local Ordinance	Children's Services		5 / 10
The Children's Trust	Miami-Dade	12/03/02	125.901, F.S.	County Ordinance 02-247	Local Ordinance	Children's Services		7 / 33
Children's Service Council of Broward County	Broward	02/01/01	125.901, F.S.	Chapter 2000-461, L.O.F.	Special Act	Children's Services		5 / 11
Children's Board of Hillsborough County	Hillsborough	10/04/88	125.901, F.S.	County Ordinance 88-28	Local Ordinance	Children's Services		5 / 10
Children's Services Council of Martin County	Martin	06/28/88	125.901, F.S.	County Ordinance 348	Local Ordinance	Children's Services		5 / 9
Children's Services Council of Okeechobee County	Okeechobee	09/01/90	125.901, F.S.	County Ordinance 90-2	Local Ordinance	Children's Services		5 / 10

Appointments to Special Districts that Levy Ad Valorem Tax

Special District Entity	County	Established	Authority	Creation	Creation Method	Type	Senate Confirmation Required	Number Governor Appoints / Total Members
Children's Services Council of Palm Beach County	Palm Beach	11/06/88	125.901, F.S.	County Ordinance 86-32	Local Ordinance	Children's Services		5 / 10
Citrus County Hospital Board	Citrus	04/03/65	189.404, F.S.	Chapter 2011-256, L.O.F. (Codified)	Special Act	Hospital	X	5 / 5
South Lake County Hospital District	Lake	07/25/69	189.404, F.S.	Chapter 2001-290, L.O.F. (Codified)	Special Act	Hospital	X	11 / 11
Florida Inland Navigation District	Multi - Brevard, Broward, Duval, Flagler, Indian River, Martin, Miami-Dade, Nassau, Palm Beach, St. Johns, St. Lucie, Volusia	05/25/27	374.983, F.S.	Chapter 374, Part II, F.S.	Special Act	Water Management	X	12 / 12
Northwest Florida Water Management District	Multi - Bay, Calhoun, Escambia, Franklin, Gadsden, Gulf, Holmes, Jackson, Jefferson, Leon, Liberty, Okaloosa, Santa Rosa, Wakulla, Walton, Washington	07/01/72	373.03, F.S.	Section 373.069(1)(a), F.S.	Special Act	Water Management	X	9 / 9
South Florida Water Management District	Multi - Broward, Charlotte, Collier, Glades, Hendry, Highlands, Lee, Martin, Miami-Dade, Monroe, Okeechobee, Orange, Osceola, Palm Beach, Polk, St. Lucie	07/01/49	373.069, F.S.	Section 373.069(1)(e), F.S.	Special Act	Water Management	X	10 / 10
Southwest Florida Water Management District	Multi - Charlotte, Citrus, Desoto, Hardee, Hernando, Highlands, Hillsborough, Lake, Levy, Manatee, Marion, Pasco, Pinellas, Polk, Sarasota, Sumter	07/01/61	373.073, F.S.	Section 373.069(1)(d), F.S.	Special Act	Water Management	X	13 / 13
St. Johns River Water Management District	Multi - Alachua, Baker, Bradford, Brevard, Clay, Duval, Flagler, Indian River, Lake, Marion, Nassau, Okeechobee, Orange, Osceola, Putnam, Seminole, St. Johns, Volusia	04/24/72	373.073, F.S.	Section 373.069(1)(c), F.S.	Special Act	Water Management	X	9 / 9
Suwannee River Water Management District	Multi - Alachua, Baker, Bradford, Columbia, Dixie, Gilchrist, Hamilton, Jefferson, Lafayette, Levy, Madison, Putnam, Suwannee, Taylor, Union	11/01/73	373, F.S.	Section 373.069(1)(b), F.S.	Special Act	Water Management	X	9 / 9
Juvenile Welfare Board of Pinellas County	Pinellas County	06/11/45	189.404, F.S.	2003-320, L.O.F. (Codified)	Special Act	Children's Services	X	6 / 11

Name	Authority	Language
Citrus County Hospital District	Chapter 2011-256, LOF	3(1) There is hereby created the Citrus County Hospital Board, an independent special district, and by that name the board may sue and be sued, plead and be impleaded, contract and be contracted with, acquire and dispose of property or any interest therein, and have an official seal. The board is created as a public nonprofit corporation without stock and is composed of and governed by the five members herein provided for, to be known as trustees. The hospital board is hereby constituted and declared to be an agency of the county and incorporated for the purpose of operating hospitals, medical nursing homes, and convalescent homes in the county. The hospital board shall consist of five trustees appointed by the Governor, and, upon this act becoming a law, the present members will automatically become trustees and shall constitute the board. Their respective terms of office shall be the term each member is presently serving. All subsequent appointments, upon the expiration of the present terms, shall be for terms of 4 years each. Upon the expiration of the term of each trustee, the successor shall be appointed by the Governor. Likewise, any vacancy occurring shall be filled by appointment by the Governor for the unexpired term. Each appointment by the Governor is subject to approval and confirmation by the Senate.
South Lake County Hospital District	Chapter 2001-290, LOF	(2)(a) Except as provided in paragraph (b), the board shall consist of 11 members, all of whom must reside within the district and must be appointed by the Governor, subject to confirmation by the Senate, for terms of 4 years each.

Florida Inland Navigation District	Section 374.983, F.S.	<p>(2) The present board of commissioners of the district shall continue to hold office until their respective terms shall expire. Thereafter the members of the board shall continue to be appointed by the Governor for a term of 4 years and until their successors shall be duly appointed. Specifically, commencing on January 10, 1997, the Governor shall appoint the commissioners from Broward, Indian River, Martin, St. Johns, and Volusia Counties and on January 10, 1999, the Governor shall appoint the commissioners from Brevard, Miami-Dade, Duval, Flagler, Palm Beach, and St. Lucie Counties. The Governor shall appoint the commissioner from Nassau County for an initial term that coincides with the period remaining in the current terms of the commissioners from Broward, Indian River, Martin, St. Johns, and Volusia Counties. Thereafter, the commissioner from Nassau County shall be appointed to a 4-year term. Each new appointee must be confirmed by the Senate. Whenever a vacancy occurs among the commissioners, the person appointed to fill such vacancy shall hold office for the unexpired portion of the term of the commissioner whose place he or she is selected to fill. Each commissioner under this act before he or she assumes office shall be required to give a good and sufficient surety bond in the sum of \$10,000 payable to the Governor and his or her successors in office, conditioned upon the faithful performance of the duties of his or her office, such bond to be approved by and filed with the Chief Financial Officer. Any and all premiums upon such surety bonds shall be paid by the board of commissioners of such district as a necessary expense of the district.</p>
---	-----------------------	---

<p>Northwest Florida Water Management District</p> <p>South Florida Water Management District</p> <p>Southwest Florida Water Management District</p> <p>St. Johns River Water Management District</p> <p>Suwannee River Water Management District</p>	<p>Section 373.073, F.S.</p>	<p>(1)(a) The governing board of each water management district shall be composed of 9 members who shall reside within the district, except that the Southwest Florida Water Management District shall be composed of 13 members who shall reside within the district. Members of the governing boards shall be appointed by the Governor, subject to confirmation by the Senate at the next regular session of the Legislature, and the refusal or failure of the Senate to confirm an appointment creates a vacancy in the office to which the appointment was made. The term of office for a governing board member is 4 years and commences on March 2 of the year in which the appointment is made and terminates on March 1 of the fourth calendar year of the term or may continue until a successor is appointed, but not more than 180 days. Terms of office of governing board members shall be staggered to help maintain consistency and continuity in the exercise of governing board duties and to minimize disruption in district operations.</p>
<p>Juvenile Welfare Board of Pinellas County</p>	<p>Chapter 2003-320, LOF</p>	<p>Part I. There is hereby created for Pinellas County, Florida, the Juvenile Welfare Board of Pinellas County, which shall consist of eleven (11) members. One (1) member shall be the county superintendent of public instruction, and the second member shall be a judge in the juvenile division of the Sixth Circuit Court, who each shall hold office on the board during the term of office in the official capacity stated. The third and fourth members shall be the state attorney and the public defender for the county, and the fifth member shall be an appointed member of the Board of County Commissioners of Pinellas County, Florida, who each shall hold office on the board during the term of office in the official capacity stated. The other six (6) members shall be appointed by the Governor of the State of Florida and confirmed by the Senate. All appointments of members of the board required to be made by the Governor shall be for the term of four (4) years each. If any of the members of the board required to be appointed by the Governor under the provisions of this section shall resign, die, or be removed from office, the vacancy thereby created shall, as soon as practicable, be filled by appointment by the Governor, and such appointment to fill a vacancy shall be for the unexpired term of the person who resigns, dies, or is removed from office.</p>

Tab #2

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/23/2013

Meeting Date

Topic Ad VALOREM TAXING Authority

Bill Number DISCUSSION ITEM
(if applicable)

Name MRS. SHEILA ANDERSON

Amendment Barcode _____
(if applicable)

Job Title PRIVATE CITIZEN

Address SW 138 Street

Phone 305 372 9200

Street

Ocala

FL

34473

City

State

Zip

E-mail _____

Speaking: For Against Information

Representing MYSELF

Appearing at request of Chair: Yes No

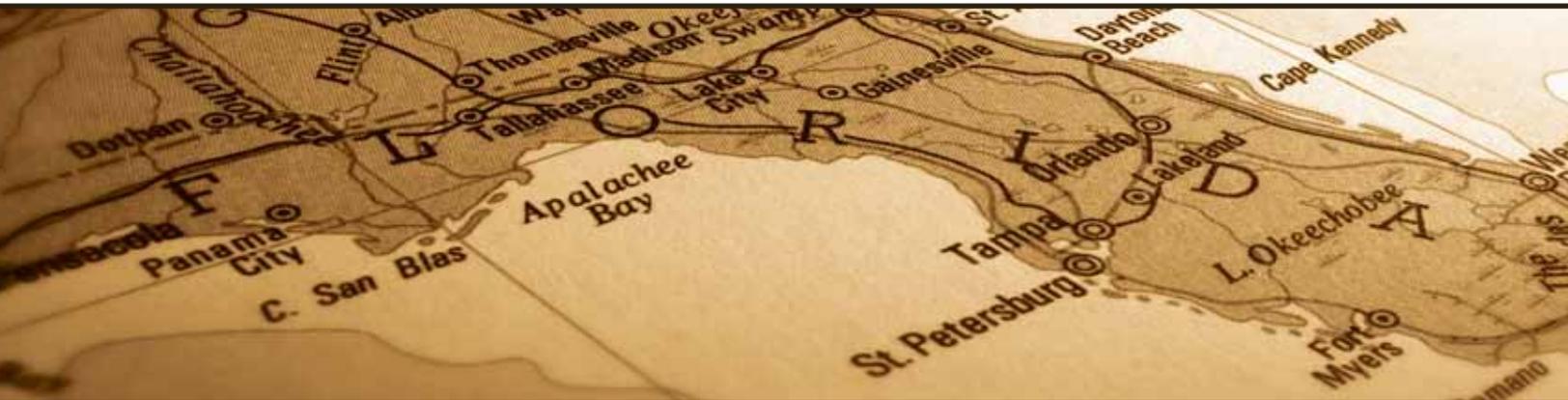
Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

TOUGH CHOICES

FACING FLORIDA'S GOVERNMENTS



TOUGH CHOICES: FLORIDA COUNTIES BRIDGE THE ETHICS POLICY GAP

EXECUTIVE SUMMARY

Florida has long been ethically challenged. Supporting data confirm that the state has had a large number of federal public corruption convictions and recently received a failing grade on a report card from the State Integrity Investigation for ethics enforcement of state-level laws — laws that have not been revisited since Reubin O'D. Askew was governor in the 1970s.

While the bad news is that Florida's state-level ethics laws and enforcement are essentially frozen in time, outdated and ineffective, the good news is that local governments in the state are not waiting for the legislature to address the state's public corruption problems. Counties across the state are acting as ethics reform laboratories, addressing their unique experience with public corruption through innovative ethics reform solutions.

This report from the LeRoy Collins Institute at Florida State University and Integrity Florida outlines what counties have done in areas dealing with ethics policy, ethics enforcement, lobbying, campaign financing and procurement. It also contains brief case studies of the exemplary policies in place in several Florida counties, including: Broward, Duval, Leon, Miami-Dade, Orange, Palm Beach and Sarasota. The data in this report are based on a survey of counties conducted in the fall of 2012; 45 of Florida's 67 counties are included in the analysis.



LEROY COLLINS
INSTITUTE

November 2012

In short, the results show that a majority of the counties surveyed provide ethics training for elected county officials, have adopted local ordinances regulating procurement practices, and have put in place restrictions on gifts from lobbyists to county officials. Further, close to half of the 45 counties have designated a point person for ethics issues.

Other areas of ethics are not as widely adopted. Only 12 counties have adopted an ethics code that is more stringent than the state code (Chapter 112, Florida Statutes) and only 10 require lobbyists and their principals to register. Only a handful of counties have adopted local ordinances regarding voting conflicts for elected officials, have their own ethics commission, have local ordinances regulating the financing of county campaigns, or require lobbyists to report their compensation.

As might be expected, some of the counties that are leaders in local-level ethics reforms are those that have already experienced their own ethical meltdowns. Palm Beach County, named the “Capital of Florida Corruption” by *Time* magazine in 2009, is a case in point. After three county commissioners resigned following felony convictions related to their time in office, business leaders and citizen activists led an effort to adopt major reforms that now serve as a model for other counties in Florida, and across the country.

As more counties consider working proactively to curb ethical issues by putting in place government ethics programs that promote integrity and address potential public corruption, this report can serve as a roadmap to local ethics reform success.

BACKGROUND

Florida has a well-documented problem with public corruption at every level of government. In fact, according to U.S. Department of Justice data, the state led the country in federal public corruption convictions from 2000 to 2010. While there have been some convictions of state-level public officials, many of Florida’s convictions are of local-level officials, often public servants in county or city governments.

The State Integrity Investigation’s Corruption Risk Report Card gave Florida an overall C-minus grade for corruption risk. In the report, Florida received its only F grade for ethics enforcement agencies, primarily because of weaknesses in state ethics laws and the structure of the state ethics commission. A major contributor to the failing grade is the fact that the state ethics commission cannot initiate an investigation into a possible ethics violation until a complaint has been filed by a member of the public.

Even as recently as this year, Florida public corruption continues to make headlines. While ranking America’s most miserable cities, *Forbes* magazine placed three Florida cities in the top ten: No. 1 Miami, No. 4 West Palm Beach and No. 7 Fort Lauderdale. While the rankings were based on several factors, public corruption was a key component of the criteria.

The Florida Legislature has done very little to revisit and update the basic statewide ethics reforms that were adopted in the 1970s under former Governor Askew. Those initial reforms made Florida a national ethics leader and earned the reputation as the “Sunshine State” for open government. Since that time, an increase in exemptions to Florida’s open records laws, and the unwillingness of lawmakers to continue ethics reform, have caused the state to fall behind the nation in the areas of ethics enforcement and government transparency.

According to the Florida Commission on Ethics, the primary code of ethics for all state and local public officers and employees was adopted by the Legislature as *Part III of Chapter 112, Florida Statutes*. It contains standards of ethics conduct and disclosures applicable to all public officers, employees, candidates, lobbyists, and others in Florida state and local government, with the exception of judges. (The ethical standards for members of Florida’s judicial branch are contained in the Code of Judicial Conduct, adopted by the *Florida Supreme Court*.)

This report provides a snapshot of ethics laws in 45 of the state's 67 counties. The information is based on responses to a survey sent electronically to all county administrators and county attorneys in the fall of 2012. The 45 responses reflect both small and large counties, urban and rural counties and those from the various regions of the state. (See Methodology section for a map showing the location of the counties responding to the survey.)

The next section summarizes the results in three areas: ethics policy and enforcement; lobbying and campaign finance; and procurement. Case studies of seven counties that have adopted exemplary ethics provisions follow. An appendix, including links to the codes of responding counties, is available electronically on the [LeRoy Collins Institute](#) and [Integrity Florida](#) websites.

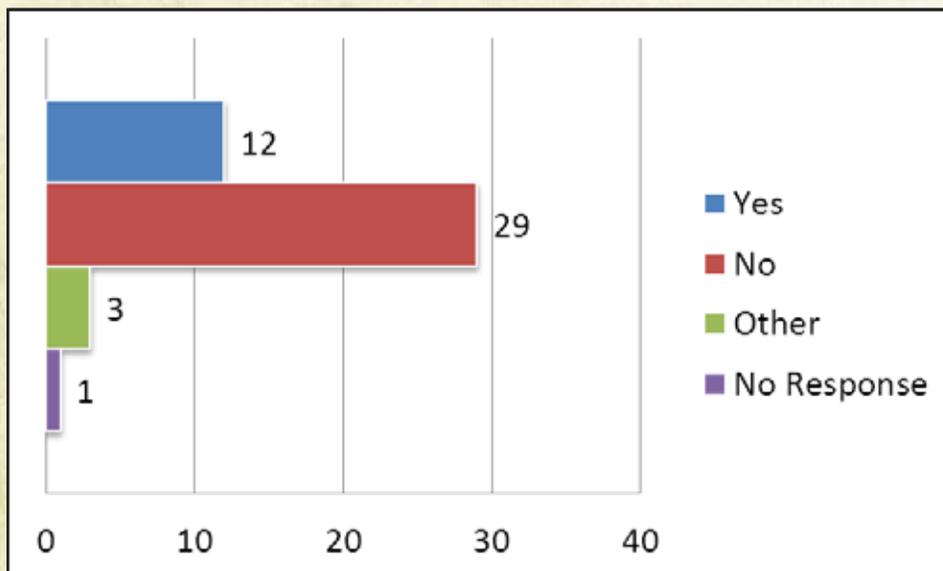
ANALYSIS

■ Ethics Policy and Enforcement

Six elements make up the category of ethics policy and enforcement: having an ethics code, limiting voting conflicts, establishing an ethics commission, offering ethics training, and having an inspector general or other point person responsible for implementing ethics provisions.

According to Figure 1, 12 counties report having an ethics code that contains local regulations in addition to state requirements. Local governments are not allowed to utilize ethics policies that are weaker than [Part III of Chapter 112, Florida Statutes](#), but they can adopt provisions that are tougher than the state law. The additional requirements generally deal with more stringent practices for voting conflicts, gifts and financial disclosure.

Figure 1: Has your county adopted an ethics code that is different from the state ethics code contained in Chapter 112 of state law?



Yes Counties: Broward, Clay, Duval, Escambia, Indian River, Lake, Miami-Dade, Orange, Palm Beach, Sarasota, Seminole and St. Johns

Figure 1

While Chapter 112 contains state laws regarding voting conflicts for local and state officials, five counties have adopted even stronger local ordinances regarding voting conflicts (See Figure 2).

Figure 2: Has your county adopted an ordinance regarding voting conflicts for elected officials?

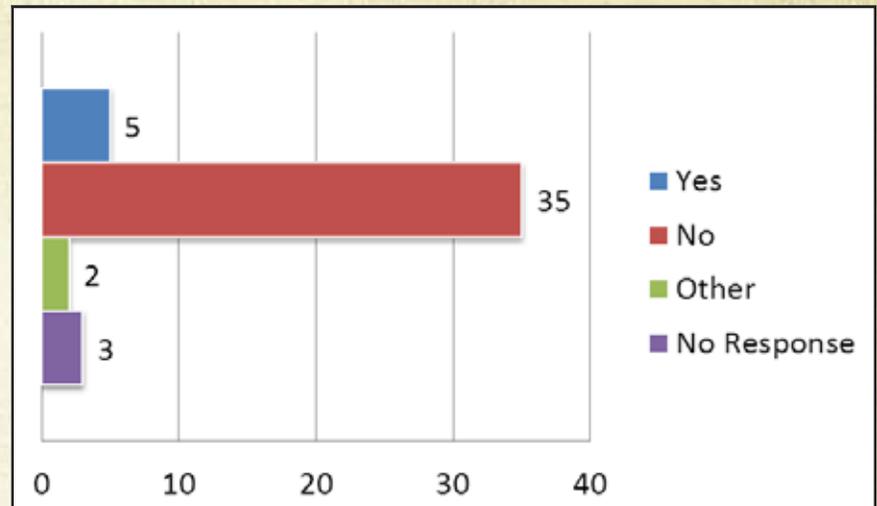


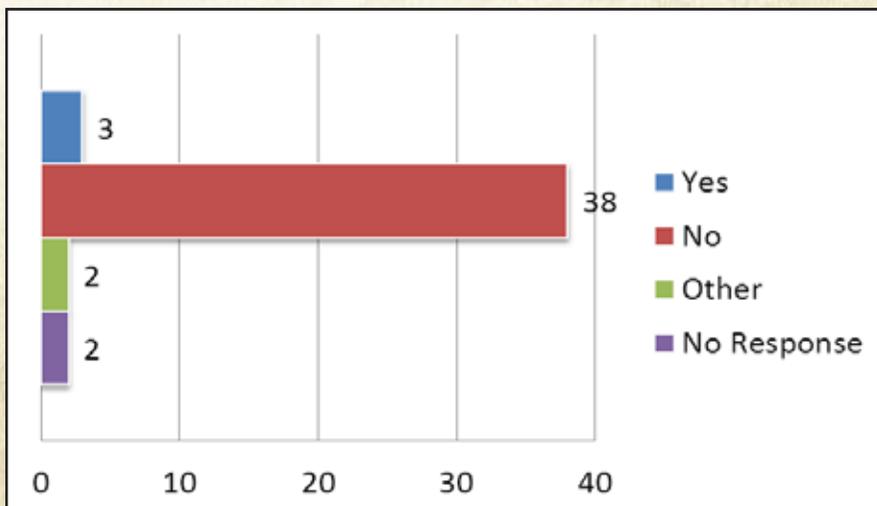
Figure 2

Yes Counties: Hillsborough, Liberty, Miami-Dade, Orange and Seminole

Miami-Dade and Orange Counties have the most comprehensive county-level voting conflicts policy. In Miami-Dade County, the “Miami-Dade County Conflict of Interest and Code of Ethics Ordinance” in Sec. 2-11.1 contains a prohibition on transacting business within the county that applies to "commissioners," "autonomous personnel," "quasi-judicial personnel," "advisory panel," "department personnel" and "employees." According to the Ordinance, individuals in these categories shall not enter into any contract or transact any business, with limited exceptions, in which he or she or a member of his or her immediate family has a financial interest, direct or indirect, with Miami-Dade County or any person or agency acting for Miami-Dade County. The burden to seek a conflict of interest opinion from the Miami-Dade County Commission on Ethics and Public Trust is on the individual with the potential conflict and must be sought prior to submitting a bid, response or application of any type of contract with the county. (See Orange County case study for a detailed explanation of that county’s conflict of interest policy).

The counties of Miami-Dade, Palm Beach and Duval (consolidated government with City of Jacksonville) have established their own local ethics enforcement agencies (See Figure 3) with added responsibilities beyond the Florida Commission on Ethics.

Figure 3: Does your county have its own Ethics Commission?

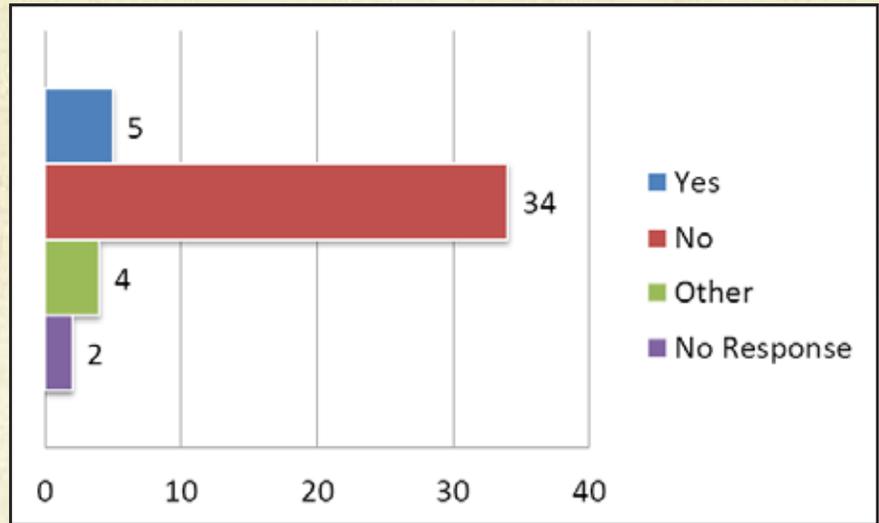


Yes Counties: Duval, Miami-Dade and Palm Beach

Figure 3

Five counties have put in place independent inspector generals as internal government watchdogs to investigate wasteful spending and public corruption (See Figure 4).

Figure 4: Does your county have its own independent inspector general?



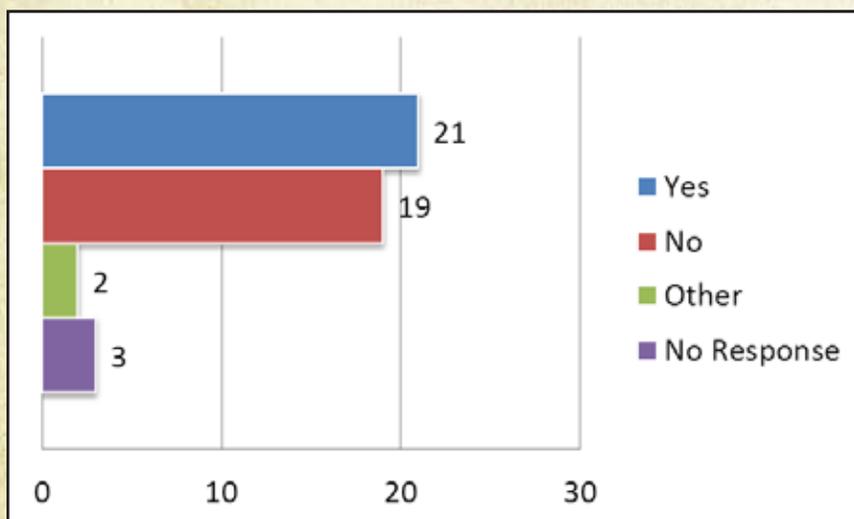
Yes Counties: Broward, Miami-Dade, Palm Beach, Pinellas and St. Johns

Figure 4

In Hillsborough County, the charter puts in place an internal performance auditor to serve in a similar capacity as an inspector general. Manatee County's Clerk of the Circuit Court's Internal Audit Department acts, in part, as an independent inspector general. The audit director regularly investigates, on an independent basis, allegations of corruption or other ethical or illegal conduct by county staff or officials. Sarasota County's ethics and compliance officer and Duval County's ethics officer both serve in dual roles with functions similar to an inspector general. In Sarasota, the Clerk of Court is responsible for internal audits. In addition, several counties have whistleblower ordinance or hotlines.

County attorneys are the most frequently utilized point person for ethical issues (See Figure 5). Full-time ethics officers are on staff in Duval, Sarasota and Miami-Dade Counties.

Figure 5: Does your county have a designated point person for ethics issues?



Yes Counties: Broward, Charlotte, DeSoto, Duval, Escambia, Hardee, Hendry, Hillsborough, Leon, Manatee, Marion, Miami-Dade, Okaloosa, Okeechobee, Orange, Pinellas, Sarasota, Seminole, St. Johns, St. Lucie and Sumter

Figure 5

Ethics training, a critical component of creating an ethical culture in government, was the most common county government ethics program component cited by survey takers, though no counties stated that it was mandatory. Sixty percent of the counties surveyed offered ethics training for elected county officials (See Figure 6).

Figure 6: Does your county offer ethics training for elected county officials?

Yes Counties: Bay, Bradford, Broward, Charlotte, Duval, Escambia, Hendry, Lake, Leon, Levy, Manatee, Marion, Martin, Miami-Dade, Monroe, Okaloosa, Okeechobee, Orange, Palm Beach, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie and Sumter

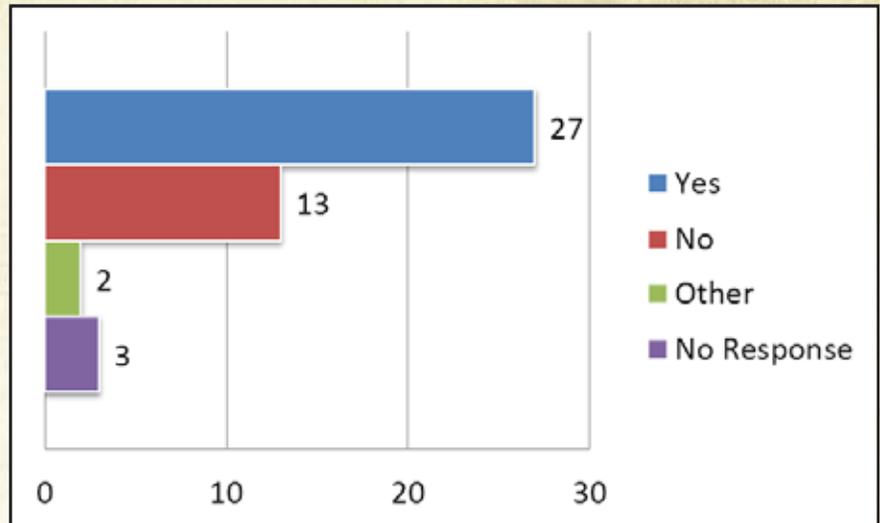


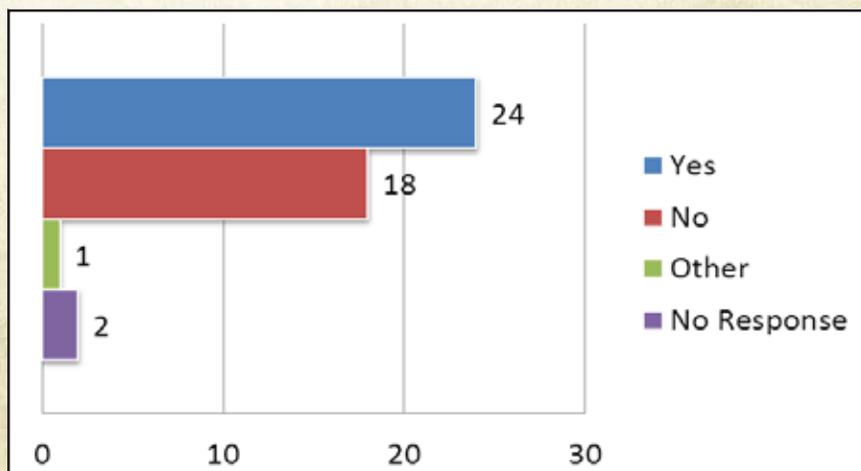
Figure 6

Ethics training programs, offered through the Florida Association of Counties and administered by county attorneys, were the most common types of ethics training cited. The focus of the training curriculum is primarily on Chapter 112, Florida Statutes, Code of Ethics provisions. Training on Florida’s Sunshine Laws for public meetings and public records are often combined with ethics training at the county level. The Florida Commission on Ethics and the Florida Institute of Government at Florida State University also provide ethics programs for county governments.

■ **Lobbying Disclosure and Campaign Finance**

The third most cited local government policy topic in the survey responses was restrictions on lobbyist gifts to county officials. More than half of the responding counties (24) had such restrictions (See Figure 7).

Figure 7: Has your county adopted restrictions on gifts from lobbyists to county commissioners and county employees?



Yes Counties: Bradford, Brevard, Broward, Clay, Duval, Hardee, Hendry, Hernando, Hillsborough, Indian River, Lake, Manatee, Marion, Martin, Okaloosa, Orange, Palm Beach, Pinellas, Polk, Sarasota, Seminole, St. Johns, St. Lucie and Taylor

Figure 7

Some 10 counties out of the 45 surveyed require lobbyist registration (See Figure 8).

Figure 8: Does your county require lobbyists and their principals to register?

Yes Counties: Broward, Duval, Hillsborough, Lake, Leon, Miami-Dade, Orange, Palm Beach, Pinellas and St. Lucie

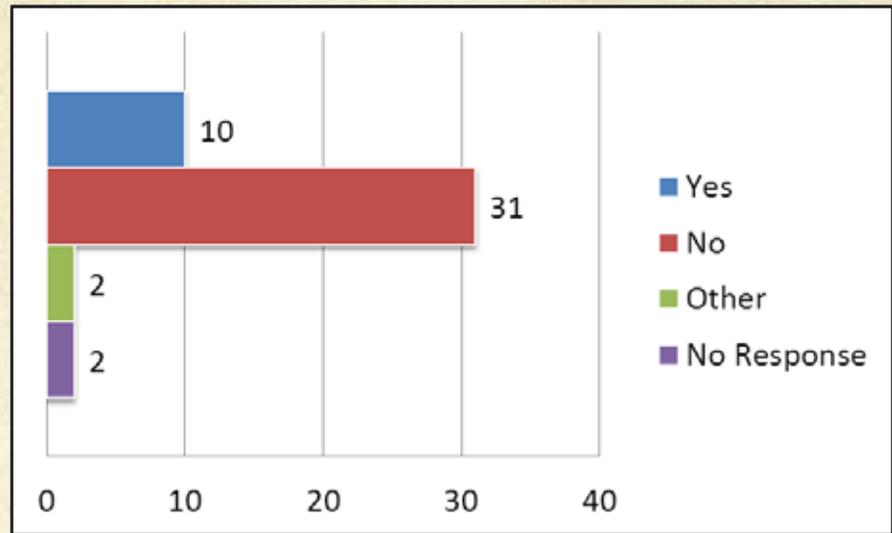
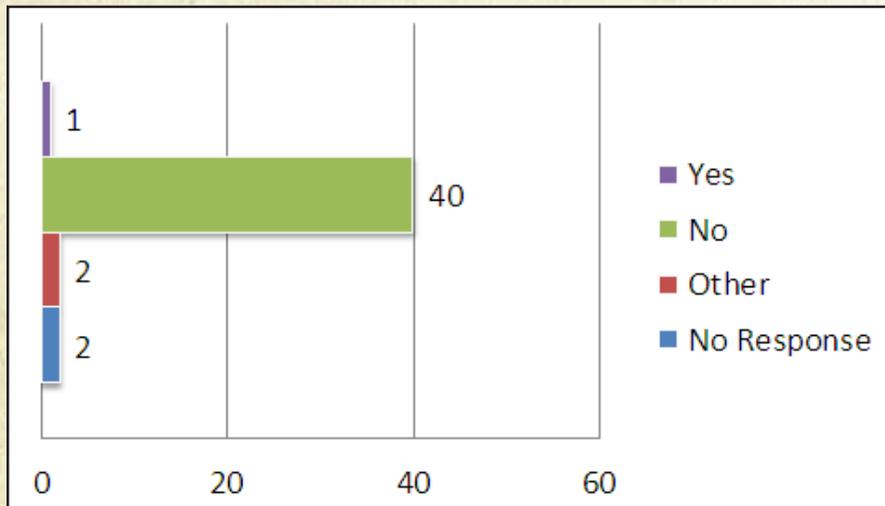


Figure 8

Only Leon County requires lobbyists to report compensation (See Figure 9).

Figure 9: Does your county require lobbyists to report their compensation?



Yes Counties: Leon

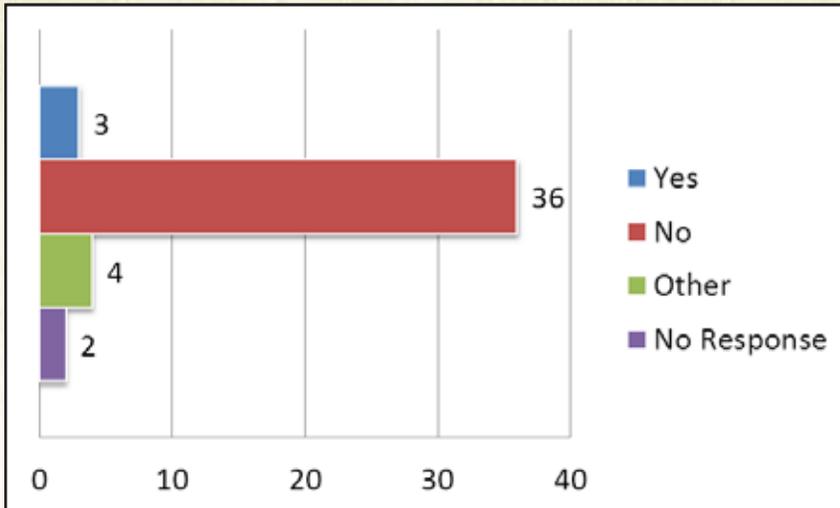
Figure 9

Local campaign finance regulations (See Figure 10) are in place in three counties: Broward, Miami-Dade and Sarasota. Leon County responded “other” to the survey question, but indicated that a charter amendment was adopted in 2010 reducing the amount that can be contributed to county commissioner campaigns per election to \$250.

Sarasota County has the most extensive county-level limits on campaign finance in the state. In 1990, Sarasota County voters approved a measure that prohibits county candidates from accepting more than \$200 from individual contributors and limits total campaign contributions to \$40,000.

Sarasota’s contribution limitations for county campaigns are set in their charter. According to the charter, no candidate for any County office for which compensation is paid shall accept any contribution from any contributor, including a political committee, as defined by state law, in cash or in kind, in an amount in excess of \$200 (Amended Nov. 7, 2000).

Figure 10: Has your county adopted any ordinance regulating the financing of county campaigns?



Yes Counties: Broward, Miami-Dade and Sarasota

Figure 10

■ **Procurement**

The final frequently cited policy component at the county government level, according to the survey, was local ordinances regulating procurement practices (See Figure 11).

Figure 11: Has your county adopted any ordinance regulating procurement practices such as a "cone of silence" during bidding?

Yes Counties: Bay, Bradford, Broward, Charlotte, Clay, DeSoto, Dixie, Escambia, Hillsborough, Indian River, Leon, Manatee, Marion, Martin, Miami-Dade, Okaloosa, Orange, Palm Beach, Pinellas, Polk, Sarasota, Seminole, St. Johns, Sumter and Walton

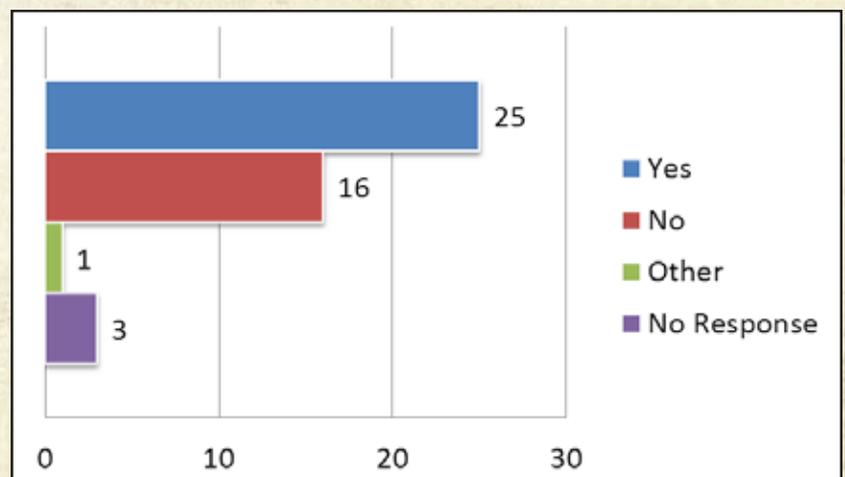


Figure 11

Fifty-six percent of county governments have adopted procurement practices that go beyond state law. “Cone of silence” policies that limit communications between prospective government contract bidders and local governments were mentioned regularly in the survey responses. Some counties practice a “cone of silence” or implement a “no contact” period for vendors and lobbyists during procurement processes, though some do not have these practices mandated in an ordinance or code. Indian River County requires

competitive bidding on all vendor contracts above \$25,000 and mandates disclosure of any vendor relationships with county commissioners or staff. Some counties added that they have local preference ordinances designed to support local vendors.

In 2009, at the state level, former Chief Financial Officer Alex Sink launched the Sunshine Spending website to allow citizens to track which companies were receiving state tax dollars. The website was designed to enable Floridians to hold officials accountable for spending. Florida’s current Chief Financial Officer, Jeff Atwater, has expanded online procurement tracking initiatives with *Transparency Florida* and the *Florida Accountability Contract Tracking System*. While not specifically covered in this study, some local governments in Florida are also beginning to deploy similar websites for procurement tracking.

CASE STUDIES

While tabulations of county actions are an important part of understanding the local ethics law landscape, it is also helpful to look deeper into the instances of exemplary county efforts. This section examines the ethics reform efforts of Broward, Duval/Jacksonville, Leon, Miami-Dade, Orange, Palm Beach and Sarasota Counties. In each of these counties, the reform efforts were initiated by ethical charges or violations, but in each case the counties stepped up to deal with the problems. The public’s role in these reforms is also key. The case studies cover a 15-year time frame, ranging from Miami-Dade’s efforts in 1996 through Leon County’s 2010 reforms.

Figure 12 provides a summary of the breadth of the actions the seven counties have undertaken. None of the counties enacted all 11 of the ethics provisions we identified, although each of the provisions was in place in at least one of the counties in the study. The case studies follow in alphabetical order as shown in Figure 12.

Figure 12: Summary of survey responses from case study counties

County	1. Ethics Code	2. Voting Conflicts Policy	3. Ethics Commission	4. Inspector General	5. Ethics Point Person	6. Training	7. Gifts	8. Lobbyist Registry	9. Lobbyist Comp. Report	10. Campaign Finance	11. Procurement
Broward	Yes	No	No	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes
Duval	Yes	No	Yes	Other	Yes	Yes	Yes	Yes	No	No	Other
Leon	No	No	No	No	Yes	Yes	No	Yes	Yes	Other	Yes
Miami-Dade	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	No	Yes	Yes
Orange	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Other	Other	Yes
Palm Beach	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No	Yes
Sarasota	Yes	No	Other	Other	Yes	Yes	Yes	No	No	Yes	Yes

Figure 12

■ Broward County

Broward County, perhaps most notably in its *Sheriff’s Department*, has had its share of public corruption, but it also has a history of taking action to remedy it. In 1996, the Office of Professional Standards was created to investigate complaints filed under the County’s Whistleblower Program and to assist in ethics and conflict of interest training of county employees.

In 2009 and 2010, Broward County citizens saw a parade of government officials indicted for corruption, including their sheriff, Ken Jenne, who was sentenced to a year and a day in federal prison for tax evasion and mail fraud conspiracy. Of the 14 criminal cases filed against former Broward public officials and their spouses, there have been six *convictions*. Six other cases have yet to be resolved.

After this wave of scandal and public corruption, county officials and Broward County voters demanded new ethics reforms. Broward County created its own Ethics Commission, that has since been disbanded, with a charge to write a new ethics code. Voters approved the new *ethics code* in 2010, and it became effective in January 2012. The ethics code contains a strict ban on gifts to board members from lobbyists, vendors and contractors. It also prohibits county commissioners and their family members from lobbying municipal governments within the county. The ethics code requires registered lobbyists in Broward County to complete a contact log listing each elected official the lobbyist or their principle meets with or intends to meet or communicate with. The disclosure must be made prior to any vote being taken on any matter that was the subject of the lobbying activity. The code also places strict disclosure requirements on campaign contribution fundraising, as well as charitable contribution fundraising by elected officials.

The code also goes further than the state in the area of financial disclosure. The Broward County ethics code mandates that officials post financial disclosure forms – which are required by state law – to an online, searchable database for the public to see. This online component is an extra step that is not required by the state ethics commission.

And finally, the ethics code specifies that all elected officials will undergo ethics training and education when they are first elected to office and then continuing on an annual basis. The training is focused on the topics of the Sunshine Law, public records and public service ethics. Elected officials are required to have eight hours of training and education each year and must acknowledge that they have completed the training by filing a form. After accomplishing its purpose, the Broward County Ethics Commission is now listed as “inactive.”

Of the urban counties in Florida that have recognized a need to go beyond the enforcement of ethics laws provided by the state ethics commission, Broward County has taken a unique approach. Broward County voters chose to create the *Office of Inspector General* with the authority to “investigate allegations of misconduct, gross mismanagement and violations of local, state and federal law.”

After a public *hiring process*, John Scott was selected in 2011 as the first inspector general of Broward County. *The Office of Inspector General* has subpoena and investigative powers over all county commissioners, every city official in Broward, all government employees and all vendors who do business with Broward's city and county governments. The county charter requires the Office to function as an independent agency and the Broward County Commission is required to provide sufficient funds for the office to carry out its duties.

The Office of Inspector General issues frequent *reports* on its investigations into misconduct and efforts to enforce ethics laws. Most recently, the Office released its first *annual report* which describes the establishment of the office as Broward's independent government watchdog and its efforts to investigate fraud, corruption and mismanagement. In the report, it states the Office found 121 elected officials in Broward County failed to comply with the requirement that their financial disclosure statements be posted online. It was *reported* that Office staff worked with county and municipal officials to address the lack of compliance and, as of Sept. 28, 2012, 100 percent of the elected officials were in compliance with the posting requirement.

■ Duval County/City of Jacksonville

The evolution of ethics reform in the consolidated government of the City of Jacksonville and Duval County is primarily due to the efforts of *Carla Miller*, the head of the City's *Office of Ethics, Compliance and Oversight*. Miller is a former federal prosecutor who began prosecuting “white collar” crime when she was fresh out of law school at the University of Florida. Miller helped draft the City's ethics code that was adopted in 1999 and served as the City's volunteer ethics officer for eight years. After a wave of public corruption in 2006, then Mayor John Payton hired her as the City's ethics officer in 2007.

Like its east coast neighbors, Duval County has a long history of public corruption. In fact, it was corruption in the 1930s, and the resulting 75 indictments, that prompted the Florida Legislature to amend the constitution to give Jacksonville and Duval County the ability to consolidate their governments.

Even though it had the ability to consolidate, it wasn't until 1968 that consolidation actually took place - after yet another wave of public corruption. Four City Council members were indicted, along with other public officials, for a total of 142 counts of bribery and larceny. On Aug. 8, 1967, Duval County voters approved the consolidation referendum by an overwhelming margin creating a "strong mayor" who is elected at-large but is term-limited to two four-year terms. The new government also included a 19-member City Council with five at-large seats and the rest from districts.

While Jacksonville had an ethics code in its charter when the consolidated government was created, it was removed in the 1970s to avoid potential conflicts with state ethics provisions that were being enacted at the time. Jacksonville adopted another *code of ethics* in ordinance that went beyond Chapter 112, Florida Statutes in 1999.

In 2006 and 2007, there were new allegations of public corruption in Jacksonville. A grand jury was investigating violations of state open meetings laws and the F.B.I. was looking into allegations of cronyism and influence-peddling at the Jacksonville Port Authority. Then Mayor John Peyton was also caught up in scandal after it was revealed that two close friends had received lucrative city contracts without going through proper bidding procedures.

The mayor publicly apologized for the ethical lapses and proposed several reforms designed to restore the public's trust. The reforms included the hiring of a paid ethics officer and establishing a hotline for the reporting of ethics violations. Mayor Peyton hired Miller as the City's ethics officer and gave her a number of new responsibilities. In addition to providing ethics training to government officials and employees, monitoring the ethics hotline, ensuring compliance with gift reporting and lobby registration, Peyton also asked Miller to watchdog the City's procurement and bidding process.

While these reforms were a step forward, problems remained. Miller was a part-time employee with no full-time support staff and many responsibilities. Her position also lacked the independence that is critical to be an effective watchdog as she was required to report to the mayor and city council president.

Miller and others continued to push for new reforms that would create a strong culture of ethics in city government. Miller also continued her work as the president of *City Ethics*, an organization she founded in 2001, that is devoted to the establishment of government ethics programs across the U.S., Europe and Australia.

In 2010, the Jacksonville Charter Revision Commission made a number of *recommendations* for ethics reform including reinserting language into the charter providing for an ethics code and an independent ethics commission. In June 2011, Miller, the Jacksonville Ethics Commission and community groups, including the League of Women Voters and the tea party, were successful in their efforts to convince the City Council to give the commission and the ethics officer the independence they need to do their job effectively.

The City Council followed the Charter Commission's recommendation and inserted language in the charter that included a revised *ethics code*. It also included a more independent ethics commission and provided that the ethics officer be appointed by the ethics commission subject to approval by the City Council. The ethics code also has stronger provisions than state law relating to gifts, as well as a requirement that lobbyists and their principals register with the city.

Miller deserves much of the credit for creating a culture of ethics in Jacksonville government. It should be noted, however, that with the exception of the passage of the original consolidation referendum,

Jacksonville's ethics reforms were not driven by ballot referendum. To its credit, the City Council has shown a willingness to proactively address its public corruption problems by passing meaningful ethics reform.

■ Leon County

Most notable among Leon County's ethics provisions are those relating to lobbyists and elections. The county requires registration of lobbyists and reporting of compensation they receive on a quarterly basis. A 2010 vote amended the county charter to limit campaign contributions to county commissioners to \$250 per election. The spending limit was overwhelmingly approved by 65.5 percent of the voters.

In 2004, the County Commission adopted a policy requiring lobbyists to register and pay an annual fee of \$25. In 2007, with encouragement from the League of Women Voters of Tallahassee and Common Cause, the county revisited the ethics policy. The policy was enhanced and began requiring lobbyists to pay \$25 for each principal annually, and to file compensation reports each quarter giving the name of each principal and the compensation provided that quarter. In that year, the board decided against a policy that would have required every commissioner to keep a written log documenting each oral lobbying communication or meeting with lobbyists.

There are more than 125 registered lobbyists listed on the Clerk of Court website, but this includes many who paid in previous years but are not current. Only 12 lobbyists were considered "active," meaning they have paid through Sep. 30, 2012 (site checked Oct. 17, 2012).

The 2007 provision was promoted by the County Commission Chair, Ed DePuy, who had been criticized for his own lobbying activities. DePuy cast the deciding vote to approve a comprehensive plan amendment that allowed a controversial development to be built near Lake Jackson. DePuy started working for a lobbying firm, SCG Governmental Affairs, representing the developer of that project on Mar. 1. The county commission vote was on May 8. DePuy claimed that the firm had stopped lobbying on the county level on Feb. 28 and that he did not have to disclose the information, nor recuse himself. Opponents of the plan disagreed and a complaint was filed against DePuy before the Florida Commission on Ethics concerning his vote. While the Commission dismissed the complaint with a finding of no probable cause, the Commission did find that DePuy violated requirements of the Florida Constitution by failing to disclose certain income on his disclosure forms for 2007, and he was fined \$1,000 in 2011. Commissioner DePuy was defeated in his reelection bid in Nov. 2008.

The 2010 provision reducing the amount county commissioners can receive in contributions was one of six amendments to the home rule charter proposed by a 2009-2010 Citizens Charter Revision Committee. County Commissioner Cliff Thaell strongly urged the charter committee to adopt this provision arguing that it would force candidates out into the community to meet more people and hear more diverse concerns. Unfortunately, Commissioner Thaell had ethics problems of his own. In Dec. 2010 he agreed to pay a \$2,500 fine after settling with the Florida Commission on Ethics for failing to report income and votes on a development in the county. Thaell lost his bid for reelection in 2010.

■ Miami-Dade County

Miami-Dade is another southeast Florida county with a decades-long history of public corruption. From its early reputation as a haven for gangsters like Al Capone, to the public corruption that resulted in a 1965 *grand jury report*, to the cocaine-fueled crime epidemic that swept Miami in the 1970s and the 1980s, to "*Operation Greenpalm*" that ensnared a number of public officials in the 1990s, Miami has seen plenty of high profile corruption cases.

The county also has a long history of addressing its public corruption problem, starting with a conflict of interest law that was adopted in 1972 and subsequently revised in 1986. In 1996, after a wave of

public corruption, the citizens of Miami-Dade voted to create the *Commission on Ethics and Public Trust*, and became the first county in Florida to create its own ethics commission. The structure, charge and jurisdiction of the Commission are established by an *ordinance*.

In 1996, as a result of a citizen vote to amend the home rule charter, the Miami-Dade County's Commission on Ethics and Public Trust was created. It is the oldest local ethics commission in the state and is empowered to subpoena and investigate the facts and persons related to any complaint it chooses to investigate. A complaint must be filed before the Commission can begin to investigate, although the commission's advocate can file a complaint based on an anonymous tip. Miami-Dade also has an independent inspector general charged with rooting out fraud, waste and abuse of power in government programs and contracts.

The Commission is an independent agency with advisory and quasi-judicial powers. It is composed of five volunteer members who serve staggered, four-year terms. Its current executive director, *Joseph M. Centorino*, took over for the original executive director, Robert Meyers, in 2011. The Commission's jurisdiction extends to the municipalities of Miami-Dade County as long as the subject involves one of the four ordinances under its authority. Those ordinances include the *conflict of interest and code of ethics ordinance*, *the citizen's bill of rights*, *the ethical campaign practices ordinance* and the *election campaign financing trust fund ordinance*.

The process to initiate an investigation into a possible ethics violation is complaint-driven. Complaints can be filed by members of the public with "personal knowledge" of a violation and must be signed under oath or affirmation by the complainant. Complaints can also be filed by the county inspector general, the state attorney or the commission's advocate. The Commission also offers ethics training to elected officials and the Executive Director of the Commission is the designated ethics point-person for Miami-Dade County.

After the creation of the Commission on Ethics and Public Trust, the County Commissioners continued to address the county's public corruption problems when they established the *Office of the Inspector General* (OIG) in 1998. The OIG is authorized to detect, investigate and prevent fraud, waste mismanagement and abuse of power. The *ordinance* creating the OIG provides it will be "sufficiently independent to assure that no interference or influence external to the Office adversely affects the independence and objectivity of the Inspector General." The Office operates a fraud reporting hotline that accepts anonymous complaints and is one of a few OIG's in the country that has jurisdiction to investigate officials at any level, including elected officials.

In its most recent *2011 report*, the current inspector general, Christopher Mazella, notes that since 1998 "the OIG has identified over \$143.6 million in questionable costs, losses, damages, and lost revenues and achieved over \$44 million in future savings, prevented losses, and restitution." It also notes that its investigations have resulted in the arrests of 212 individuals and the indictment of 12 companies.

In Miami-Dade, these two county-level ethics enforcement agencies receive help in criminal corruption cases from other law enforcement. The Miami-Dade Police Department has a Public Corruption Investigations Bureau and Miami-Dade State Attorney Katherine Rundle maintains a public corruption unit in her office.

Miami-Dade has also made other unique attempts through the years to address corruption. The county has adopted a *Conflict of Interest and Code of Ethics Ordinance* that goes beyond what is provided in *Chapter 112*, Florida Statutes. Within that ordinance is a requirement that lobbyists register with the county within five days of being retained, and complete an ethics training course provided by the Commission on Ethics and Public Trust within 60 days of registering. Miami-Dade does not require lobbyists to report their compensation, as some other counties do, instead lobbyists are required to report any lobby expenditure over \$25.

The Conflict of Interest and Code of Ethics Ordinance also addresses bidding and procurement practices. Most notably, the ordinance provides for a “cone of silence” that begins at the time a proposed bid is advertised. The “cone of silence” prohibits oral communication in all directions, between and among bidders, lobbyists, elected officials and county staff. The “cone of silence” remains in place until the city or county manager makes a recommendation to the County Commissioners or City Council. The purpose of the “cone of silence” is to insulate county officials and employees from pressure that bidders and their lobbyists try to exert on decision-makers to win county and city contracts.

In the area of campaign financing reform, Miami-Dade has also gone further than any other Florida county. In 2000, Miami-Dade voters approved a ballot initiative that created the *Election Campaign Finance Trust Fund*. In 2001, the Fund was established along with a system of public campaign financing. The ordinance requires candidates who hope to receive public funding to raise a specific number of \$100 to \$500 contributions. They also must agree to limit their campaign spending. The public campaign financing option was popular among candidates initially, but because of instances where fraudulent candidates received public funding, a number of amendments have been adopted in recent years. Now, it is rare that candidates choose the option of public campaign financing.

The abundance of reforms that Miami-Dade County adopted has not completely eliminated its public corruption problem or the desire of its citizens for an ethical government. In January 2012, *Forbes magazine* named Miami one of America’s most “miserable cities,” based in part on the number of public officials who are convicted of crimes. In April 2012, it was *reported* that Miami Beach residents protested public corruption in front of the city hall following the arrest of seven city employees for taking bribes and kickbacks from local businesses.

■ Orange County

On June 14, 2012, Orange County Mayor Teresa Jacobs sent a letter to Robert J. Sniffen, Chair of the Florida Commission on Ethics, outlining “significant loopholes in the State Code of Ethics for Officers and Employees.” According to Mayor Jacobs’ letter, in 2008 the Board of County Commissioners addressed some of them by passing an ordinance that resulted in additional transparency and local disclosure requirements at the county level.

The County's Charter Review Commission also put a measure on the 2008 ballot that solidified local disclosure and reporting requirements in the county charter. Voters passed the measure by 87 percent. In June 2011, the Board of County Commissioners unanimously passed tighter disclosure rules and whistle blower protections.

According to Mayor Jacobs, state law prohibits local elected officials from voting on matters benefitting themselves or their business associates. Jacobs states that this language is ineffective because state law does not clearly define when a business relationship begins or ends, thus creating an easy loophole for elected officials who wish to circumvent the intent of the law. For example, a local elected official can vote on an issue and shortly thereafter enter into a business relationship with the benefactor of that vote without violating the state's voting conflict law. Likewise, a local elected official can enter into a business relationship, make a sizable profit, but then sever the relationship prior to a vote in order to avoid a voting conflict. According to Jacobs, such actions deceive the public and should not be legal.

In Orange County, the Board of County Commissioners closed voting conflict loopholes by requiring board members to declare previous business relationships prior to casting a vote that will benefit a recent business partner. In the county's code, an elected official must disclose, prior to a vote, any business relationship that existed within the previous two-year period. Furthermore, any member of the board who enters into a business relationship with anyone for whom they have cast a beneficial vote within the previous 12-month period must publically disclose that relationship.

According to Jacobs, no such timeframes or disclosure requirements exist in state law. For this reason, Jacobs recommends that Chapter 112, Florida Statutes be amended to eliminate the perception, and sometimes the reality, that an elected official may be offered a future stake in a business or real estate venture contingent on the outcome of his or her vote.

Orange County addressed some shortfalls in the state law through enhanced quarterly financial disclosure. This disclosure must be filed within 30 days of the close of each calendar quarter and requires the following to be disclosed by elected officials:

- Disclosure of all business associates;
- Disclosure of all business entities in which the disclosing party has a significant interest, including any LLC and all subsidiary entities of such business entity;
- Disclosure of all assets and liabilities held anytime during the quarter, not merely a snapshot of the assets and liabilities on a particular date chosen by the filing party;
- Disclosure of all sources of income.

Supplemental disclosures of subsequent business associates, which occur during any quarterly period, are required to be disclosed within seven days of the association.

■ Palm Beach County

With the infamous 2009 branding by *Time* magazine as the “Capital of Florida Corruption,” Palm Beach County has continuously tried to improve its tarnished image. The county’s reputation tumbled in 2007 when a domino effect propelled the resignation of several county officials and their subsequent prison stints:

- County Commissioner Tony Masilotti was charged with profiting off land deals. Masilotti plead guilty and was sentenced in 2007.
- Palm Beach County City Commissioner Jim Exline was sentenced in June 2007 for failing to report a \$50,000 land deal in which he hid the earnings from the IRS.
- Warren Newell, who served as a county commissioner from 1992-2007, profited by nearly \$500,000 from schemes in which his business partners profited from his votes. Newell pled guilty and was sentenced in 2007, but received a reduced sentence when he helped prosecutors convict yet another county commissioner.
- County Commissioner Mary McCarty was charged with receiving kick-backs, such as free resort stays from a company she helped win a county construction contract. She pled guilty in 2009 and was later sentenced to three and a half years in federal prison.

Understandably, the string of corruption cases enraged the public. In 2009, a grand jury recommended reforms to the county and called for an independent watchdog agency to supervise activities of county and city commissioners. The jury examined the series of convictions and accordingly recommended the creation of an inspector general’s office. That summer, with three former County Commissioners in federal prison, the county commission accepted the recommendations and created an ethics commission, adopted a new code of ethics and established a new Office of the Inspector General.

The county’s Commission on Ethics was established in May 2010. The ethics commission receives and investigates complaints and is charged with enforcement of the Palm Beach County Code of Ethics, lobbyist registration and post-employment ordinance. The post-employment ordinance states: no former county commissioner shall knowingly represent anyone other than the county or another public entity in connection with any matter for a period of two years after ending his or her term of office. The commission is composed of five volunteer members who were appointed by various non-political civil, educational and professional organizations representing police, the Hispanic Bar, CPAs, the Palm Beach League of Cities and Florida Atlantic University. The members serve terms of four years each.

In June 2011, Palm Beach County adopted a more detailed Code of Ethics. The code reads in part:

“Officials and employees in the public service shall be conscious that public service is a public trust, shall be impartial and devoted to the best interests of the people of Palm Beach County, and shall act and conduct themselves so as not to give occasion for distrust of their impartiality.” The purpose of the code of ethics is to provide further and more rigid ethics standards as authorized by 112.326, Florida Statute.

The Code of Ethics requires ethics training for county officials and employees. In 2011, the Commission on Ethics conducted 92 in-person trainings and provided more than 150 training DVDs to county municipalities. Also part of the Code of Ethics, the county adopted a lobbyist registration ordinance that requires all lobbyists to register and report their expenditures annually.

Finally, the Code of Ethics established an independent inspector general to promote efficiency and prevent and detect fraud and abuse in the county. In June 2010, the doors of the Palm Beach County Inspector General's Office opened. The office consists of three services: investigations, audits, and contract oversight. The inspector general has the authority to make investigations of county or municipal matters and publish the results.

The inspector general may also obtain sworn statements of all individuals who may be under investigation as well as witnesses. He or she is also allowed to prepare reports and recommendations to the Commission on Ethics. Sheryl Steckler, Palm Beach County's current inspector general, was previously the inspector general for the State of Florida, Department of Children and Families.

In 2011, in recognition of its extensive ethics reform measures, Palm Beach County received an Achievement Award from the National Association of Counties. This annual, prestigious award program was launched in 1970 to honor innovative county government programs. Palm Beach County has transformed its role in the monitoring of county officials, and since its notable transformation no charges have been filed against an elected official.

■ Sarasota County

Sarasota County does not have an ethics commission but does employ a full-time ethics officer who reviews and monitors ethical practices for Sarasota County, provides staff training in ethical standards and operations, and investigates allegations of ethical violations for the county. All Sarasota County employees, including the Board of County Commissioners, receive ethics training from the ethics and compliance officer with a focus in situational awareness and fraud detection. The training outlines employees' duties to report suspected violations and instructs them on how to anonymously report if necessary.

Sarasota County has a hotline, managed by an independent reporting company, set up for citizens to anonymously report fraud, waste, and abuse such as the following:

- Deliberate misrepresentation of financial matters
- Embezzlement
- Falsification of contracts, reports or records
- Misuse of assets or services
- Theft
- Corruption: conflict of interest, bribery

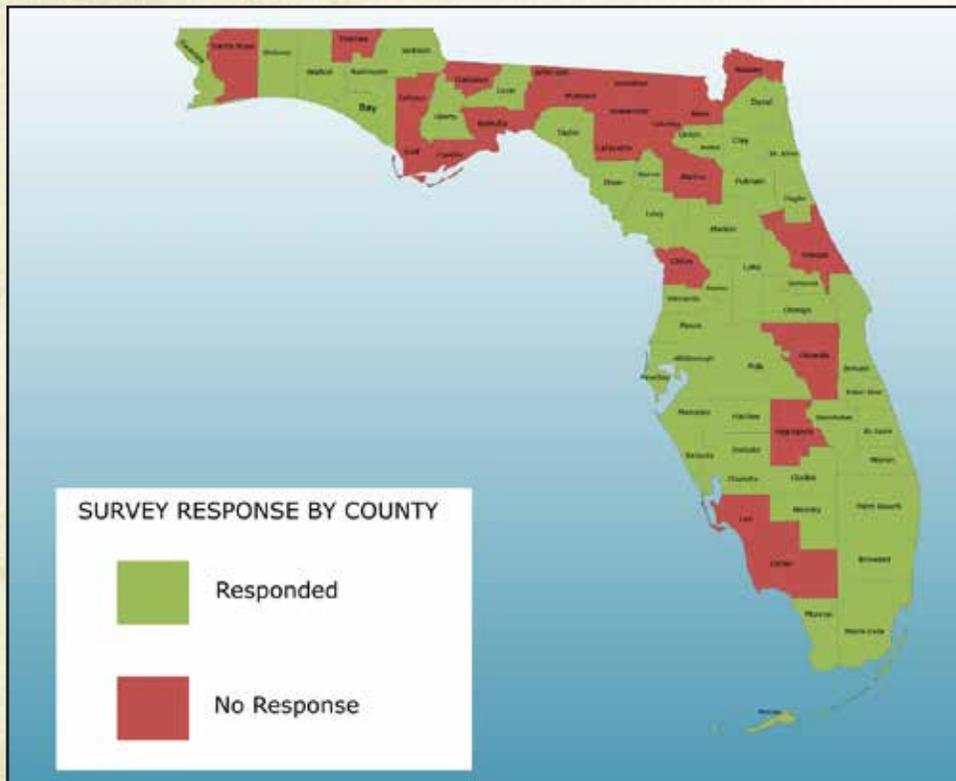
Information provided regarding an allegation may be considered a public record unless confidential pursuant to Section 112.3188, Florida Statutes, or other applicable law. Calls do not constitute a disclosure pursuant to the Florida Whistleblower's Act. Those who prefer not to use the hotline may also report suspected fraud, waste, and abuse directly to the Sarasota County Clerk of the Circuit Court and County Comptroller.

CONCLUSION

A window of opportunity may be opening for ethics reform in the 2013 Florida Legislature as new leaders place it high on their priority list for action. This study finds that, in addition to legislative interest in revisiting the state's 1970s-era law, localities are also recognizing the importance of ethics—and not simply in response to embarrassing scandals. A few of the jurisdictions beginning to discuss ethics reform at the time of publication of this report include Charlotte, Okaloosa and Pinellas Counties. This report will help those localities and others that wish to enhance and strengthen their ethics laws. It highlights both the scope of counties' ethics laws and the breadth of these programs in a few counties with exemplary programs. It serves as recognition of ethics activity and a challenge of the possibilities for other counties and the state. Florida need not be ethically challenged in the future, but rather has the opportunity to serve as an example for the rest of the nation.

METHODOLOGY

The LeRoy Collins Institute, in partnership with Integrity Florida, emailed the 11-question survey at least twice to county administrators and county attorneys in all of Florida's 67 counties in the fall of 2012. Follow up phone calls were made to the county administrator offices of the counties that did not respond via email. An online appendix is available containing the complete set of survey questions, responses and comments that often include website links to specific ordinances and codes on the LeRoy Collins Institute website, collinsinstitute.fsu.edu, and the Integrity Florida website, integrityflorida.org.



Tough Choices: A research series focused on state and local government relationships from the LeRoy Collins Institute.

Established in 1988, the LeRoy Collins Institute is an independent, nonpartisan, non-profit organization which studies and promotes creative solutions to key private and public issues facing the people of Florida and the nation. The Institute, located in Tallahassee at Florida State University, is affiliated and works in collaboration with the State University System of Florida.

Named in honor of Florida Governor LeRoy Collins, the Institute is governed by a distinguished board of directors, chaired by Allison DeFoor, D.Min. Other board members include executives, local elected officials, and senior professionals from throughout the state.

Beginning in 2005, the Institute produced several reports in a series called *Tough Choices: Shaping Florida's Future*. These publications provided an in-depth analysis of Florida tax and spending policy and concluded that Florida's pattern of low spending and low taxes conflicted with the growing demands of the state's residents, predicting trouble might be ahead.

Recent work in this series has examined local retirement benefits, including both pensions and other post-employment benefits, including health benefits. The most recent report, *Years in the Making: Florida's Underfunded Municipal Pension Plans*, traced trends in Florida's municipal pensions, finding that the problems were long-standing and not likely to be quickly resolved.

This report, *Tough Choices: Florida Counties Bridge the Ethics Policy Gap*, is the latest effort to gauge state-local relationships in the state. It relies on a survey of Florida counties, supplemented with seven case studies, and points out that a number of Florida counties have taken the lead in ethics policy in the absence of state law. The report was a collaboration of the LeRoy Collins Institute and Integrity Florida. Contributors include Dan Krassner, Ben Wilcox and Carol Weissert. Stephanie Carlton, an FSU student, provided assistance in gathering data and writing the Palm Beach case study. Lindsay Potvin and Stacie Linley contributed to the editing, proofing and production of the report.

The *Tough Choices* research series is funded by the Jessie Ball duPont Fund. Future reports in the series will examine local health benefits, state intergovernmental aid, and best practices in local pension administration.

All publications from the Institute can be found on the Institute's website: <http://CollinsInstitute.fsu.edu>.

LeRoy Collins Institute Board of Directors:

Chairman Allison DeFoor, D.Min., Tallahassee
Vice Chairman Lester Abberger, Tallahassee
Director Carol S. Weissert, Ph.D., Tallahassee
Clarence Anthony, West Palm Beach
Jim Apthorp, Tallahassee
Jane Collins Aurell, Tallahassee
Jeffrey Bartel, Miami
Colleen Castille, Tallahassee
Betty Castor, Tallahassee
Rena Coughlin, Jacksonville
Richard Crotty, Belle Isle
Sandy D'Alemberte, Tallahassee

Brian Dassler, New Orleans, LA
Rick Edmonds, St. Petersburg
Joel Embry, Fernandina Beach
Pegeen Hanrahan, Gainesville
Patricia Levesque, Tallahassee
Jim Ley, Sarasota
John Marks, III, Tallahassee
Mike Michalson, Ph.D., Sarasota
John Padget, Key West
David Rasmussen, Ph.D., Tallahassee
Don Slesnick, Coral Gables



LEROY COLLINS
INSTITUTE

LeRoy Collins Institute - FSU Campus
P: 850.644.1441 • F: 850.644.1442
506 West Pensacola Street • Tallahassee, Florida 32306-1601
<http://collinsinstitute.fsu.edu> - Follow us on Twitter: @LCInstitute_FL

Committee on Ethics and Elections

CS/SB 2 — Ethics

by Rules Committee; Ethics and Elections Committee; and Senators Latvala, Gardiner, Thrasher, Legg, Lee, Benacquisto, Flores, Diaz de la Portilla, Gaetz, Abruzzo, Altman, Bean, Bradley, Brandes, Braynon, Bullard, Clemens, Dean, Detert, Evers, Galvano, Garcia, Gibson, Grimsley, Hays, Hukill, Joyner, Margolis, Montford, Negron, Richter, Ring, Sachs, Simmons, Simpson, Smith, Sobel, Soto, Stargel, and Thompson

The bill (Chapter 2013-36, L.O.F.) is an omnibus ethics reform package containing numerous significant changes to the Code of Ethics for Public Officers and Employees that include:

- **Dual Public Employment:** prohibiting public officers from accepting employment with the state or a political subdivision that is being offered for the purpose of gaining influence or other advantage based upon the person's holding office or candidacy; and providing criteria that must be met for the employment to be lawfully accepted.
- **Revolving Door:** prohibiting a former legislator from lobbying an executive branch agency, agency official, or employee for a period of two years after leaving office.
- **Ethics Training:** requiring all constitutional officers to complete 4 hours of ethics training each year; specifying requirements for ethics training; requiring the commission to adopt rules to establish minimum course content; and requiring each house of the Legislature to provide for ethics training pursuant to its rules.
- **Blind Trusts:** allowing public officers to create a blind trust in order to avoid conflicts of interests arising from the ownership of those assets; specifying that assets placed in a qualified blind trust cannot give rise to a conflict of interest under s. 112.313(3), F.S., s. 112.313(7), F.S., and s. 112.3143, F.S.; specifying that assets placed in the trust must be free of any restrictions concerning sale or trade and may not be improbable or impossible to transfer without the officer's knowledge; prohibiting certain conduct and communications to assure that the trust is truly "blind;" specifying who may serve as a trustee; prohibits certain individuals from managing the blind trust; and requiring the officer to file a notice of the trust or a copy of the trust agreement with the Commission on Ethics.
- **Voting Conflicts:** providing a definition for the terms "principal by whom retained" and "special private gain or loss;" prohibiting a state public officer from voting on any matter that would inure to his or her special private gain or loss; requiring disclosure of any interest prior to the vote unless it is not possible to do so; providing that, if it is not possible for an officer to disclose an interest prior to the vote, he or she must disclose the interest no later than 15 days after the vote; allowing members of the Legislature to satisfy the disclosure requirements using forms promulgated by their respective house; clarifying that an attorney who serves as a member of the Legislature is not required to disclose information that would violate confidentiality or privilege provided, however, that the member makes a general disclosure apprising the public of the general nature of the conflict; and clarifying that members of the Board of Directors of Enterprise Florida are subject to the voting conflict provisions relating to state public officers in s. 112.3143(2), F.S.

- **Financial Disclosure:** requiring the qualifying officer to electronically transmit financial disclosure forms of a candidate for elected office to the commission; requires the commission to refrain from taking action on complaints alleging immaterial, inconsequential, or de minimis errors or omissions for certain period of time to allow an officer time to cure such an error or omission; providing what constitutes an immaterial, inconsequential, or de minimis error or omission; authorizing an individual required to file a disclosure to have the statement prepared by an attorney or a certified public accountant; requiring an attorney or certified public accountant to sign the completed disclosure form to indicate compliance with applicable requirements and that the disclosure is true and correct based on reasonable knowledge and belief; providing that the failure of the attorney or certified public accountant to accurately transcribe information provided by the filing individual does not constitute a violation; authorizing an elected officer or candidate to use funds in an office account or campaign depository to pay an attorney or certified public accountant for preparing a disclosure; requiring all full and public disclosures of financial interests (CE Form 6) filed with the commission to be scanned and made publicly available on a searchable Internet database beginning with the 2012 filing year; requiring the commission to submit a proposal to the President of the Senate and the Speaker of the House of Representatives for a mandatory electronic filing system by December 1, 2015; revising the definitions in s. 112.3145, F.S. of the terms "local officer" and "specified state employee;" requiring a person filing a statement of financial interest to indicate the method of reporting income; amending the collections techniques available for collecting an unpaid fine for failing to timely file financial disclosure; requiring the commission to attempt to determine whether an individual owing certain fines is a current public officer or public employee; authorizing the commission to notify the Chief Financial Officer or the governing body of a county, municipality, or special district of the total amount of any fine owed to the commission by such individuals; requiring that the Chief Financial Officer or the governing body of a county, municipality, or special district begin withholding portions of any salary payment that would otherwise be paid to the current public officer or public employee until the fine is satisfied; authorizing the Chief Financial Officer or the governing body to retain a portion of payment for administrative costs; authorizing garnishment of wages to collect unpaid fines for failure to timely file financial disclosure owed by individuals who are no longer public officers or public employees; authorizing the commission to contract with a collection agency; authorizing a collection agency to utilize collection methods authorized by law; and extending the statute of limitations to allow up to twenty years to collect such an unpaid fine.
- **Gifts and Honoraria:** provides that a person is not a "procurement employee" if he or she does not exceed, or is expected not to exceed, \$10,000 in purchasing during a year; providing a definition of vendor; prohibiting solicitation of gifts and honoraria from vendors; removing references to committees of continuous existence and political committees from existing gifts and honoraria laws; creating a new prohibition on soliciting or accepting certain "gifts" from a political committee, regardless of the value of the "gift;" defining "gifts" for purposes of the new prohibition; and providing penalty.

- **Executive Branch Lobbying:** authorizing the commission to investigate sworn complaints alleging a prohibited expenditure; authorizing the commission to investigate a lobbyist or principal upon a sworn complaint or random audit; authorizing the Governor and Cabinet to assess a fine on a lobbyist or principal under specified conditions; and providing a civil penalty for failure to disclose certain required information.
- **Complaint Procedures:** authorizing the Commission on Ethics, upon a vote of six members, to investigate a referral alleging a breach of the public trust, or violation of the Code of Ethics that is received from the Governor, the Florida Department of Law Enforcement, a state attorney, or a U.S. Attorney; providing that a complaint may not be filed against a candidate for public office within the 30 day period before the election unless the complaint is based upon personal information or information other than hearsay; authorizing the commission to dismiss a complaint alleging a de minimis violation; providing exceptions; and defining "de minimis violation."

These provisions became law upon approval by the Governor on May 1, 2013.

Vote: Senate 37-0; House 117-0



TOUGH CHOICES

FACING FLORIDA'S GOVERNMENTS

Florida's Counties Bridge the Ethics Policy Gap

Dr. Carol Weissert
Director, LeRoy Collins Institute
Professor of Political Science
Florida State University

Senate Committee on Ethics and Elections
September 23, 2013

Exhibit 6: Does your county offer ethics training for elected county officials?

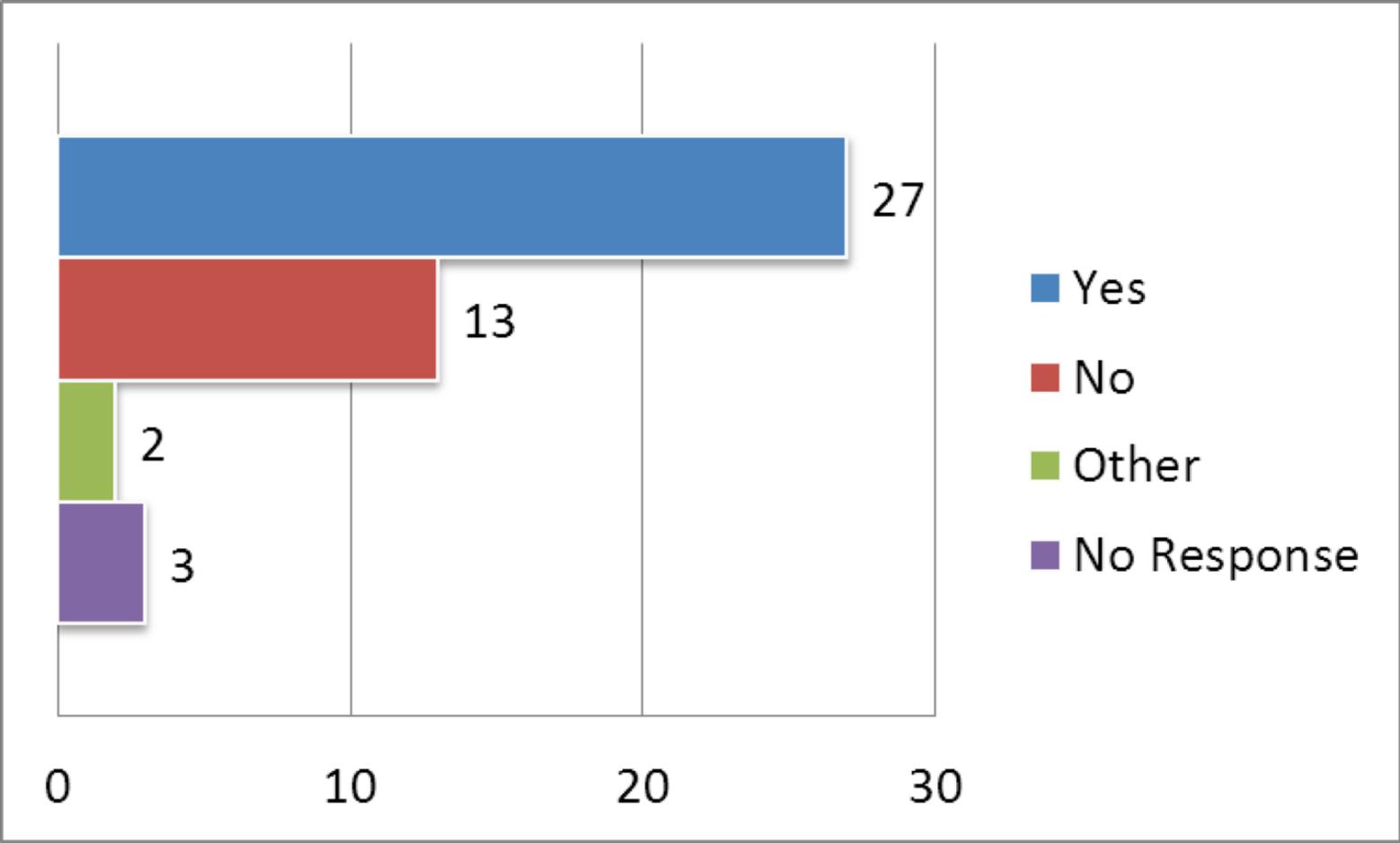


Figure 6

Yes Counties: Bay, Bradford, Broward, Charlotte, Duval, Escambia, Hendry, Lake, Leon, Levy, Manatee, Marion, Martin, Miami Dade, Monroe, Okaloosa, Okeechobee, Orange, Palm Beach, Pinellas, Polk, Putnam, Sarasota, Seminole, St. Johns, St. Lucie and Sumter

Exhibit 5: Does your county have a designated point person for ethics issues?

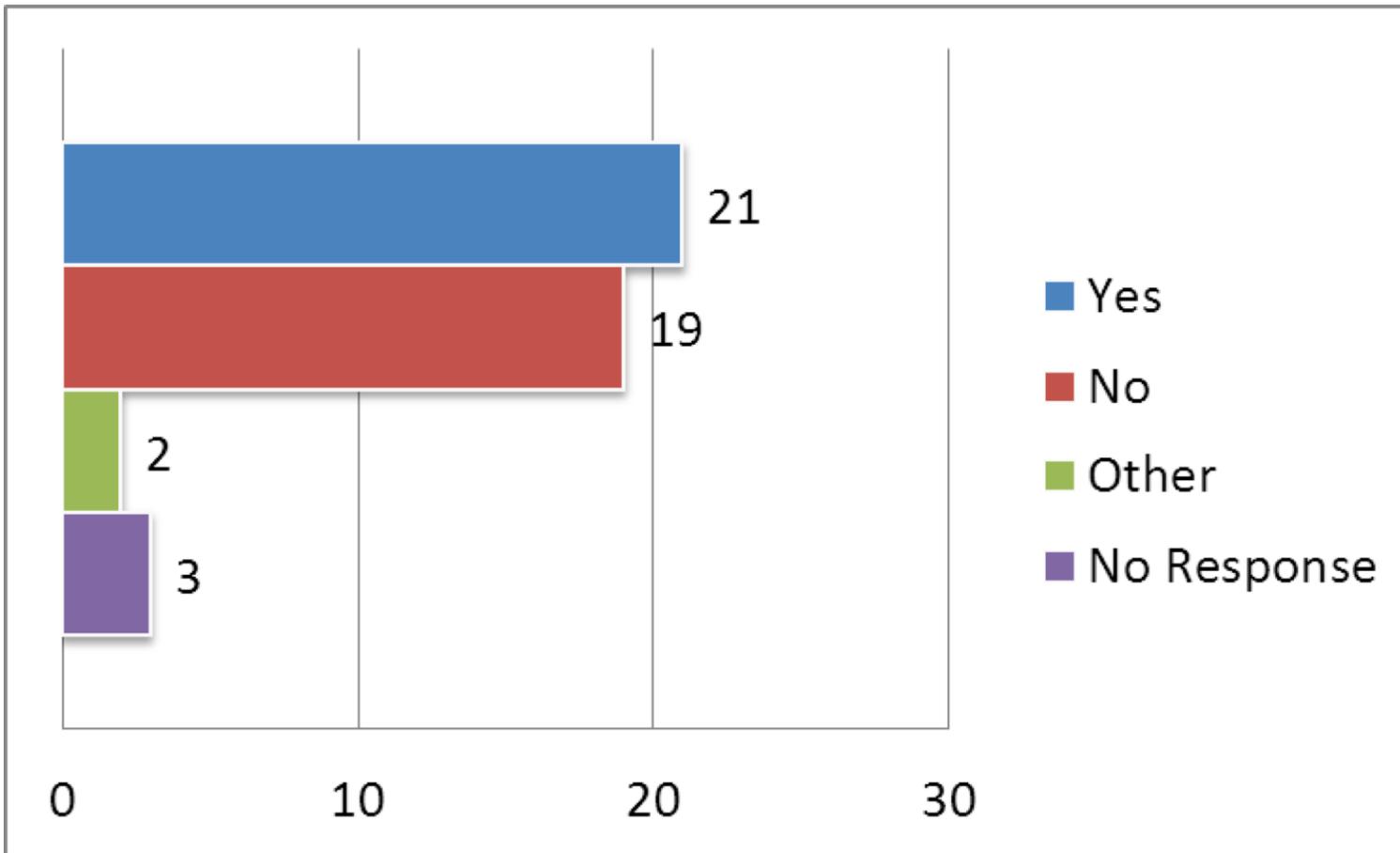


Figure 5

Yes Counties: Broward, Charlotte, DeSoto, Duval, Escambia, Hardee, Hendry, Hillsborough, Leon, Manatee, Marion, Miami Dade, Okaloosa, Okeechobee, Orange, Pinellas, Sarasota, Seminole, St. Johns, St. Lucie and Sumter

Exhibit 11: Has your county adopted any ordinance regulating procurement practices such as a "cone of silence" during bidding?

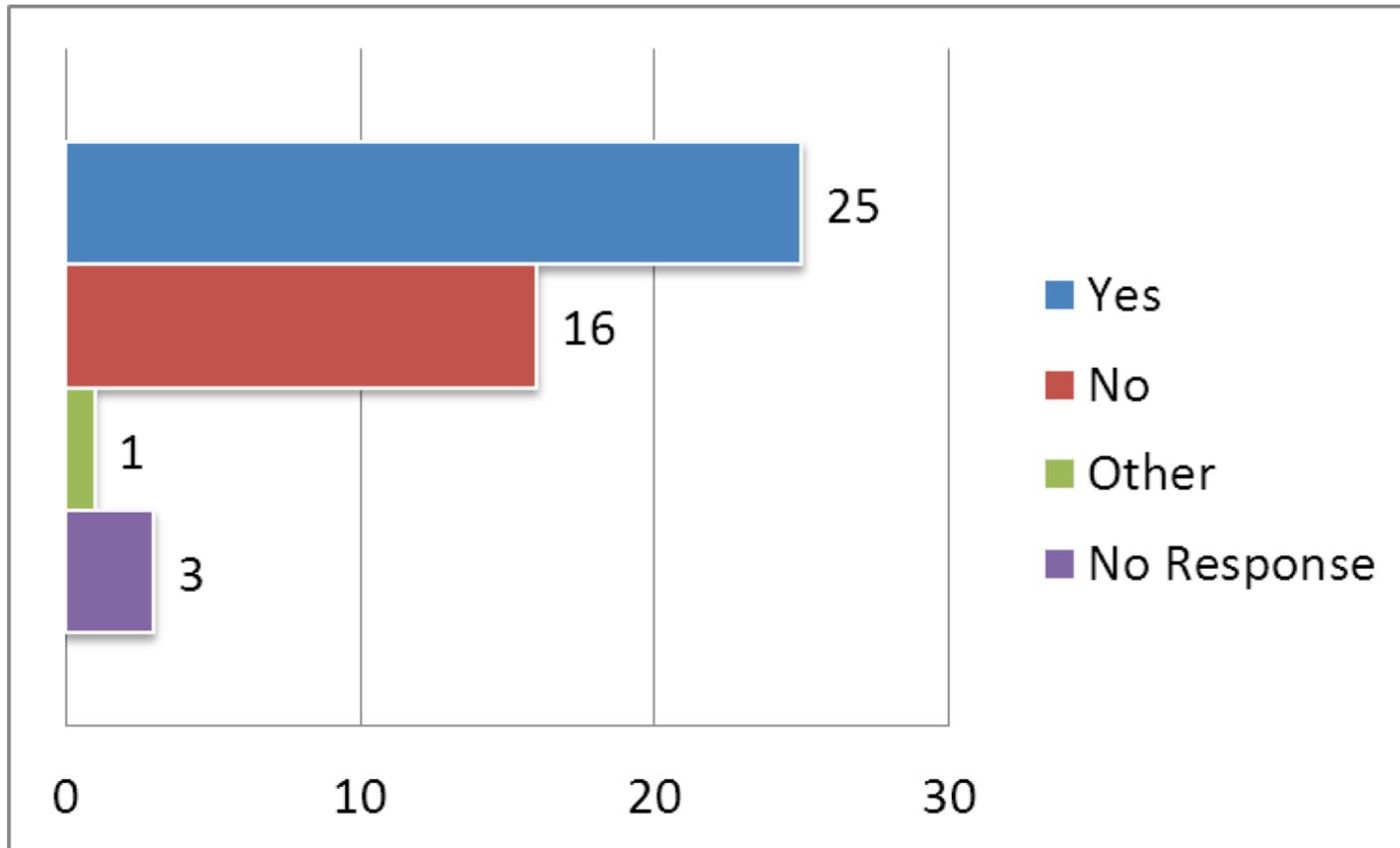


Figure 11

Yes Counties: Bay, Bradford, Broward, Charlotte, Clay, DeSoto, Dixie, Escambia, Hillsborough, Indian River, Leon, Manatee, Marion, Martin, Miami Dade, Okaloosa, Orange, Palm Beach, Pinellas, Polk, Sarasota, Seminole, St. Johns, Sumter and Walton

Exhibit 7: Has your county adopted restrictions on gifts from lobbyists to county commissioners and county employees?

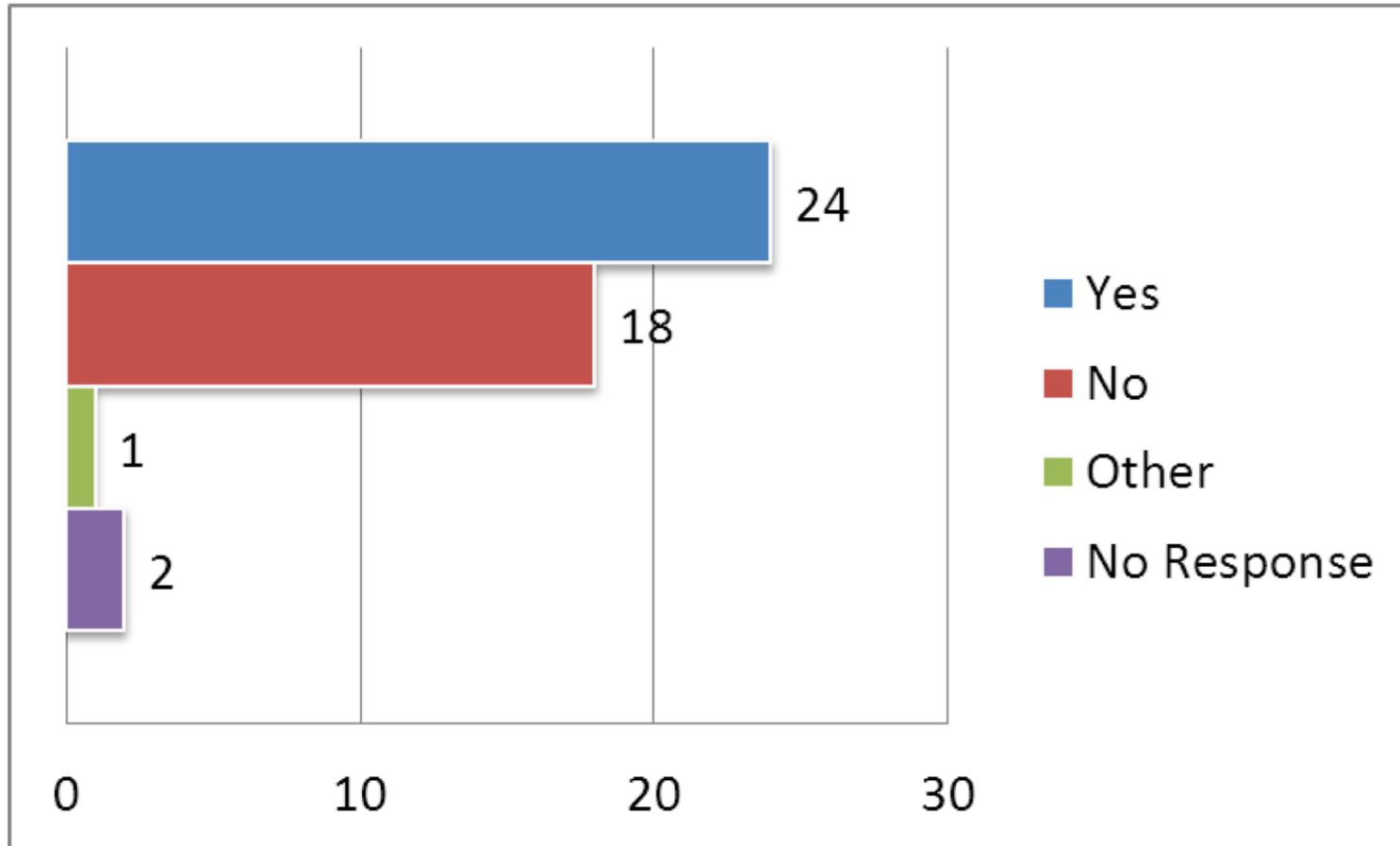


Figure 7

Yes Counties: Bradford, Brevard, Broward, Clay, Duval, Hardee, Hendry, Hernando, Hillsborough, Indian River, Lake, Manatee, Marion, Martin, Okaloosa, Orange, Palm Beach, Pinellas, Polk, Sarasota, Seminole, St. Johns, St. Lucie and Taylor

Exhibit 1: Has your county adopted an ethics code that is different from the state ethics code contained in chapter 112 of state law?

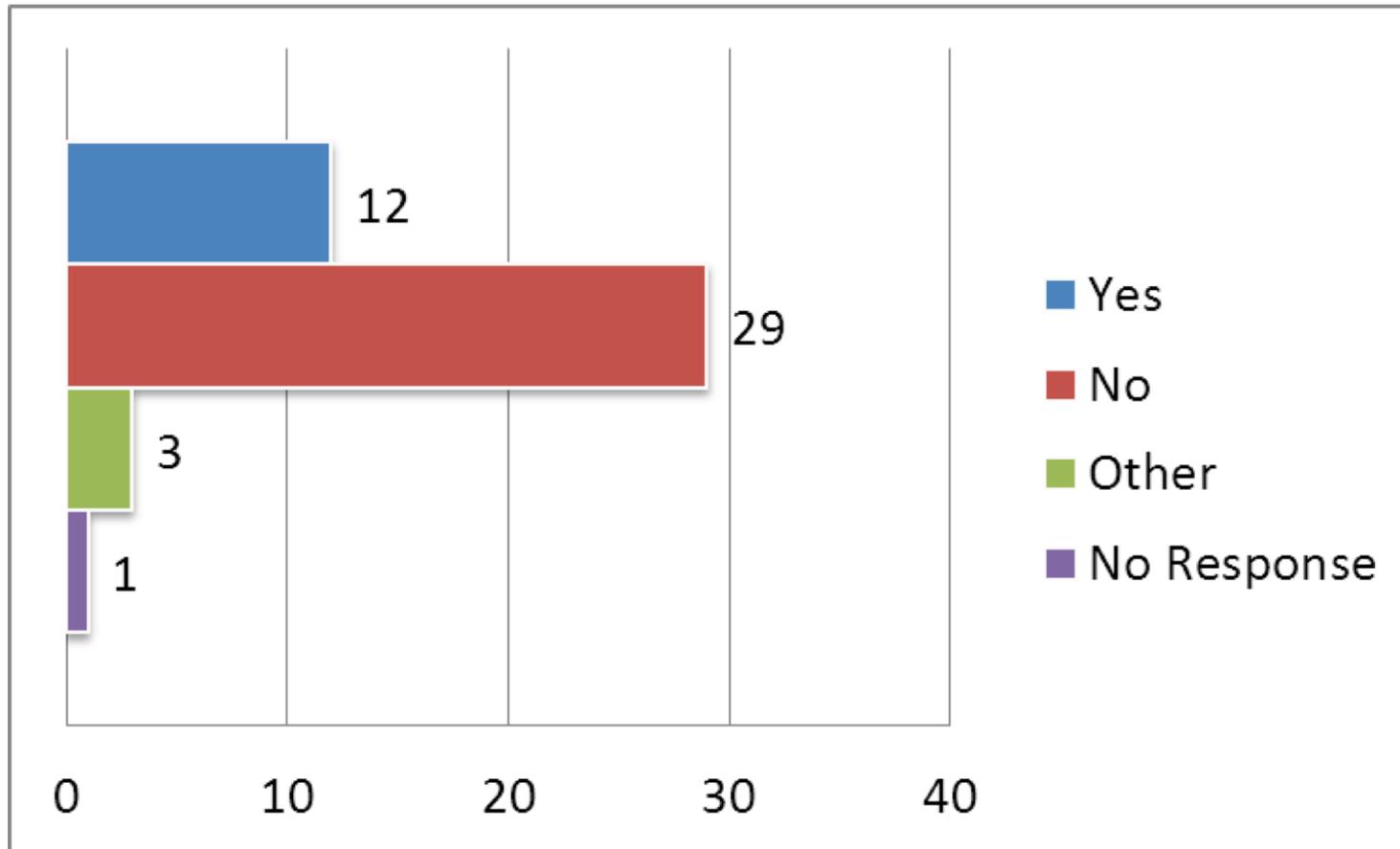


Figure 1

Yes Counties: Broward, Clay, Duval, Escambia, Indian River, Lake, Miami Dade, Orange, Palm Beach, Sarasota, Seminole and St. Johns

Exhibit 2: Has your county adopted an ordinance regarding voting conflicts for elected officials?

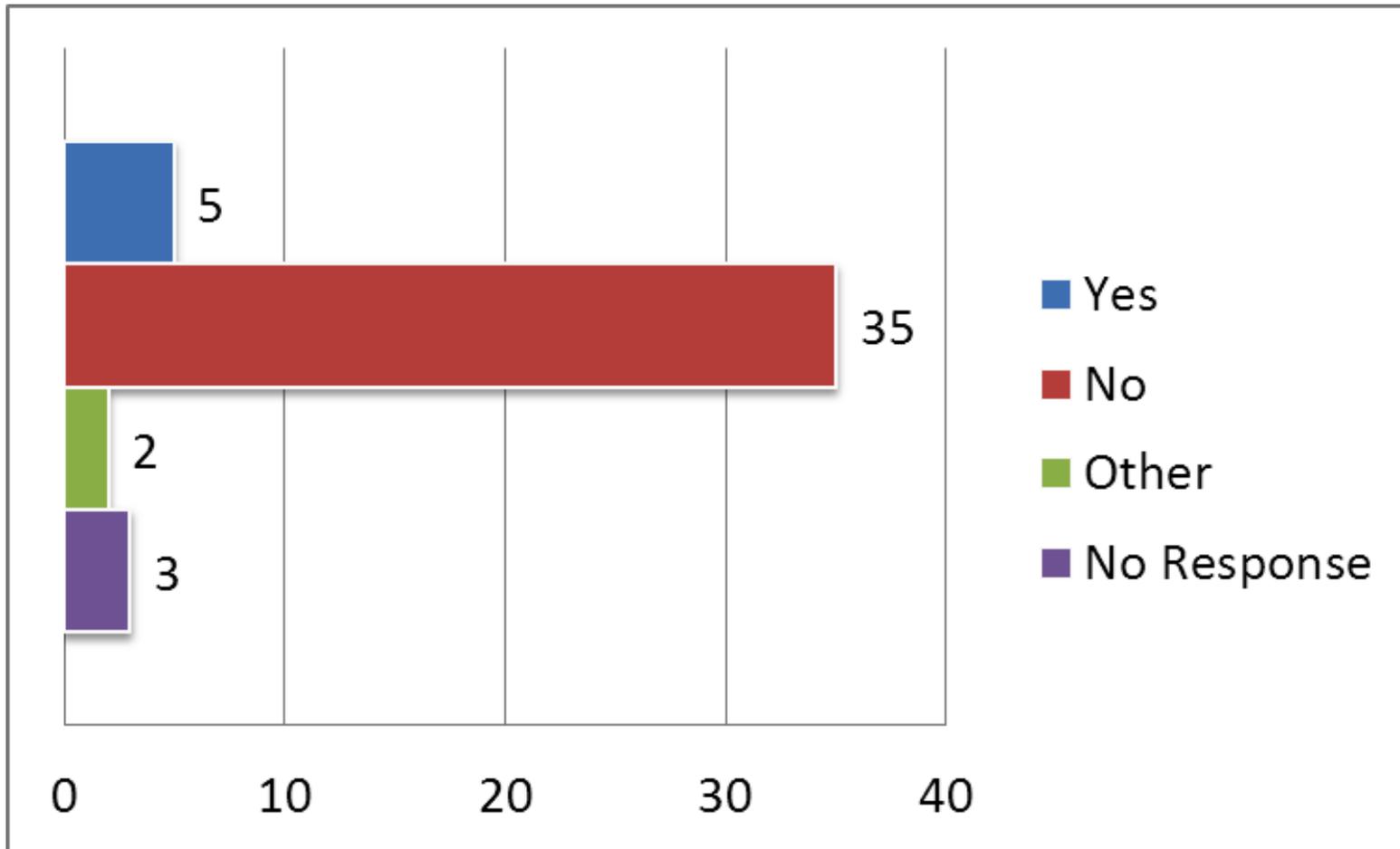


Figure 2

Yes Counties: Hillsborough, Liberty, Miami Dade, Orange and Seminole

Exhibit 3: Does your county have its own Ethics Commission?

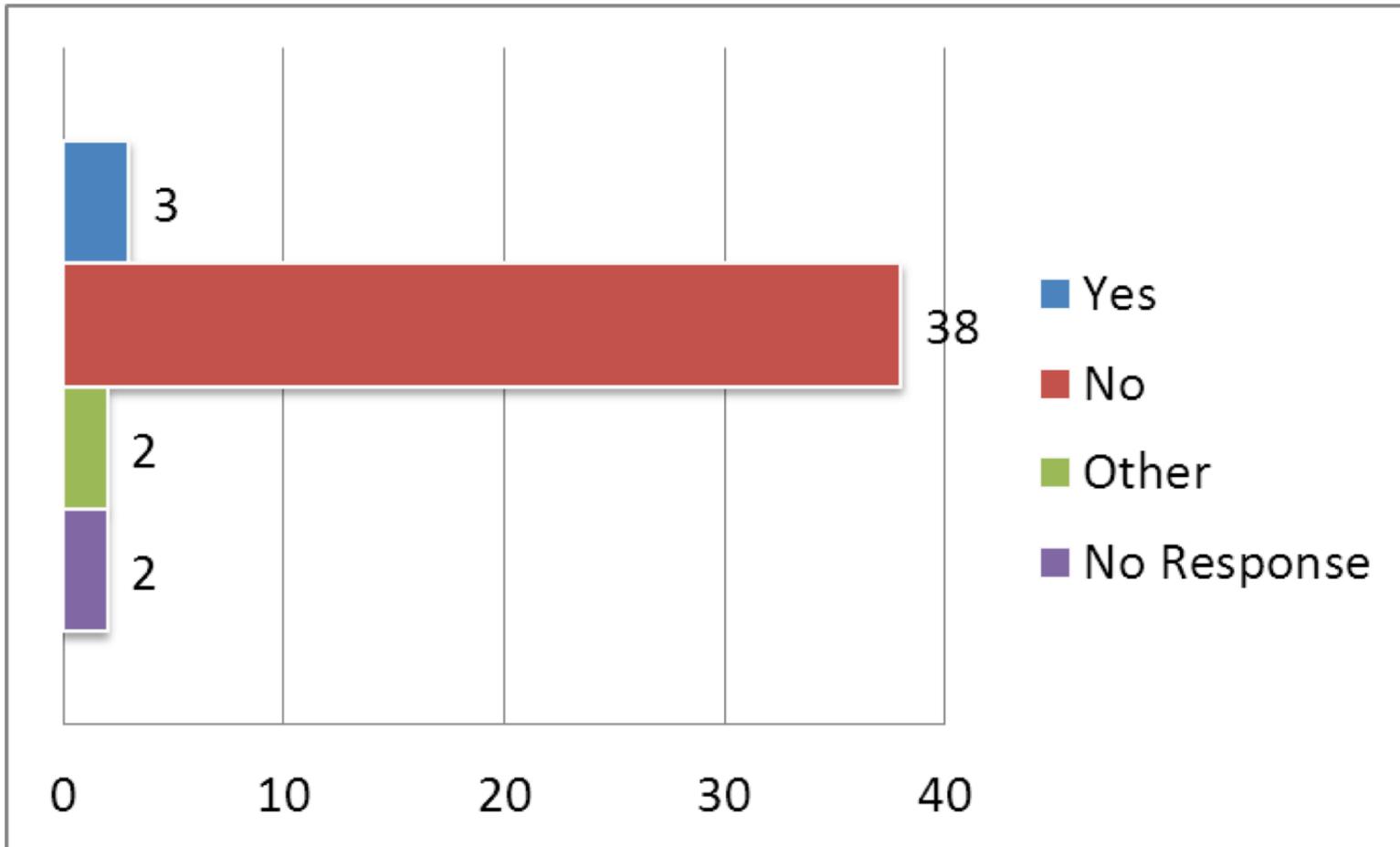


Figure 3

Yes Counties: Duval, Miami Dade and Palm Beach.

Exhibit 4: Does your county have its own independent Inspector General?

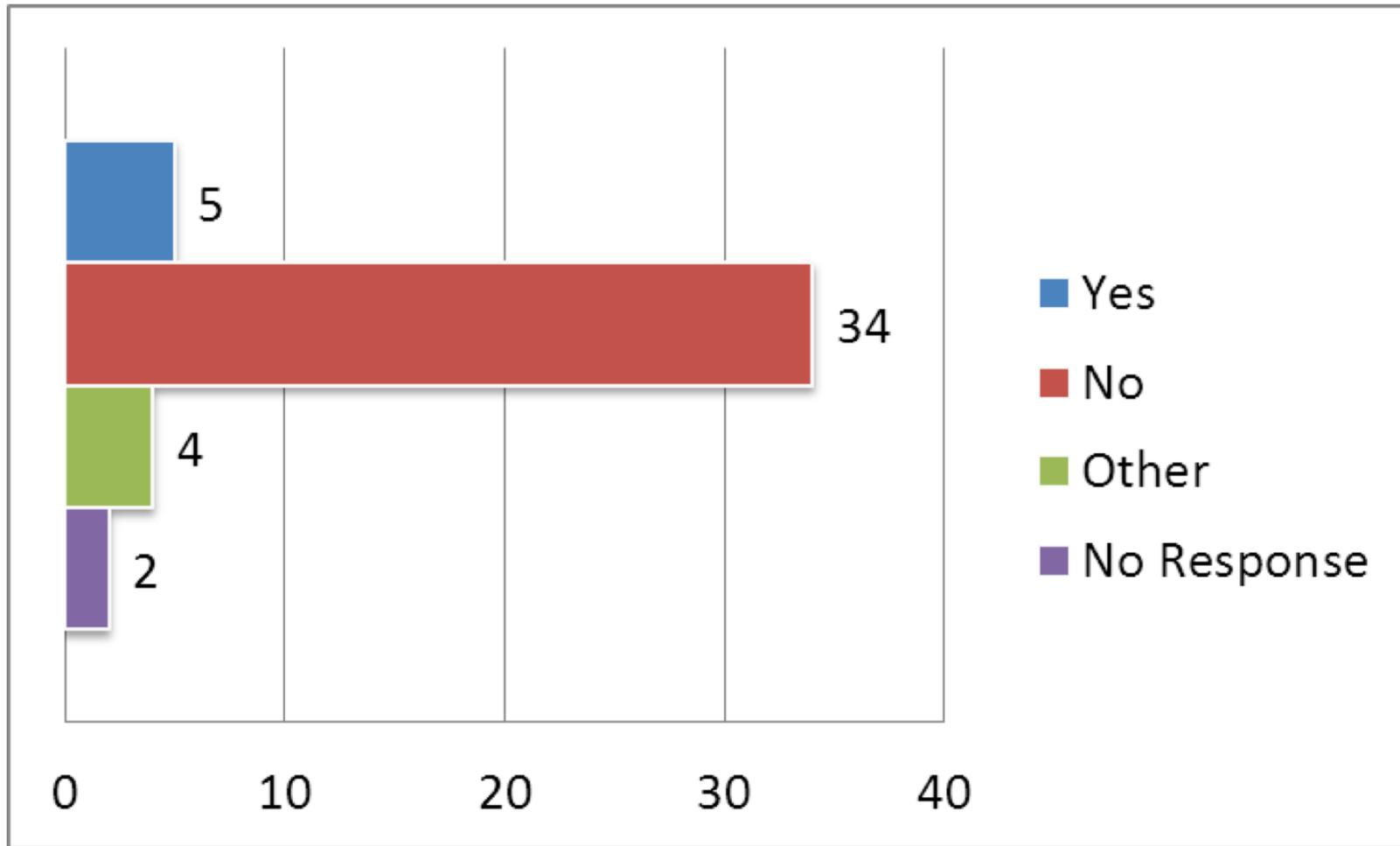


Figure 4

Yes Counties: Broward, Miami Dade, Palm Beach, Pinellas and St. Johns

Since Our Report

- Tallahassee City Commission
- Okaloosa County
- Hillsborough and Miami-Dade Counties
 - Use technology to build open government

Challenge Ahead



TOUGH CHOICES
FACING FLORIDA'S GOVERNMENTS

Tab # 3

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/23/13

Meeting Date

Topic Ethics Reform

Bill Number _____ (if applicable)

Name Dan Krassner

Amendment Barcode _____ (if applicable)

Job Title Executive Director

Address 715 N. Calhoun St. #4

Phone 850-321-0432

Tallahassee FL 32303
City State Zip

E-mail _____

Speaking: For Against Information

Representing Integrity Florida

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

Tab #3

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

9/23/2013
Meeting Date

Topic ETHICS POLICY GAP

Bill Number 2013-36 L.O.F.
(if applicable)

Name Mrs. SHEILA ANDERSON

Amendment Barcode _____
(if applicable)

Job Title PRIVATE CITIZEN

Address SW 128 Street
Street

Phone 305 372 9200

Ocala
City

FL
State

34473
Zip

E-mail _____

Speaking: For Against Information

Representing MYSELF

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

Tab #3

THE FLORIDA SENATE

COMMITTEE APPEARANCE RECORD

(Submit to Committee Chair or Administrative Assistant)

9-23-2013

Date

Bill Number

Barcode

Name BRIAN PITTS

Phone 727/897-9291

Address 1119 Newton Avenue South

E-mail justice2jesus@yahoo.com

Street

St. Petersburg

FL

33705

Job Title Trustee

City

State

Zip

Speaking: For Against Information

Appearing at request of Chair

Subject ethics presentation

Representing Justice-2-Jesus

Lobbyist registered with Legislature: Yes No

Pursuant to s. 11.061, Florida Statutes, state, state university, or community college employees are required to file the first copy of this form with the Committee, unless appearance has been requested by the Chair as a witness or for informational purposes. If designated employee: Time: from _____ .m. to _____ .m.



THE FLORIDA SENATE

COMMITTEE ON ETHICS AND ELECTIONS

Location

420 Knott Building

Mailing Address

404 South Monroe Street
Tallahassee, Florida 32399-1100
(850) 487-5828

Senator Jack Latvala, *Chair*
Senator Eleanor Sobel, *Vice Chair*

Professional Staff: Dawn K. Roberts, *Staff Director*

Senate's Website: www.flsenate.gov

MEMORANDUM

This memorandum provides a brief history of the “residence” requirement for members of the Legislature and how courts determine whether “residence” has been established.

The Requirement

The 1868 Florida Constitution required that the legislative members “shall be duly qualified electors in the respective counties and districts which they represent.”¹ Since that time, an elector has been required to be a permanent resident of the state.² Also, the Florida Constitution of 1885 further provided a legislative office would be automatically vacated if a member moved their permanent residence outside the county or district in which they were elected.³ This provision was not retained when the 1968 Florida Constitution was adopted.

Currently, the Florida Constitution, article III, section 15(c), provides “[e]ach legislator shall be at least twenty-one years of age, *an elector and resident of the district from which elected* and shall have resided in the state for a period of two years prior to election.” (Emphasis added.)⁴ No court has expressly construed and applied this provision with respect to the qualifications of a legislator because the power to judge the qualifications of its members rests exclusively with each respective legislative chamber.⁵ Accordingly, the Legislature, specifically each chamber, interprets for itself the meaning of these words. In construing such words, it is prudent and appropriate to look to the interpretations and opinions of this state’s courts and administrative agencies tasked with making determinations of legal residency.

¹This same wording was carried over in the 1885 Florida Constitution:

²The Florida Constitution of 1868 provided: “Every male person.... who shall have resided and had his habitation, domicil, home, and place of permanent abode in Florida for one year, and in the county for six months, next preceding the election at which he shall offer to vote, shall in such county be deemed a qualified elector at all elections under this Constitution.” See Fla. Const., art. XIV, s. 1 (1868). The same language was included in the Florida Constitution of 1885. See Fla. Const., art. VI, s. 1 (1885).

³See Fla. Const., art. III, s. 8.

⁴Our constitution continues the requirement that an elector must be a permanent resident of the state. See Fla. Const., art. VI, s. 2. Because a person must be an elector to serve in the Legislature, he or she must be a permanent resident.

⁵See Fla. Const., art. III, s. 2 (“Each house shall be the sole judge of the qualifications, elections, and returns of its members....”); see also *English v. Bryant*, 152 So. 2d 167 (1963); and *McPherson v. Flynn*, 397 So. 2d 665 (1981).

MEMORANDUM

Page 2

A member should meet these qualifications at the time he or she assumes office. The Florida Constitution states a member “takes office upon election.”⁶ “Upon election” has traditionally been deemed to be the day of the election.⁷ This tradition has been codified in statute.⁸

As used in this context, “permanent resident” and “legal resident” are synonymous terms that denote a *domicile* or permanent abode.⁹ Despite the difference in the terms, where a statute prescribes residence as a qualification for the enjoyment of a privilege, or the exercise of a franchise, and whenever the terms are used in connection with subjects of domestic policy, domicile and residence have been deemed to be equivalent interchangeable terms.¹⁰ The requirement, therefore, means more than just having a *residence* in a district. Rather, the constitutional requirement that a legislator be a resident of his or her district means that the person must have his or her *legal residence*, or *domicile*, within that district. For the purposes of this memorandum, any future references to “resident” or “residence” means legal residence or domicile unless otherwise specified.

What is “residence?”

Though not addressing legislators, there are several Florida decisions concerning whether an officer or candidate satisfies the residence requirement to qualify as a candidate or to qualify for office upon election. Obviously, one’s residence is clear if he or she only owns, rents, or lives in one place. In these cases, residence typically becomes an issue when a candidate or officer owns or maintains multiple homes within the state or when he or she is moving during the time for qualifying or near election day.

There is no silver bullet or single factor that has historically been used to determine residence; rather, residency has been determined on a case-by-case basis after weighing all of the relevant facts. Courts explain the term “residence” or “domicile” as follows:

One can have only one domicile.¹¹ Legal residence, or domicile, means a residence at a particular place, accompanied with positive or presumptive proof of an intention to remain there for an unlimited time.¹² Legal residence consists of the concurrence of both fact and intention. In terms of establishing residence, the bona fides of the intention is a highly significant factor.¹³ Historically, the place where a married person’s family resides is generally deemed to be his

⁶ Fla. Const., art. III, s. 15(d)

⁷ See *State v. Grassi*, 532 So.2d 1055 (Fla. 1988); see also AGO 72-224; and Fla. Div. Elect Op. 10-09.

⁸ Section 100.041(1), Fla. Stat.

⁹ “The rule is well settled that the terms ‘residence,’ ‘residing,’ or equivalent terms, when used in statutes, or actions, or suits relating to taxation, right of suffrage, divorce, limitations of actions, and the like, are used in the sense of ‘legal residence’; that is to say, the place of domicile or permanent abode, as distinguished from temporary residence.” *Herron v. Passailaigue*, 110 So. 539, 543 (Fla. 1926)

¹⁰ See *id.* at 478.

¹¹ *Minick v. Minick*, 111 Fla. 469, 478 (Fla. 1933).

¹² *Bloomfield v. City of St. Petersburg Beach*, 82 So.2d 364, 368 (Fla. 1955)

¹³ *Id.*

MEMORANDUM

Page 3

legal residence. However, this presumption can be overcome by other circumstances.¹⁴ Absence from one's current domicile or legal residence without the intent to abandon it does not result in the obtainment of a new domicile at wherever one might be presently located, even where the absence may be for an extended period of time.¹⁵ Establishment of residence will usually depend on a variety of acts or declarations all of which must be weighed in the particular case as evidence would be weighed upon any other subject.¹⁶

The following is a non-exhaustive list of facts that the courts have considered as indicia of establishing residence:

- selling the home where one was previously domiciled;¹⁷
- transferring one's bank accounts to where one maintains a residence;¹⁸
- maintaining a residence with one's spouse;¹⁹
- where one conducts business affairs;²⁰
- where one leases an apartment;²¹
- where one plans the construction of a new home;²²
- where one has registered as a voter;²³
- where one maintains a homestead exemption;²⁴
- where one has identified the residence on their driver's license or other government documents;²⁵
- where one receives mail and correspondence;
- where one customarily resides;²⁶
- whether the structure has the normal features of a home;²⁷ and
- statements made indicating intention to move to the district²⁸

In essence, any evidence that would indicate that one has adopted a particular location as one's home and the "chief seat of [one's] affairs and interests" would be instrumental in proving permanent residency when combined with one's intent to make that location one's permanent

¹⁴ *Smith v. Croom*, 7 Fla. 81 (Fla. 1857)

¹⁵ See e.g. *Bloomfield v. City of St. Petersburg Beach*, 82 So. 2d 364 (Fla. 1955); *Wade v. Wade*, 113 So. 374, 377 (Fla. 1927); *Warren v. Warren*, 75 So. 35 (Fla. 1917); and *Dennis v. State*, 17 Fla. 389 (1879).

¹⁶ *Id.*

¹⁷ See *Bloomfield v. City of St. Petersburg Beach*, 82 So. 2d 364 (Fla. 1955).

¹⁸ See *id.*

¹⁹ See *id.*; see also *Smith v. Croom*, 7 Fla. 81 (1857).

²⁰ See *Bloomfield v. City of St. Petersburg Beach*, 82 So. 2d 364 (Fla. 1955).

²¹ See *Frank v. Frank*, 75 So. 2d 282 (Fla. 1954).

²² See *Biederman v. Cheatham*, 161 So. 2d 538 (Fla. 2d DCA 1964).

²³ See Op. Atty. Gen. 063-31 (March 20, 1963).

²⁴ *Weiler v. Weiler*, 861 So. 2d 472, 477 (Fla. 5th DCA 2003).

²⁵ See *id.*

²⁶ See *id.*

²⁷ See *Perez v. Marti*, 770 So.2d 284 (Fla. 3rd DCA 2000).

²⁸ See *Walker v. Harris*, 398 So.2d 955 (Fla. 4th DCA 1981) and *Butterworth v. Espey*, 565 So.2d 398 (Fla. 2nd DCA 1990).

MEMORANDUM

Page 4

residence.²⁹ Although some authorities suggest that factors such as where one possesses and exercises political rights might be given less weight,³⁰ the better course indicates that all the evidence should be weighed in the totality of the circumstances.³¹

²⁹ See *Bloomfield v. City of St. Petersburg Beach*, 82 So. 2d 364, 368 (Fla. 1955).

³⁰ *Smith v. Croom*, 7 Fla. 81, 159 (1857).

³¹ See *Bloomfield v. City of St. Petersburg Beach*, 82 So. 2d 364, 368 (Fla. 1955)

Guidelines for Determining When Residency Qualifications for Office Must be Met (updated 3-12)

For reference purposes only: Interested persons or entities should refer to the Florida Statutes and applicable case, and/or consult a private attorney before making any legal conclusions or relying upon the information provided.

City Commissioner	At the time of assuming office, unless provided otherwise by city charter or ordinance. DE 94-04; DE 92-10; Nichols v. State 177 So.2d 467 (Fla. 1965) & Marina v. Leahy, 578 So.2d 382 (Fla. 3 rd DCA 1991)(re reasonable durational residency requirements)
County Commissioner	At the time of election. <u>State v. Grassi</u> , 532 So.2d 1055 (Fla. 1988); s. 1(e), art. VIII, Fla. Const.; DE 92-10, DE 94-04; AGO 74-293
Constitutional County Officers (e.g., clerk of court, supervisor of elections, property tax appraiser, sheriff, etc.)	At the time of assuming office. By analogy, refer to <u>Advisory Opinion to Governor</u> , 192 So.2d 757 (Fla. 1966); DE 90-30, DE 92-10, DE 94-04 (no minimum residency requirements set out in Florida Constitution but there may be county charters that mandate some durational residency)
Judicial Officers	At the time of assuming office. By analogy, refer to <u>Advisory Opinion to Governor</u> , 192 So.2d 757 (Fla. 1966); DE 94-04, and DE 78-31; s. 8, Art. V, Fla. Const. (justice/judge must be elector of state and reside in territorial jurisdiction of court)
State Legislators	At the time of election. See s. 15, art. III, Fla. Const. (for qualifications including residency). Legislator must be resident of district 'from which elected' but be a resident in state for two years prior to election.
School Board Member	At the time of qualifying (for residency ss. 1001.34, 1001.361, Fla. Stat. -- formerly 230.10, Fla. Stat.) (DE 82-2, 94-04 --statute cited is s. 230.10, Fla. Stat.)
School Superintendent	At the time of assuming office. See DE 94-04; see s. 1001.463, Fla. Stat., failure to maintain residency results in vacancy (implies residency requirement); s. 5, art. IX, Fla. Const. (4-yr term); s. 1001.46, Fla. Stat. (elected); s. 1001.461, Fla. Stat. (appointed)
Write-in Candidate	At the time of qualifying. See s. 99.0615, Fla. Stat. (residency requirements)

- Rule of thumb: Unless otherwise provided for constitutionally, legislatively or judicially, the residency requirement, if one exists, for an office must be met at the time of assuming office. For example, Governor must have resided in state 7 years by time of election. See s. 5, Art. IV, Fla. Const.
- State law requires that all candidates at the time of qualifying subscribe to an oath that they are qualified electors of their county. In order to be a qualified elector, one must be a resident of Florida and the county wherein he or she registers to vote. Although the completed oath is an affirmation at the time of execution that the candidate meets the requirements for qualifying such as residency, in practice, the candidate is expected to meet the requirements at the time of assuming office unless otherwise provided for constitutionally, legislatively or judicially. See s. 99.021, Fla. Stat.
- A residency requirement, if one exists, for an office is a continuous one. Failure to maintain the residency through term results in vacancy in office. See generally s. 3, art. X, Fla. Const., s. 114.01(1)(g), Fla. Stat. In absence of a statute, constitutional provision or municipal ordinance that establishes a residency requirement, failure to maintain residency alone would not trigger a vacancy in office. See AGO 75-113; AGO 88-11 (exception for redistricting).
- Any questions regarding residency requirements not otherwise expressly stated in the Florida Election Code should be addressed to the Florida Attorney General's Office.
- Questions about residency relating to a U.S. Senator or U.S. Representative should be directed to the respective Congressional chamber with exclusive jurisdiction over the qualifications including the residency of its membership. See ss. 2, 3, & 5, Art. I, U.S. Const. States have no authority to add more residency requirements.

Sources: Advisory opinions for Division of Elections (<http://election.dos.state.fl.us/>); Attorney General (<http://myfloridalegal.com>); case law

Candidates -

1. What are the residency requirements for candidates?
 - **President of the United States:** a natural born citizen and resident of the U.S. for the last 14 years.
 - **United States Senator:** a citizen of the U.S. for at least 9 years and resident of the state when elected.
 - **United States Representative in Congress:** a citizen of the U.S. for at least 7 years and resident of the state when elected.
 - **Governor and Lieutenant Governor:** an elector and resident of the state for the preceding 7 years.
 - **Cabinet Members:** an elector and resident of the state for the preceding 7 years.
 - **State Senator:** an elector and resident of the district upon taking office and a resident of the state for at least 2 years prior to election.
 - **State Representative:** an elector and resident of the district upon taking office and a resident of the state for at least 2 years prior to election.
 - **State Attorney:** an elector and resident of the circuit upon taking office.
 - **Public Defender:** an elector and resident of the circuit upon taking office.
 - **Justice of the Supreme Court:** an elector and resident of the state upon taking office.
 - **Judge, District Court of Appeal:** an elector and resident of the territorial jurisdiction of the court upon taking office.
 - **Circuit Judge:** an elector and resident of the territorial jurisdiction of the court upon taking office.

From Frequently Asked Questions, Florida Department of State, Division of Elections



Residency Requirements for Voters or Candidates (as of August 2013)

In August 2013, a request for information about residency requirements for voters or candidates was posted to the listserv of the Legal Services Staff Section. The specific questions were:

- In your state, do you have a constitutional provision, a statutory provision, legislative investigation/decision in a challenge, or case law that defines residency—or sets out the requirements for determining residency—for voters or candidates?
- If yes, may I get a citation?

Shown below is a summary of the listserv responses and additional research done by NCSL staff.

Alaska

Sec. 15.05.020. Rules for determining residence of voter.

For the purpose of determining residence for voting, the place of residence is governed by the following rules:

(1) A person may not be considered to have gained a residence solely by reason of presence nor may a person lose it solely by reason of absence while in the civil or military service of this state or of the United States or of absence because of marriage to a person engaged in the civil or military service of this state or the United States, while a student at an institution of learning, while in an institution or asylum at public expense, while confined in public prison, while engaged in the navigation of waters of this state, or the United States or of the high seas, while residing upon an Indian or military reservation, or while residing in the Alaska Pioneers' Home.

(2) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever absent, the person has the intention to return. If a person resides in one place, but does business in another, the former is the person's place of residence. Temporary construction camps do not constitute a dwelling place.

(3) A change of residence is made only by the act of removal joined with the intent to remain in another place. There can only be one residence.

(4) A person does not lose residence if the person leaves home and goes to another country, state or place in this state for temporary purposes only and with the intent of returning.

(5) A person does not gain residence in any place to which the person comes without the present intention to establish a permanent dwelling at that place.

(6) A person loses residence in this state if the person votes in another state's election, either in person or by absentee ballot, and will not be eligible to vote in this state until again qualifying under [AS 15.05.010](#).

(7) *[Repealed, Sec. 38 ch 116 SLA 1972]*.

(8) The term of residence is computed by including the day on which the person's residence begins and excluding the day of election.

(9) *[Repealed, Sec. 38 ch 116 SLA 1972]*.

(10) The address of a voter as it appears on an official voter registration card is presumptive evidence of the person's voting residence. This presumption is negated only by the voter notifying the director in writing of a change of voting residence.

Arizona

16-101. [Qualifications of registrant; definition](#)

A. Every resident of the state is qualified to register to vote if he:

1. Is a citizen of the United States.
2. Will be eighteen years of age or more on or before the date of the regular general election next following his registration.

3. Will have been a resident of the state twenty-nine days next preceding the election, except as provided in section 16-126.

4. Is able to write his name or make his mark, unless prevented from so doing by physical disability.

5. Has not been convicted of treason or a felony, unless restored to civil rights.

6. Has not been adjudicated an incapacitated person as defined in section 14-5101.

B. For purposes of this title, "resident" means an individual who has actual physical presence in this state, or for purposes of a political subdivision actual physical presence in the political subdivision, combined with an intent to remain. A temporary absence does not result in a loss of residence if the individual has an intent to return following his absence. An individual has only one residence for purposes of this title.

16-121. Qualified elector; definition

A. A person who is qualified to register to vote pursuant to section 16-101 and who is properly registered to vote shall, if he is at least eighteen years of age on or before the date of the election, be deemed a qualified elector for any purpose for which such qualification is required by law, except as provided in section 16-126. A person continues to be a qualified elector until that person's registration is canceled pursuant to section 16-165 or until that person does not qualify as a resident as prescribed by section 16-101, subsection B.

B. For purposes of subsection A of this section, a person who does not reside at a fixed, permanent or private structure shall be properly registered to vote if that person is qualified pursuant to section 16-101 and if that person's registration address is any of the following places located in this state:

1. A homeless shelter to which the registrant regularly returns.

2. The place at which the registrant is a resident.

3. The county courthouse in the county in which the registrant resides.

4. A general delivery address for a post office covering the location where the registrant is a resident.

C. A person who is otherwise qualified to register to vote shall not be refused registration or declared not qualified to vote because the person does not live in a permanent, private or fixed structure.

D. As used in this section, "homeless shelter" means a supervised publicly or privately operated shelter designed to provide temporary living accommodations to individuals who lack a fixed, regular and adequate nighttime residence.

16-124. Public officer residing in county of post of duty

Any public officer of the state, including a judge of the court of appeals, whose post of duty is located in a county other than in the county from which elected or appointed, and who is physically residing where his post of duty is located, shall be deemed a qualified elector and resident of the county from which elected or appointed if he registers, or remains registered, to vote in a precinct in such county. This section shall also apply to the spouse and any dependents of such public officer if otherwise qualified to vote and actually residing with the public officer.

Arkansas

7-5-201. Voter qualification.

... (b) "Voting residence" shall be a voter's domicile and shall be governed by the following provisions:

(1) The domicile of a person is that place in which his or her habitation is fixed to which he or she has the intention to return whenever he or she is absent;

(2) A change of domicile is made only by the act of abandonment, joined with the intent to remain in another place. A person can have only one (1) domicile at any given time;

(3) A person does not lose his or her domicile if he or she temporarily leaves his or her home and goes to another country, state, or place in this state with the intent of returning;

(4) The place where a person's family resides is presumed to be his or her place of domicile, but a person may acquire a separate residence if he or she takes another abode with the intention of remaining there;

(5) A married person may be considered to have a domicile separate from that of his or her spouse for the purposes of voting or holding office. For those purposes, domicile is determined as if the person were single; and

(6) Persons who are temporarily living in a particular place because of a temporary work-related assignment or duty post or as a result of their performing duties in connection with their status as military personnel, students, or office holders shall be deemed residents of that place where they established their home prior to beginning such assignments or duties.

California

Elections Code

Chapter 4 Definitions

349. (a) "Residence" for voting purposes means a person's domicile.

(b) The domicile of a person is that place in which his or her habitation is fixed, wherein the person has the intention of remaining, and to which, whenever he or she is absent, the person has the intention of returning. At a given time, a person may have only one domicile.

(c) The residence of a person is that place in which the person's habitation is fixed for some period of time, but wherein he or she does not have the intention of remaining. At a given time, a person may have more than one residence.

Colorado

1-1-104. Definitions

As used in this code, unless the context otherwise requires:

... (43) "Residence" means the principal or primary home or place of abode of a person, as set forth in [section 1-2-102](#).

1-2-102. Rules for determining residence

(1) The following rules shall be used to determine the residence of a person intending to register or to vote in any precinct in this state and shall be used by election judges in challenge procedures:

(a) (I) The residence of a person is the principal or primary home or place of abode of a person. A principal or primary home or place of abode is that home or place in which a person's habitation is fixed and to which that person, whenever absent, has the present intention of returning after a departure or absence, regardless of the duration of the absence. A residence is a permanent building or part of a building and may include a house, condominium, apartment, room in a house, or mobile home. No vacant lot or business address shall be considered a residence.

(II) The mailing address of a homeless individual shall constitute that individual's residence for purposes of registering or voting in any precinct in this state. A homeless individual who has no mailing address shall not be eligible to register or to vote. The mailing address of a homeless individual may include a shelter, a homeless service provider, or a private residence, but it may not include a post office box or general delivery at a post office.

(b) In determining what is the principal or primary place of abode of a person, the following circumstances relating to the person shall be taken into account: Business pursuits, employment, income sources, residence for income or other tax purposes, age, marital status, residence of parents, spouse, and children, if any, leaseholds, situs of personal and real property, existence of any other residences and the amount of time spent at each residence, and motor vehicle registration.

(c) The residence given for voting purposes shall be the same as the residence given for motor vehicle registration and for state income tax purposes.

(d) A person shall not be considered to have gained a residence in this state, or in any county or municipality in this state, while retaining a home or domicile elsewhere.

(e) If a person moves to any other state with the intention of making it a permanent residence, that person shall be considered to have lost Colorado residence after thirty days' absence from this state unless the person has evidenced an intent to retain a residence in this state by a self-affirmation executed pursuant to [section 1-8-114](#).

(f) If a person moves from one county or precinct in this state to another with the intention of making the new county or precinct a permanent residence, after thirty days the person shall be considered to have lost residence in the county or precinct from which the person moved.

Excerpt from annotations to above section

II. ESTABLISHING RESIDENCE.

A person is not entitled to vote unless he has adopted the state as a fixed and permanent habitation. *Merrill v. Shearston*, 73 Colo. 230, 214 P. 540 (1923).

And there must not only be a personal presence, but an intent to make the place his true home. *Merrill v. Shearston*, 73 Colo. 230, 214 P. 540 (1923).

And a change of voting place is compelling evidence of an intention to make a change in residence. *Kellner v. Dist. Court*, 127 Colo. 320, 256 P.2d 887 (1953).

But residence is not acquired by mere intention. *People v. Turpin*, 49 Colo. 234, 112 P. 539 (1910).

The mere intention to return to a former abode at some more or less indefinite time, with no other indicia of a home or domicile, may not fulfill the usual requirements of legal residence for voting purposes. *Gordon v. Blackburn*, 618 P.2d 668 (Colo. 1980).

As the residence contemplated is synonymous with home or domicile and means actual settlement within the state. *Sharp v. McIntire*, 23 Colo. 99, 46 P. 115 (1896); *People v. Turpin*, 49 Colo. 234, 112 P. 539 (1910).

Hence, mere purchase of home in the state is not sufficient. The purchase by a citizen of another state of a plantation in this state with a bona fide purpose to remove to it, and make it his home as soon as possession can be acquired, but in the meantime retaining his former home, does not constitute him a resident of this state, though he afterwards, pursuing his original purpose, removes to this state and establishes himself here. *People v. Turpin*, 49 Colo. 234, 112 P. 539 (1910).

For residence and capacity as an elector relate to the day of actual settlement in this state, and not to the day when the purpose was formed. *People v. Turpin*, 49 Colo. 234, 112 P. 539 (1910).

Moreover, one who has a home or domicile in another state cannot by a sojourn here, however long, acquire a residence in this state, within the meaning of this section, without abandoning his former domicile. *Sharp v. McIntire*, 23 Colo. 99, 46 P. 115 (1896).

Thus, to effect a change of residence from one state to another, there must be an actual removal, an actual change of domicile, and a bona fide intention of abandoning the former place of residence and establishing a new one. *People v. Turpin*, 49 Colo. 234, 112 P. 539 (1910).

Test of residency after elector moves from precinct. The following inquiry is required to be undertaken if an elector has moved outside the boundaries of his voting precinct and wishes to retain his right to vote there: (1) Had the party established his principal or primary home or place of abode within the election precinct? and (2) was the individual's departure taken or does his absence continue with a present intention of returning to the precinct in the future? *Gordon v. Blackburn*, 618 P.2d 668 (Colo. 1980).

Intent to keep legal residency central factor. Once a person's legal residence has been established, his intent to keep it becomes the central factor in determining whether it continues. *Gordon v. Blackburn*, 618 P.2d 668 (Colo. 1980).

Some time limit must be set for determining who is and who is not a resident for the purpose of voting, not only to preserve the purity of the election but also for administrative reasons. *Hall v. Beals*, 292 F. Supp. 610 (D. Colo. 1968), appeal dismissed as moot, 396 U.S. 45, 90 S. Ct. 200, 24 L. Ed. 2d 214 (1969).

Temporary move for work purposes does not constitute abandonment of domicile. Where a man and his wife had acquired a domicile in a town and a short while before an election they moved to another place where the man had a contract to work with the intention of residing there till the contract was finished and during the time left their home in the town with part of their furniture in the care of another, they had not abandoned their domicile and were legally entitled to vote at an election in the town of their domicile occurring during the time of their residence at the place of the work. *Jain v. Bossen*, 27 Colo. 423, 62 P. 194 (1900).

One does not lose voting rights by reason of departure or absence from primary home, once it has been established. *Gordon v. Blackburn*, 618 P.2d 668 (Colo. 1980).

But where a person registers in another state and makes declarations to that end, that person cannot legally vote in Colorado. *Kellner v. Dist. Court*, 127 Colo. 320, 256 P.2d 887 (1953).

1-2-103. Military service - students - inmates - persons with mental illness

(1) For the purposes of registration, voting, and eligibility for office, no person shall gain residence by reason of that person's presence, or lose it by reason of absence, while in the civil or military service of the state or of the United States; nor while a student at any institution of higher education; nor while confined in a correctional facility, jail, or state institution.

(2) The provisions of subsection (1) of this section notwithstanding, no person otherwise qualified under the provisions of this code shall be denied the right to register or to vote at any election held within this state solely because that person is a student at an institution of higher education.

(3) No provision in this section shall apply in the determination of residence or residence status of students for any college or university purpose.

(4) No person while serving a sentence of detention or confinement in a correctional facility, jail, or other location for a felony conviction or while serving a sentence of parole shall be eligible to register to vote or to vote in any election; however, a confined prisoner who is awaiting trial but has not been tried shall be certified by the institutional administrator and shall be permitted to register to vote by mail registration pursuant to part 5 of this article.

(5) A person confined in a state institution for persons with mental illness shall not lose the right to vote because of the confinement.

Delaware

The Delaware Constitution [available online at <http://delcode.delaware.gov/constitution/index.shtml>] sets forth the residency requirements for candidates for certain elected state offices and for voters in the following sections:

Governor – Article III, § 6

Lt. Governor – Article III, § 19

Senators and Representatives of the General Assembly – Article II, § 3

Voters – Article V, § 2

Residency for candidates and for voters is not defined nor are requirements set forth anywhere in the Constitution or the Delaware Code. The Delaware Code [<http://delcode.delaware.gov/>].has one reference for determining residency for voters in Title 15 (Elections), § 4941.

§ 4941. Residency of voter.

If a vote is objected to for the reason that the person is not a bona fide resident of the election district in whose record that person's name appears, the following rules shall apply:

(1) If any person who has resided within this State actually moves outside this State with the intention of remaining there for an indefinite time as a place of present domicile, such person shall lose that person's own qualification of residence within the State, notwithstanding any floating intention that person may entertain to return at some future time.

(2) A person registered to vote in the State who has moved from an address or residence located within 1 election district within the State to another address or residence within another elections district within the State shall be permitted to vote at the polling place where that person is registered to vote or at the polling place for that person's new residence or address.

The case law on residency for voters/candidates consists of *Mitchell v. Delaware State Tax Com'r*, 42 A.2d 19 (Del. Super. 1945), which addresses residency in the context of a tax case and associates “residency” with “domicile.” An Attorney General’s Opinion regarding whether a person met the residency requirement to be Governor discusses the term “residency” in general by connecting it to “inhabitant” and “domicile” and referencing *Miller v. Delaware State Tax Com'r*. See Del. Op. Atty. Gen. 83-I033 [it is available on Westlaw at 1983 WL 142666].

Georgia

§ 21-2-217. Rules for determining residence

(a) In determining the residence of a person desiring to register to vote or to qualify to run for elective office, the following rules shall be followed so far as they are applicable:

(1) The residence of any person shall be held to be in that place in which such person's habitation is fixed, without any present intention of removing therefrom;

(2) A person shall not be considered to have lost such person's residence who leaves such person's home and goes into another state or county or municipality in this state, for temporary purposes only, with the intention of returning, unless such person shall register to vote or perform other acts indicating a desire to change such person's citizenship and residence;

(3) A person shall not be considered to have gained a residence in any county or municipality of this state into which such person has come for temporary purposes only without the intention of making such county or municipality such person's permanent place of abode;

(4) If a person removes to another state with the intention of making it such person's residence, such person shall be considered to have lost such person's residence in this state;

(4.1) If a person removes to another county or municipality in this state with the intention of making it such person's residence, such person shall be considered to have lost such person's residence in the former county or municipality in this state;

(5) If a person removes to another state with the intention of remaining there an indefinite time and making such state such person's place of residence, such person shall be considered to have lost such person's residence in this state, notwithstanding that such person may intend to return at some indefinite future period;

(6) If a person removes to another county or municipality within this state with the intention of remaining there an indefinite time and making such other county or municipality such person's place of residence, such person shall be considered to have lost such person's residence in the former county or municipality, notwithstanding that such person may intend to return at some indefinite future period;

(7) The residence for voting purposes of a person shall not be required to be the same as the residence for voting purposes of his or her spouse;

(8) No person shall be deemed to have gained or lost a residence by reason of such person's presence or absence while enrolled as a student at any college, university, or other institution of learning in this state;

(9) The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention;

(10) No member of the armed forces of the United States shall be deemed to have acquired a residence in this state by reason of being stationed on duty in this state;

(11) If a person removes to the District of Columbia or other federal territory, another state, or foreign country to engage in government service, such person shall not be considered to have lost such person's residence in this state during the period of such service; and the place where the person resided at the time of such person's removal shall be considered and held to be such person's place of residence;

(12) If a person is adjudged mentally ill and is committed to an institution for the mentally ill, such person shall not be considered to have gained a residence in the county in which the institution to which such person is committed is located;

(13) If a person goes into another state and while there exercises the right of a citizen by voting, such person shall be considered to have lost such person's residence in this state;

(14) The specific address in the county or municipality in which a person has declared a homestead exemption, if a homestead exemption has been claimed, shall be deemed the person's residence address; and

(15) For voter registration purposes, the board of registrars and, for candidacy residency purposes, the Secretary of State, election superintendent, or hearing officer may consider evidence of where the person receives significant mail such as personal bills and any other evidence that indicates where the person resides.

(b) In determining a voter's qualification to register and vote, the registrars to whom such application is made shall consider, in addition to the applicant's expressed intent, any relevant circumstances determining the applicant's residence. The registrars taking such registration may consider the applicant's financial independence, business pursuits, employment, income sources, residence for income tax purposes, age, marital status, residence of parents, spouse, and children, if any, leaseholds, sites of personal and real property owned by the applicant, motor vehicle and other personal property registration, and other such factors that the registrars may reasonably deem necessary to determine the qualification of an applicant to vote in a primary or election. The decision of the registrars to whom such application is made shall be presumptive evidence of a person's residence for voting purposes.

Hawaii

§11-13 - Rules for determining residency.

For the purpose of this title, there can be only one residence for an individual, but in determining residency, a person may treat oneself separate from the person's spouse. The following rules shall determine residency for election purposes only:

- (1) The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has the intention to return;
- (2) A person does not gain residence in any precinct into which the person comes without the present intention of establishing the person's permanent dwelling place within such precinct;
- (3) If a person resides with the person's family in one place, and does business in another, the former is the person's place of residence; but any person having a family, who establishes the person's dwelling place other than with the person's family, with the intention of remaining there shall be considered a resident where the person has established such dwelling place;
- (4) The mere intention to acquire a new residence without physical presence at such place, does not establish residency, neither does mere physical presence without the concurrent present intention to establish such place as the person's residence;
- (5) A person does not gain or lose a residence solely by reason of the person's presence or absence while employed in the service of the United States or of this State, or while a student of an institution of learning, or while kept in an institution or asylum, or while confined in a prison;
- (6) No member of the armed forces of the United States, the member's spouse or the member's dependent is a resident of this State solely by reason of being stationed in the State;
- (7) A person loses the person's residence in this State if the person votes in an election held in another state by absentee ballot or in person.

In case of question, final determination of residence shall be made by the clerk, subject to appeal to the board of registration under part III of this chapter.

Indiana

Here is a link to our general statutes concerning residency requirements for voters and candidates:

<http://www.in.gov/legislative/ic/code/title3/ar5/ch5.pdf>

IC 3-5-5

Chapter 5. Standards for Determining Residency

IC 3-5-5-0.2 Amendments to definitions and chapter by certain amendments enacted in 2013 do not affect rights or liabilities, penalties incurred, violations committed, or proceedings begun before July 1, 2013

Sec. 0.2. Notwithstanding any other law, the additions and amendments to IC 3-5-2 or this chapter made by SEA 519-2013 do not affect any:

- (1) rights or liabilities accrued;
- (2) penalties incurred;
- (3) violations committed; or
- (4) proceedings begun;

before July 1, 2013. Those rights, liabilities, penalties, offenses, and proceedings continue and shall be imposed and enforced under prior law as if SEA 519-2013 had not been enacted.

IC 3-5-5-0.5 "Immediate family"

Sec. 0.5. For purposes of this chapter, an individual's "immediate family" includes the spouse, children, stepchildren, parents, or grandparents of the individual.

IC 3-5-5-1 Purpose of chapter

Sec. 1. This chapter shall be used to determine the residency of the following:

- (1) A voter or a person applying to become a voter.
- (2) A candidate.
- (3) A person holding an elected office.

IC 3-5-5-2 Methods of establishing residency

Sec. 2. A person's residence may be established by:

- (1) origin or birth;
- (2) intent and conduct taken to implement the intent; or
- (3) operation of law.

IC 3-5-5-3

Residence in more than one precinct; no residence both within and outside Indiana

Sec. 3. (a) A person does not have residence in more than one (1) precinct within Indiana.

(b) For purposes of this chapter, a person does not have residence both within Indiana and outside Indiana.

IC 3-5-5-4 Abandonment of residence

Sec. 4. A person who has a residence in a precinct retains residency in that precinct until the person abandons the residence by:

- (1) having the intent to abandon the residence;
- (2) having the intent to establish a new residence; and
- (3) acting as provided in this intent by establishing a residence in a new precinct.

IC 3-5-5-5 Absence due to state or federal business

Sec. 5. As provided in Article 2, Section 4 of the Constitution of the State of Indiana, a person does not lose residence in a precinct in Indiana by reason of the person's absence on the business of:

- (1) the state of Indiana; or
- (2) the United States.

IC 3-5-5-6 Presumption of residence specified by individual under penalties for perjury; rebuttable presumptions

Sec. 6. (a) Sections 7 through 17 of this chapter establish presumptions regarding the residency of a person in a precinct. A person can rebut these presumptions by demonstrating intent to reside in another precinct and conduct taken to implement that intent.

(b) An individual who makes a statement regarding the residence of the individual, under the penalties for perjury, is presumed to reside at the location specified by the individual, as of the date of making the statement.

IC 3-5-5-7 Temporary residency

Sec. 7. Subject to section 6 of this chapter, a person does not gain residency in a precinct into which the person moves for:

- (1) temporary employment;
 - (2) educational purposes;
 - (3) preparing to purchase or occupy a residence; or
 - (4) other purposes;
- without the intent of making a permanent home in the precinct.

IC 3-5-5-8 Physical presence outside Indiana with intent to make new residence outside Indiana

Sec. 8. Subject to section 6 of this chapter, if a person is physically present within another state with the intention of making that state the person's residence, the person loses residency in Indiana.

IC 3-5-5-9 Physical presence outside Indiana with intent to remain indefinitely outside Indiana

Sec. 9. Subject to section 6 of this chapter, if a person is physically present within another state with the intention of remaining in the other state for an indefinite time as a place of residence, the person loses residency in Indiana, even if the person intends to return at some time.

IC 3-5-5-10 Physical presence in another Indiana precinct

Sec. 10. Subject to section 6 of this chapter, if a person is physically present within another precinct in Indiana with the intention of making that precinct the person's residence, the person loses residency in the precinct that the person left.

IC 3-5-5-11 Location of immediate family as residence

Sec. 11. The place where a person's immediate family resides is the person's residence, unless the family's residence is:

- (1) a temporary location for the person's immediate family; or
- (2) for transient purposes.

IC 3-5-5-12 Living away from family while conducting business

Sec. 12. Except as provided in section 13 of this chapter, if:

- (1) a person's immediate family resides in one (1) place; and
- (2) the person does business in another place;

the residence of the immediate family is the person's residence.

IC 3-5-5-13 Living away from family with intent to remain away; conduct to carry out intent

Sec. 13. Subject to section 6 of this chapter, if a person:

- (1) is living at a place other than the residence of the person's immediate family; and
 - (2) has the intention of remaining at that place and engages in conduct to carry out that intent;
- the place where the person lives is the person's residence.

IC 3-5-5-14 Establishment of voting residence separate from spouse; intent; conduct to carry out intent

Sec. 14. Subject to section 6 of this chapter, a married person who does not live in a household with the person's spouse may establish a separate residence from the residence of the person's spouse by intending to do so and engaging in conduct to carry out that intent.

IC 3-5-5-15 Unmarried person; place where person usually sleeps; intent; conduct to carry out intent

Sec. 15. Subject to section 6 of this chapter, the residence of a person who:

- (1) is unmarried; and
- (2) does not have an immediate family;

is where the person usually sleeps if that is the intent of the person, and the person engages in conduct to carry out that intent.

IC 3-5-5-16 Residents of veterans home

Sec. 16. A person who resides in a veterans home is a resident of the precinct in which the home is located.

IC 3-5-5-17 Persons committed to mental health institutions

Sec. 17. A person who is:

- (1) adjudged mentally ill; and
 - (2) committed to an institution for individuals with a mental illness;
- does not gain residency in the precinct in which the institution is located.

IC 3-5-5-18 Nontraditional residence

Sec. 18. Notwithstanding IC 3-5-2-42.5, an individual with a nontraditional residence whose residence is within a precinct, but is not fixed or permanent, resides in that precinct.

You probably will not be surprised to hear that there are often controversies over how to apply these standards to particular fact situations. Our Census Data Advisory Committee, which meets each summer and often is assigned to study various election issues, will in fact be taking a look at this statute during its proceedings this year. Their first meeting is coming up this Thursday (the 29th). Here is a link to that committee's web page in case you want to pass it along to someone who may be interested in tracking this (there will eventually be minutes and/or video of these meetings, but it takes a few days after each meeting for those to surface):

<http://www.in.gov/legislative/interim/committee/cdac.html>

Iowa

Regarding voters, Iowa Code section 48A.5A provides the means by which residence is determined for the purpose of registration and reads as follows:

48A.5A Determination of residence.

Residence shall be determined in accordance with the following principles:

1. The residence of a person is in the precinct where the person's home or dwelling is located.
2. A residence for purposes of this chapter cannot be established in a commercial or industrial building that is not normally used for residential purposes unless the building is used as a primary nighttime residence.
3. A person does not lose residence if the person leaves the person's home to reside temporarily in another state or precinct.
4. If a person goes to another state or precinct and files an affidavit of residence in that state or precinct for election purposes, the person loses residence in the former state or precinct, unless the person moved to the other state after that state's deadline for registering to vote in a particular election.
5. A student who resides at or near the school the student attends, but who is also able to claim a residence at another location under the provisions of this section, may choose either location as the student's residence for voter registration and voting purposes.
6. If an active member of the United States armed forces, as defined by section 53.37, has previously resided at a location that meets the requirements of this section, that person may claim either that previous residence or the person's current residence as the person's residence for voter registration and voting purposes.
7. Notwithstanding subsections 1 through 6, the residence of a homeless person is in the precinct where the homeless person usually sleeps. Residence requirements shall be construed liberally to provide homeless persons with the opportunity to register to vote and to vote.
8. A person's declaration of residency for voter registration and voting purposes is presumed to be valid unless a preponderance of evidence indicates that another location should be considered the person's voting residence under the provisions of this chapter.

Westlaw's Notes of Decisions provides the following decisions relating to this section:

Change of residence

Adults can change their common-law domicile. [Paulson v. Forest City Community School Dist. in Winnebago, 1976, 238 N.W.2d 344, Domicile](#)  [4\(1\)](#)

Former domicile

At school elections and city and town elections a person who moves from his domicile and has not had time to establish residency at his new domicile and if the new domicile is one at which he would be able to vote for any of the issues and candidates contained on the ballot at his former domicile, may vote the entire ballot at his former domicile. Op.Atty.Gen. ([Hill](#)), [July 23, 1971, 1971 WL 240788](#).

Nonresident status

While considerable weight should be accorded a declaration of residency in Iowa for voting purposes, it does not automatically deny an individual nonresident status regarding vehicle registration and drivers licensing exemptions. Op.Atty.Gen. ([Kelly](#)), [June 18, 1980, 1980 WL 25999](#).

College students

Unmarried college students who made voter's declaration of eligibility at polls and who declared college town to be their home were voting residents qualified to vote in school district election on question of issuing bonds to build and equip school house, even though students' family homes were outside school district. [Paulson v. Forest City Community School Dist. in Winnebago, 1976, 238 N.W.2d 344, Schools](#)  [97\(4\)](#)

Regarding candidates, Iowa Code section 43.14(1)(c) relates to the residency declaration requirements for candidates for partisan office, while objections to partisan nomination petitions may be brought pursuant to section 43.24, and nominations by state, district, and county conventions are then to be certified pursuant to section 43.88. For nominations by nonparty political organizations please see sections 44.3(1) and 44.5. Iowa Code chapters 57 through 63 provide for the contesting of elections and the time and for the manner of qualifying.

After a search of Attorney General Opinions and a cursory Westlaw search of these sections, I was not able to find any cases litigating issues relating to your specific questions though. Westlaw's Notes of Decisions for these sections do provide some interesting information and links to Attorney General opinions, but none of these appear to address your questions specifically.

There is one case from 1978 (State ex rel. Turner v. Scott, 269 NW.2d 828) that concerns the qualification requirements for members of the General Assembly which holds that the legislature has the sole authority to judge the qualifications of its own members.

I did also want to provide you with some additional background information on qualification requirements in the hopes that you might find it useful .

Article II, section 1 of the Iowa Constitution provides:

Electors. SECTION 1. Every citizen of the United States of the age of twenty-one years, who shall have been a resident of this state for such period of time as shall be provided by law and of the county in which he claims his vote for such period of time as shall be provided by law, shall be entitled to vote at all elections which are now or hereafter may be authorized by law. The general assembly may provide by law for different periods of residence in order to vote for various officers or in order to vote in various elections. The required periods of residence shall not exceed six months in this state and sixty days in the county.

In regard to the residency requirements to hold state office in Iowa, Article III, section 4 of the Iowa Constitution relates to qualification requirements for the Iowa House of Representatives:

Qualifications. SEC. 4. No person shall be a member of the house of representatives who shall not have attained the age of twenty-one years, be a citizen of the United States, and shall have been an inhabitant of this state one year next preceding his election, and at the time of his election shall have had an actual residence of sixty days in the county, or district he may have been chosen to represent.

Article III, section 5 provides for the qualifications for the Iowa Senate:

Senators — qualifications. SEC. 5. Senators shall be chosen for the term of four years, at the same time and place as representatives; they shall be twenty-five years of age, and possess the qualifications of representatives as to residence and citizenship.

Article IV, section 6 relates to the qualifications for governor and lieutenant governor:

Eligibility. SEC. 6. No person shall be eligible to the office of governor, or lieutenant governor, who shall not have been a citizen of the United States, and a resident of the state, two years next preceding the election, and attained the age of thirty years at the time of said election.

Relating to other offices, Iowa Code section 39.27 provides:

39.27 Qualifications for public office.

Any person elected to an office under the laws of this state shall be an eligible elector. At the time an elected official takes office the official shall be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised. An elected official shall continue to be a resident of the state, district, county, township, city, or ward by or for which the person was elected, or in which the duties of the office are to be exercised for the duration of the term of office. This section shall not apply to United States senators or representatives in Congress or to members of the general assembly.

Kentucky

Residency of Voters. Section 145 of the Kentucky Constitution states:

Every citizen of the United States of the age of eighteen years who has resided in the state one year, and in the county six months, and the precinct in which he offers to vote sixty days next preceding the election, shall be a voter in said precinct and not elsewhere but the following persons are excepted and shall not have the right to vote.

1. Persons convicted in any court of competent jurisdiction of treason, or felony, or bribery in an election, or of such high misdemeanor as the General Assembly may declare shall operate as an exclusion from the right of suffrage, but persons hereby excluded may be restored to their civil rights by executive pardon.
2. Persons who, at the time of the election, are in confinement under the judgment of a court for some penal offense.
3. Idiots and insane persons.

Section 146 of the Kentucky Constitution adds:

No person in the military, naval or marine service of the United States shall be deemed a resident of this State by reason of being stationed within the same.

KRS 116.035 states:

The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:

- (1) A voter's residence shall be deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning;
- (2) A voter shall not lose his or her residence by absence for temporary purposes merely; nor shall he or she obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his or her home;
- (3) A voter shall lose his or her residence by removal to another state or county with intention to make his or her permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even though he or she may have had the intention to return to this state at some future period;
- (4) The place where the family of a married person resides shall generally be considered his or her residence, unless the family so resides for a temporary purpose. If his family is permanently in one (1) place, and he or she transacts business in another, the former shall be the residence.

Residency of Candidates. Section 32 of the Kentucky Constitution sets forth residency requirements for state Senate and House members:

No person shall be a Representative who, at the time of his election, is not a citizen of Kentucky, has not attained the age of twenty-four years, and who has not resided in this State two years next preceding his election, and the last year thereof in the county, town or city for which he may be chosen. No person shall be a Senator who, at the time of his election, is not a citizen of Kentucky, has not attained the age of thirty years, and has not resided in this State six years next preceding his election, and the last year thereof in the district for which he may be chosen.

Section 38 of the Kentucky Constitution provides:

Each House of the General Assembly shall judge of the qualifications, elections and returns of its members, but a contested election shall be determined in such manner as shall be directed by law.

Section 72 of the Kentucky Constitution sets forth residency requirements for the Governor and Lieutenant Governor:

The Governor and the Lieutenant Governor shall be at least thirty years of age, and have been citizens and residents of Kentucky for at least six years next preceding their election.

Section 91 of the Kentucky Constitution sets forth residency requirements for other constitutional state officers:

A Treasurer, Auditor of Public Accounts, Commissioner of Agriculture, Labor and Statistics, Secretary of State, and Attorney-General, shall be elected by the qualified voters of the State at the same time the Governor and Lieutenant Governor are elected, for the term of four years, each of whom shall be at least thirty years of age at the time of his election, and shall have been a resident citizen of the State at least two years next before his election.

And, lastly, Section 122 of the Kentucky Constitution sets forth residency requirements for Justices and Judges, stating, in part:

To be eligible to serve as a justice of the Supreme Court or a judge of the Court of Appeals, Circuit Court or District Court a person must be a citizen of the United States, licensed to practice law in the courts of this

Commonwealth, and have been a resident of this Commonwealth and of the district from which he is elected for two years next preceding his taking office

In *Stephenson v. Woodward*, 182 S.W. 3rd 162 (Ky. 2005), the Kentucky Supreme Court discussed the court's role in challenges to a candidate's bona fides under KRS 118.176 in a case involving the residency of a candidate for the state Senate, and stated:

"The courts of this Commonwealth have long recognized that the judicial branch has no inherent power to pass on the validity of elections or the eligibility of candidates, but only has such power as given by the General Assembly or possessed at common law through a quo warranto proceeding." *Noble v. Meagher*, 686 S.W.2d 458, 460 (Ky.1985) (construing prior version of KRS 118.176). But, the General Assembly has, in fact, done precisely what it is authorized to do by enacting KRS 118.176-it has delegated to the courts the sole authority to judge the qualifications of candidates if a challenge is filed prior to an election. It is important to note that no party to this action has challenged the constitutionality or validity of this statute.

Louisiana

Louisiana Constitution Article III, § 4(A) reads: "Age; Residence; Domicile. An elector who at the time of qualification as a candidate has attained the age of eighteen years, resided in the state for the preceding two years, and been actually domiciled for the preceding year in the legislative district from which he seeks election is eligible for membership in the legislature."

R.S. 18:101 reads (in part):

§101. Registration to vote; qualifications; more than one residence; presidential elections

A.(1) Every citizen of Louisiana who is at least eighteen years of age or will attain that age on or before the next election, is an actual bona fide resident of this state, and the parish, municipality, if any, and precinct in which he offers to register as a voter, is not disfranchised, and who complies with the provisions of this Chapter shall be eligible to register to vote in local, state and national elections held in this state.

(2) Any person age seventeen and who is otherwise qualified to vote may register to vote at any time prior to the first election at which he shall have attained the age of eighteen years. However, no one, under the age of eighteen years shall be permitted to vote in any election.

In *Landiack v Richmond*, 899 So.2d 535,542 2005-0758 (La. 3/24/05), our Supreme Court delved into interpreting domicile versus residency, stating: "Domicile is an issue of fact that must be determined on a case-by-case basis." and "Louisiana case law has traditionally held that domicile consists of two elements, residence and intent to remain."

Minnesota

The Minnesota Constitution, [Article VII](#) has several sections that may be relevant, particularly section 1 (Eligibility; place of voting; ineligible persons), section 2 (Residence), and section 6 (Eligibility to hold office). The most relevant statute is Minnesota Statutes section [200.031](#) [shown below], which provides guidance on determining residency.

There are many other statutes that reference residency requirements, let me know if you would like more on these. (Otherwise, here is a link to a search for all election statutes relating to residency:

[https://www.revisor.mn.gov/search/doc_result.php?search=all&keyword_type=all&keyword=residen*&stat=1&stat_year1=2012&stat_year2=2012&stat_chapter=200-213&laws_session1=88&laws_session2=88&laws_chapter=&laws_display=art&rule_year1=2012&rule_year2=2012&rule_chapter=&rule_agency\[\]=&court_year1=2010&court_year2=2010&court_type\[\]=&sreg_vol1=38&sreg_vol2=38&submit_keyword=GO.](https://www.revisor.mn.gov/search/doc_result.php?search=all&keyword_type=all&keyword=residen*&stat=1&stat_year1=2012&stat_year2=2012&stat_chapter=200-213&laws_session1=88&laws_session2=88&laws_chapter=&laws_display=art&rule_year1=2012&rule_year2=2012&rule_chapter=&rule_agency[]=&court_year1=2010&court_year2=2010&court_type[]=&sreg_vol1=38&sreg_vol2=38&submit_keyword=GO.))

200.031 DETERMINATION OF RESIDENCE.

Residence shall be determined in accordance with the following principles, so far as they may be applicable to the facts of the case:

(a) the residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, the individual intends to return;

(b) an individual does not lose residence if the individual leaves home to live temporarily in another state or precinct;

(c) an individual does not acquire a residence in any precinct of this state if the individual is living there only temporarily, without the intention of making that precinct home;

(d) if an individual goes into another state or precinct with the intention of making it home or files an affidavit of residence there for election purposes, the individual loses residence in the former precinct;

(e) if an individual moves to another state with the intention of living there for an indefinite period, the individual loses residence in this state, notwithstanding any intention to return at some indefinite future time;

(f) except as otherwise provided in this section, an individual's residence is located in the precinct where the individual's family lives, unless the individual's family is living in that precinct only temporarily;

(g) if an individual's family lives in one precinct and the individual lives or does business in another, the individual's residence is located in the precinct where the individual's family lives, unless the individual establishes a home in the other precinct and intends to remain there, with or without the individual's family;

(h) the residence of a single individual is in the precinct where the individual lives and usually sleeps;

(i) the mere intention to acquire a new residence, is not sufficient to acquire a new residence, unless the individual moves to that location; moving to a new location is not sufficient to acquire a new residence unless the individual intends to remain there;

(j) the residence of an individual who is working temporarily in any precinct of this state is in the precinct where the individual's permanent home is located;

(k) the residence of an individual who is living permanently in a soldiers' home or nursing home is in the precinct where the home is located;

(l) if an individual's home lies in more than one precinct or political subdivision, the residence of the individual is in the precinct in which a majority of the room in which the individual usually sleeps is located;

(m) if an individual's home is destroyed or rendered uninhabitable by fire or natural disaster, the individual does not lose residence in the precinct where the home is located if the individual intends to return to the home when it is reconstructed or made habitable.

Montana

Montana provides statutory guidance concerning residency for voters and candidates:

13-1-112. Rules for determining residence. For registration, voting, or seeking election to the legislature, the residence of an individual must be determined by the following rules as far as they are applicable:

(1) The residence of an individual is where the individual's habitation is fixed and to which, whenever the individual is absent, the individual has the intention of returning.

2) An individual may not gain or lose a residence while kept involuntarily at any public institution, not necessarily at public expense; as a result of being confined in any prison; or solely as a result of residing on a military reservation.

(3) (a) An individual in the armed forces of the United States may not become a resident solely as a result of being stationed at a military facility in the state.

(b) An individual may not acquire a residence solely as a result of being employed or stationed at a training or other transient camp maintained by the United States within the state.

(c) A member of a reserve component of the United States armed forces who is stationed outside of the state but who has no intent of changing residency retains resident status.

(4) An individual does not lose residence if the individual goes into another state or other district of this state for temporary purposes with the intention of returning, unless the individual exercises the election franchise in the other state or district.

(5) An individual may not gain a residence in a county if the individual comes in for temporary purposes without the intention of making that county the individual's home.

(6) If an individual moves to another state with the intention of making it the individual's residence, the individual loses residence in this state.

(7) The place where an individual's family resides is presumed to be that individual's place of residence. However, an individual who takes up or continues a residence at a place other than where the individual's family resides with the intention of remaining is a resident of the place where the individual resides.

(8) A change of residence may be made only by the act of removal joined with intent to remain in another place.

In addition, a voter/candidate may only have one residency.

13-1-113. Only one residence. There may be only one residence for the purposes of this title.

And a voter must be a resident for at least 30 days:

13-1-111. Qualifications of voter. (1) A person may not vote at elections unless the person is ... a resident of the state of Montana and of the county in which the person offers to vote for at least 30 days, except as provided in 13-2-514 ...

Nebraska

In Nebraska, Article VI, section 1, of the Nebraska Constitution generally prescribes the qualifications for electors in Nebraska, including requiring a qualified elector to have "resided within the state and the county and voting precinct for the terms provided by law . . ."

For purposes of our Election Act, the term "residence" is defined at Neb. Rev. Stat. 32-116.

32-116. Residence, defined

Residence shall mean (1) that place in which a person is actually domiciled, which is the residence of an individual

or family, with which a person has a settled connection for the determination of his or her civil status or other legal purposes because it is actually or legally his or her permanent and principal home, and to which, whenever he or she is absent, he or she has the intention of returning, (2) the place where a person has his or her family domiciled even if he or she does business in another place, and (3) if a person is homeless, the county in which the person is living. No person serving in the armed forces of the United States shall be deemed to have a residence in Nebraska because of being stationed in Nebraska.

North Carolina

In North Carolina, G.S. 163-57 defines residency for registration and voting.

§ 163-57. Residence defined for registration and voting.

All election officials in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply:

(1) That place shall be considered the residence of a person in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning.

a. In the event that a person's habitation is divided by a State, county, municipal, precinct, ward, or other election district, then the location of the bedroom or usual sleeping area for that person with respect to the location of the boundary line at issue shall be controlling as the residency of that person.

b. If the person disputes the determination of residency, the person may request a hearing before the county board of elections making the determination of residency. The procedures for notice of hearing and the conduct of the hearing shall be as provided in G.S. 163-86. The presentation of an accurate and current determination of a person's residence and the boundary line at issue by map or other means available shall constitute prima facie evidence of the geographic location of the residence of that person.

c. In the event that a person's residence is not a traditional residence associated with real property, then the location of the usual sleeping area for that person shall be controlling as to the residency of that person. Residence shall be broadly construed to provide all persons with the opportunity to register and to vote, including stating a mailing address different from residence address.

(2) A person shall not be considered to have lost that person's residence if that person leaves home and goes into another state, county, municipality, precinct, ward, or other election district of this State, for temporary purposes only, with the intention of returning.

(3) A person shall not be considered to have gained a residence in any county, municipality, precinct, ward, or other election district of this State, into which that person comes for temporary purposes only, without the intention of making that county, municipality, precinct, ward, or other election district a permanent place of abode.

(4) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of making that state, county, municipality, precinct, ward, or other election district a permanent residence, that person shall be considered to have lost residence in the state, county, municipality, precinct, ward, or other election district from which that person has removed.

(5) If a person removes to another state or county, municipality, precinct, ward, or other election district within this State, with the intention of remaining there an indefinite time and making that state, county, municipality, precinct, ward, or other election district that person's place of residence, that person shall be considered to have lost that person's place of residence in this State, county, municipality, precinct, ward, or other election district from which that person has removed, notwithstanding that person may entertain an intention to return at some future time.

(6) If a person goes into another state, county, municipality, precinct, ward, or other election district, or into the District of Columbia, and while there exercises the right of a citizen by voting in an election, that person shall be considered to have lost residence in that State, county, municipality, precinct, ward, or other election district from which that person removed.

(7) School teachers who remove to a county, municipality, precinct, ward, or other election district in this State for the purpose of teaching in the schools of that county temporarily and with the intention or expectation of returning during vacation periods to live where their parents or other relatives reside in this State and who do not have the intention of becoming residents of the county, municipality, precinct, ward, or other election district to which they have moved to teach, for purposes of registration and voting shall be considered residents of the county, municipality, precinct, ward, or other election district in which their parents or other relatives reside.

(8) If a person removes to the District of Columbia or other federal territory to engage in the government service, that person shall not be considered to have lost residence in this State during the period of such service unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.

(9) If a person removes to a county, municipality, precinct, ward, or other election district to engage in the service of the State government, that person shall not be considered to have lost residence in the county, municipality, precinct, ward, or other election district from which that person removed, unless that person votes in the place to which the person removed, and the place at which that person resided at the time of that person's removal shall be considered and held to be the place of residence.

(9a) The establishment of a secondary residence by an elected official outside the district of the elected official shall not constitute prima facie evidence of a change of residence.

(10) For the purpose of voting a spouse shall be eligible to establish a separate domicile.

(11) So long as a student intends to make the student's home in the community where the student is physically present for the purpose of attending school while the student is attending school and has no intent to return to the student's former home after graduation, the student may claim the college community as the student's domicile. The student need not also intend to stay in the college community beyond graduation in order to establish domicile there. This subdivision is intended to codify the case law.

North Dakota

Here are the North Dakota provisions.

North Dakota Constitution

ARTICLE II ELECTIVE FRANCHISE

Section 1. The general election of the state shall be held biennially as provided by law.

Every citizen of the United States, who has attained the age of eighteen years and who is a North Dakota resident, shall be a qualified elector. When an elector moves within the state, he shall be entitled to vote in the precinct from which he moves until he establishes voting residence in another precinct. The legislative assembly shall provide by law for the determination of residence for voting eligibility, other than physical presence. No elector shall lose his residency for voting eligibility solely by reason of his absence from the state.

The legislative assembly shall provide by law for secrecy in voting, for absentee voting, for administration of elections and for the nomination of candidates.

Statutory provision

54-01-26. Residence - Rules for determining.

Every person has in law a residence. In determining the place of residence, the following rules must be observed:

1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which the person returns in seasons of repose.
2. There can be only one residence.
3. A residence cannot be lost until another is gained.
4. The residence of the supporting parent during the supporting parent's life, and after the supporting parent's death, the residence of the other parent is the residence of the unmarried minor children.
5. An individual's residence does not automatically change upon marriage, but changes in accordance with subsection 7. The residence of either party to a marriage is not presumptive evidence of the other party's residence.
6. The residence of an unmarried minor who has a parent living cannot be changed by either that minor's own act or that of that minor's guardian.
7. The residence can be changed only by the union of act and intent.

Ohio

Ohio's voting residence determination statute is R.C. 3503.02. The statute applies to officers, as well, because they must be qualified electors.

3503.02 Residence determination rules.

All registrars and judges of elections, in determining the residence of a person offering to register or vote, shall be governed by the following rules:

(A) That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning.

(B) A person shall not be considered to have lost the person's residence who leaves the person's home and goes into another state or county of this state, for temporary purposes only, with the intention of returning.

(C) A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making such county the permanent place of abode.

(D) The place where the family of a married person resides shall be considered to be the person's place of residence; except that when the spouses have separated and live apart, the place where such a spouse resides the length of time required to entitle a person to vote shall be considered to be the spouse's place of residence.

(E) If a person removes to another state with the intention of making such state the person's residence, the person shall be considered to have lost the person's residence in this state.

(F) Except as otherwise provided in division (G) of this section, if a person removes from this state and continuously resides outside this state for a period of four years or more, the person shall be considered to have lost the person's residence in this state, notwithstanding the fact that the person may entertain an intention to return at some future period.

(G)

(1) If a person removes from this state to engage in the services of the United States government, the person shall not be considered to have lost the person's residence in this state, and likewise should the person enter the employment of the state, the place where such person resided at the time of the person's removal shall be considered to be the person's place of residence.

(2) If a person removes from this state to a location outside of the United States and the person does not become a resident of another state, the person shall not be considered to have lost the person's residence in this state. The place where the person resided at the time of the person's removal shall be considered to be the person's place of residence.

(3) If a person is eligible to vote in this state under division (D)(2) of section [3511.011](#) of the Revised Code, the place where the person's parent or legal guardian resided in this state prior to that parent or legal guardian's removal to a location outside of the United States shall be considered to be the person's place of residence.

(4) If an address that is considered to be a person's place of residence under division (G) of this section ceases to be a recognized residential address, the board of elections shall assign an address to the applicable person for voting purposes.

(H) If a person goes into another state and while there exercises the right of a citizen by voting, the person shall be considered to have lost the person's residence in this state.

(I) If a person does not have a fixed place of habitation, but has a shelter or other location at which the person has been a consistent or regular inhabitant and to which the person has the intention of returning, that shelter or other location shall be deemed the person's residence for the purpose of registering to vote.

3503.03 Residence for soldiers in national home for such soldiers.

Infirm or disabled soldiers who are inmates of a national home for such soldiers, who are citizens of the United States and have resided in this state thirty days immediately preceding any election, and who are otherwise qualified as to age and residence within the county and township

3503.04 Residence for inmates of a public or private institution.

Persons who are inmates of a public or private institution who are citizens of the United States and have resided in this state thirty days immediately preceding the election, and who are otherwise qualified as to age and residence within the county shall have their lawful residence in the county, city, village and township in which said institution is located provided, that the lawful residence of a qualified elector who is an inmate in such an institution for temporary treatment only, shall be the residence from which he entered such institution.

Oklahoma

§11-1-102. Definitions.

As used in the Oklahoma Municipal Code:

...10. "Registered voter" means any person who is a qualified elector, as defined by the provisions of [Section 1 of Article III of the Oklahoma Constitution](#), who resides within the limits of a municipality and who has registered to vote in the precinct of his residence;

11. "Resident" means a person whose actual dwelling or primary residence is located within the corporate limits of the municipality;

Vermont

In Vermont voting vs. candidacy requirements are separate issues.

With respect to candidacy, there are the following provisions: For members of the General Assembly VT. Cons., Chap. II §15. provides:

§ 15. [RESIDENCE OF REPRESENTATIVES AND SENATORS]

No person shall be elected a Representative or a Senator until the person has resided in this State two years, the last year of which shall be in the legislative district for which the person is elected.

As you will note, the language does not refer to the last two years in the state. Approximately a decade ago, following the election of a House member who was a long-time Vermont resident, but had been living out-of-state for a number of years, the General Assembly passed a measure requiring that the two-year period be for the immediately past two years. The Governor vetoed the bill referring to the constitutional language that explicitly referred to the immediately preceding one-year in the district but simply two-years in the state. This is the veto message for H.26 of 2003. <http://vermont-archives.org/govhistory/governance/Vetoes/pdf/2003DouglasH26.pdf>

As for the Governor and Lieutenant Governor, residency is stated in VT. Const., Chap II 23.:

23. [RESIDENCE OF GOVERNOR AND LIEUTENANT-GOVERNOR]

No person shall be eligible to the office of Governor or Lieutenant-Governor until the person shall have resided in this State four years next preceding the day of election.

The issue of when the four years must have occurred is clearer than the two-year period for legislators.

As for voting, Vermont no longer has a minimal residency requirement. 17 V.S.A. §2144 provides a Wednesday prior to Election Day deadline for voter registration:

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=17&Chapter=043&Section=02144>

The question of college voters is one that periodically arises. However, the only legal directive to date is set forth in a 1971 Vermont Federal District court decision: *Silverhood v. Davis*, 366 F. Supp. 111 (D. VT 1971).

This was a class-action suit, brought on behalf of a group of Middlebury College students, who were denied registration. The court granted the students the right to register. The case was not appealed.

Broadly speaking, Vermont does have a qualification statute for registration at 17 V.S.A. §2121:
<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=17&Chapter=043&Section=02121>

Further, Vermont has a statutory provision listing various temporary absences that do not terminate voting residency and that the individual may only be registered (have his or her name placed on the checklist) in the town of residency. This is 17 V.S.A. §2122:

<http://www.leg.state.vt.us/statutes/fullsection.cfm?Title=17&Chapter=043&Section=02122>

Virginia

1) Va. Const. Art. II, Section 1: "Residence, for all purposes of qualification to vote, requires both domicile and a place of abode." Under Art. II, Section 5, persons holding elective offices must be qualified to vote for that office.

2) Code Section 24.2-101 has this definition: "Residence" or "resident," for all purposes of qualification to register and vote, means and requires both domicile and a place of abode. To establish domicile, a person must live in a particular locality with the intention to remain. A place of abode is the physical place where a person dwells.

3) The State Board of Elections website also carries information on residence for voter registration purposes.
<http://www.sbe.state.va.us/CollegeStudents.html>

Wyoming

22-1-102. Definitions.

(a) The definitions contained in this chapter apply to words and phrases used in this Election Code and govern the construction of those words and phrases unless they are specifically modified by the context in which they appear. As used in this Election Code:

... (xxx) "Residence" is the place of a person's actual habitation. The construction of this term shall be governed by the following rules:

(A) Residence is the place where a person has a current habitation and to which, whenever he is absent, he has the intention of returning;

(B) A person shall not gain or lose residence merely by reason of his presence or absence while:

(I) Employed in the service of the United States or of this state; or

(II) A student at an institution of learning; or

(III) Kept at a hospital or other institution; or

(IV) Stationed at or residing on a military reservation or installation or at a transient camp maintained for relief purposes by the government of the United States in this state. No person shall be excluded as a voter solely because of his residence on a federal enclave within the state. This factor shall be considered with all others in the determination of the person's residence within the state for voting purposes.

(C) A person shall not lose his residence by leaving his home to go to another state, another district of this state, or to another country for temporary purposes, with the intent of returning, if he has not registered in the other state, district or country;

(D) A person shall not gain residence in a county if he enters it without the intent of making it his current actual residence;

(E) If a person removes to another state with the intent of making it his residence, he loses his residence in Wyoming; except that in a general election year, if his registration is valid in Wyoming when he leaves this state and he is unable to qualify under the laws of his new state of residence to vote at the primary or general election, he shall be deemed to have retained residence in Wyoming for purposes of voting by absentee ballot in the primary or general election;

(F) A person who takes up or continues his abode at a place other than where his family resides, shall be a resident of the place where he actually abides.

NASS Survey: Review of State Laws Defining Residency for Voting

This information is based upon a NASS staff review of state statutes regarding residency requirements for voting.

State	Statutory Overview of Residency Definition for Voting
Alabama	<p>The key factor in determining permanent residence is domicile. Domicile is defined as residence at a particular place accompanied by an intention to remain there permanently, or for an indefinite length of time.</p> <p>STATUTE: http://alisd.b.l.e.g.i.s.l.a.t.u.r.e.s.t.a.t.e.a.l.u.s/a.c.a.s/C.o.d.e.O.f.A.l.a.b.a.m.a/1975/c.o.a.t.o.c.h.t.m</p>
Alaska	<p>You are a resident for voting purposes if you are in Alaska with the intent to remain there and have the intent to return when you leave, and are not registered to vote in another state or are willing to cancel that registration.</p> <p>STATUTE: http://www.legis.state.ak.us/cgi-bin/folioisa.dll/stattx03/query=*/doc/%7Bt6425%7D?</p>
Arizona	<p>For voting purposes, "resident" means an individual who has actual physical presence in the state, or for purposes of a political subdivision actual physical presence in the political subdivision, combined with the intent to remain. A temporary absence does not result in a loss of residence if the individual intends to return following his absence. An individual has only one residence for purposes of voting.</p> <p>STATUTE: http://www.azleg.state.az.us/ArizonaRevisedStatutes.asp?Title=16</p>
Arkansas	<p>You must register to vote wherever you actually "live or reside." Owning property or a business in a county does not constitute residency there.</p> <p>STATUTE: http://www.arkleg.state.ar.us/NXT/gateway.dll?f=templates&fn=default.htm&vid=blr.code</p>
California	<p>A person who leaves his or her home for temporary purposes, with the intention of returning, does not lose his or her domicile. A person does not gain a domicile in any precinct if he/she is there for temporary purposes only, and does not intend to make the precinct his or her home. If a person moves to another state with the intention of making it his or her domicile, or with the intention of remaining there for an indefinite amount of time, the voter loses his or her domicile in this state.</p> <p>STATUTE: http://www.leginfo.ca.gov/cgi-bin/calawquery?codesection=elec&codebody=&hits=20</p>
Colorado	<p>The residence of a person is the home or place to which that person has the present intention of returning after a departure or absence, regardless of the duration of the absence. The mailing address of a homeless individual is the individual's residence for purposes of registering or voting in any precinct in this state. If a person moves to any other state with the intention of making it a permanent residence, that person loses Colorado residence after thirty days' absence unless the person has evidenced intent to retain a residence in the state by a self-affirmation. If a person moves from one county or precinct in this state to another with the intention of making the new county or precinct a permanent residence, the person loses residence in the county or precinct from which the person moved after thirty days.</p> <p>STATUTE: http://www.michie.com/colorado/lpext.dll?f=templates&fn=main-h.htm&cp=</p>
Connecticut	<p>Under Connecticut law, you have to be a "bona fide" resident. While older cases suggest that you must have the intent to remain in Connecticut permanently, the Secretary of State's office has said that you need only to have "intent to remain indefinitely."</p> <p>STATUTE: http://www.cga.ct.gov/2005/pub/Title9.htm</p>

Delaware	<p>To establish voting residency in Delaware, you must move to the state with the intent of abandoning your old home and making your Delaware address your new, permanent home for "an appreciable period of time," without any present intention of moving. Delaware laws require that voters be "bona fide residents." Delaware courts have held that residence means "domicile."</p> <p>STATUTE: http://delcode.delaware.gov/title15/index.shtml</p>
District of Columbia	<p>The term "residence", for purposes of voting, means the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which the person's habitation is fixed and to which a person, whenever he or she is absent, has the present intention of returning after a departure or absence therefrom, regardless of the duration of the absence. A qualified elector who has left his or her home and gone into another state or territory for a temporary purpose shall not be considered to have lost his or her residence in the District. If a qualified elector moves to another state or territory with the intention of making it his or her permanent home, he or she shall notify the DC Board of Elections, in writing, and shall be considered to have lost residence in the District.</p> <p>STATUTE: http://government.westlaw.com/linkedslice/default.asp?SP=DCC-1000</p>
Florida	<p>An individual has established legal residency for voter registration purposes when he/she physically moves to the county with the intent of making that county his/her permanent home.</p> <p>STATUTE: http://www.flsenate.gov/Statutes/index.cfm?App_mode=Display_Index&Title_Request=IX#TitleIX</p>
Georgia	<p>The residence of any person is that place in which the person's habitation is fixed, without any present intention of moving. A person does not lose residence if they go into another state, or county or municipality in this state, for temporary purposes only, with the intention of returning, unless the person registers to vote or performs other acts indicating a desire to change citizenship and residence. If a person goes to another state or county or municipality in this state, with the intention of making it the person's residence, or with the intention of remaining there for an indefinite time and making it their place of residence, the person is considered to have lost residence in this state or the former county or municipality. A person does not gain a residence in any county or municipality of this state if they come for temporary purposes only without the intention of making such county or municipality the person's permanent place of abode.</p> <p>STATUTE: http://www.lexis-nexis.com/hottopics/gacode/default.asp</p>
Idaho	<p>"Residence," for voting purposes, shall be the principal or primary home or place of abode of a person. Principal or primary home or place of abode is that home or place in which his habitation is fixed and to which a person, whenever he is absent, has the present intention of returning after a departure or absence, regardless of the duration of absence. A qualified elector who has left his home and gone into another state or territory or county of this state for a temporary purpose only shall not be considered to have lost his residence. A qualified elector shall not be considered to have gained a residence in any county or city of this state into which he comes for temporary purposes only, without the intention of making it his home but with the intention of leaving it when he has accomplished the purpose that brought him there. If a qualified elector moves to another state, or to any of the other territories, with the intention of making it his permanent home, he shall be considered to have lost his residence in this state.</p> <p>STATUTE: http://www3.state.id.us/idstat/TOC/34FTOC.html</p>
Illinois	<p>A permanent abode is necessary to constitute a residence. No elector or spouse shall be deemed to have lost his or her residence in any precinct or election district in this state by reason of his or her absence on business of the United States, or of this state. Nothing in this Section shall be construed to prevent homeless individuals from registering to vote under the provisions of this Act. A homeless individual must have a mailing address in order to be eligible to register to vote. For purposes of this Act, a mailing address shall constitute a homeless individual's residence for voting purposes. A mailing address of a homeless individual may include, but is not limited to, a shelter, a</p>

	<p>day shelter, or a private residence. Election authorities may by reasonable rules limit the place where voter registration of homeless individuals may be taken and the class of deputy registrars who may take the voter registration of homeless individuals.</p> <p>STATUTE: link</p>
Indiana	<p>A person who has a residence in a precinct retains residency in that precinct until the person abandons the residence by: having the intent to abandon the residence; having the intent to establish a new residence; and acting as provided in this intent by establishing a residence in a new precinct. A person is not considered to have lost residence in a precinct by reason of the person's absence on the business of the state; or the United States. A person does not gain residency in a precinct into which the person moves for temporary employment, educational purpose, or other purposes, without the intent of making a permanent home in the precinct. If a person moves into another state with the intention of making that state the person's residence, the person loses residency in Indiana. If a person moves to another state with the intention of remaining in the other state for an indefinite time as a place of residence, the person loses residency in Indiana, even if the person intends to return at some time. If a person moves into another precinct in Indiana with the intention of making that precinct the person's residence, the person loses residency in the precinct that the person left.</p> <p>STATUTE: http://www.state.in.us/legislative/ic/code/title3/</p>
Iowa	<p>The residence of a person is in the precinct where the person's home or dwelling is located. A person does not lose residence if the person leaves the person's home to reside temporarily in another state or precinct. If a person goes to another state or precinct and files an affidavit of residence in that state or precinct for election purposes, the person loses residence in the former state or precinct, unless the person moved to the other state after that state's deadline for registering to vote in a particular election. A student who resides at or near the school the student attends, but who is also able to claim a residence at another location under the provisions of this section, may choose either location as the student's residence for voter registration and voting purposes. If an active member of the United States armed forces previously resided at a location that meets the requirements of this section, that person may claim either that previous residence or the person's current residence as the person's residence for voter registration and voting purposes. The residence of a homeless person is in the precinct where the homeless person usually sleeps. Residence requirements shall be construed liberally to provide homeless persons with the opportunity to register to vote and to vote.</p> <p>A person's declaration of residency for voter registration and voting purposes is presumed to be valid unless a preponderance of evidence indicates that another location should be considered the person's voting residence.</p> <p>STATUTE: http://www2.legis.state.ia.us/IACODE/1999/II.html</p>
Kansas	<p>The act of inhabiting an abode or other site in a specific governmental jurisdiction. Residency in the state is one of the constitutional requirements for voting in Kansas. The county, city and precinct where one resides determines what offices a person is entitled to vote for, what ballot the person receives at the polling place, and who represents the person in various governmental entities.</p> <p>STATUTE: http://www.kslegislature.org/legsrv-statutes/getStatute.do</p>
Kentucky	<p>The following rules, so far as applicable, shall be observed in determining the residence of a person offering to vote:</p> <p>(1) A voter's residence shall be deemed to be at the place where his or her habitation is, and to which, when absent, he or she has the intention of returning; (2) A voter shall not lose his or her residence by absence for temporary purposes merely; nor shall he or she obtain a residence by being in a county or precinct for such temporary purposes, without the intention of making that county or precinct his or her home; (3) A voter shall lose his or her residence by removal to another state or county with intention to make his or her permanent residence there, or by removal to and residence in another state, with intention to reside there an indefinite time, or by voting there, even</p>

	<p>though he or she may have had the intention to return to this state at some future period; (4) The place where the family of a married person resides shall generally be considered his or her residence, unless the family so resides for a temporary purpose. If his family is permanently in one (1) place, and he or she transacts business in another, the former shall be the residence.</p> <p>STATUTE: http://www.lrc.state.ky.us/krs/titles.htm</p>
Louisiana	<p>For purposes of the laws governing voter registration and voting, "resident" means a citizen who resides in this state and in the parish, municipality, if any, and precinct in which he offers to register and vote, with an intention to reside there indefinitely. If a citizen resides at more than one place in the state with an intention to reside there indefinitely, he may register and vote only at one of the places at which he resides. However, if a person claims a homestead exemption, pursuant to Article VII, Section 20 of the Constitution of Louisiana, on one of the residences, he shall register and vote in the precinct in which that residence is located. Any bona fide full-time student attending an institution of higher learning in this state may choose as his residence and may register to vote either at the place where he resides while attending the institution or at the place where he resides when not attending such institution, but he shall not have more than one residence at any one time for purposes of registering to vote. Such a student need not have an intent to reside indefinitely at the place where he offers to register. A person who is otherwise qualified to vote in this state, who has begun residence in another state or another political subdivision of this state after the thirtieth day before an election for president and vice president of the United States or for electors for president and vice president and who for that reason does not satisfy the registration requirements set forth in this Chapter, may vote in such an election.</p> <p>STATUTE: http://www.legis.state.la.us/lss/lss.asp?folder=92</p>
Maine	<p>Residence is that place where the person has established a fixed and principal home to which the person, whenever temporarily absent, intends to return. Under this definition, residence is something that a person establishes, not something a person chooses.</p> <p>STATUTE: http://janus.state.me.us/legis/statutes/21-A/title21-Ach0sec0.html</p>
Maryland	<p>For voter registration purposes, a resident is considered a "domiciliary." Domicile has been defined by the Maryland courts as the place where an individual has a true, fixed, permanent home without any present intention of moving, and to which place the individual intends to return when absent. The courts have also held that once domicile is established, it continues until a new domicile is established A. Homeless citizen must provide a mailing address as a prerequisite to registration; however, the address of an institution at which the voter regularly picks up mail would suffice.</p> <p>STATUTE: http://www.elections.state.md.us/law/a33/a_33.htm</p>
Massachusetts	<p>There is no formal procedure for establishing a legal residence in Massachusetts. Voter registration, automobile registration, a driver's license, the appearance of a person's name on a city or town street list, and rent, utility, mortgage or telephone bills normally provide tangible proof of residence.</p> <p>STATUTE: http://www.mass.gov/legis/laws/mgl/gl-pt1-toc.htm</p>
Michigan	<p>"Residence", as used in this act, for registration and voting purposes means that place at which a person habitually sleeps, keeps his or her personal effects and has a regular place of lodging. If a person has more than 1 residence, or if a wife has a residence separate from that of the husband, that place at which the person resides the greater part of the time shall be his or her official residence for the purposes of this act.</p> <p>STATUTE: http://www.legislature.mi.gov/(S(fzlgv4qmr1vwh551wc5rpfm))/mileg.aspx?page=getobject&objectname=mcl-act-116-of-1954&highlight=</p>
Minnesota	<p>The residence of an individual is in the precinct where the individual's home is located, from which the individual has no present intention of moving, and to which, whenever the individual is absent, the individual intends to return. An individual does not lose residence if the individual leaves home to</p>

	<p>live temporarily in another state or precinct. An individual does not acquire a residence in any precinct of this state if the individual is living there only temporarily, without the intention of making that precinct home. If an individual goes into another state or precinct with the intention of making it home or files an affidavit of residence there for election purposes, the individual loses residence in the former precinct. If an individual moves to another state with the intention of living there for an indefinite period, the individual loses residence in this state, notwithstanding any intention to return at some indefinite future time.</p> <p>STATUTE: http://www.sos.state.mn.us/home/index.asp?page=224</p>
Mississippi	<p>Mississippi, residence and domicile are synonymous for election purposes. A person's domicile in election matters has been defined as the place where he has his true, fixed, permanent home and principal establishment, and to which whenever he is absent he has the intention of returning. A domicile continues until another is acquired; before a domicile can be considered lost or changed, a new domicile must be acquired by removal to a new locality with intent to remain there, and the old domicile must be abandoned without intent to return.</p> <p>STATUTE: http://www.mscode.com/free/statutes/23/index.htm</p>
Missouri	<p>Missouri courts have held that establishing a voting residence is a question of intention to be determined in the light of all the facts and circumstances in evidence</p> <p>STATUTE: http://www.sos.mo.gov/elections/laws/</p>
Montana	<p>An elector shall provide the election administrator with the elector's current street address, rural address, or, if neither of those addresses is available, other specific geographic location information from which the location of the elector's residence may be easily determined by the election administrator.</p> <p>STATUTE: http://data.opi.state.mt.us/bills/mca_toc/13.htm</p>
Nebraska	<p>Residence shall mean (1) that place in which a person is actually domiciled, which is the residence of an individual or family, with which a person has a settled connection for the determination of his or her civil status or other legal purposes because it is actually or legally his or her permanent and principal home, and to which, whenever he or she is absent, he or she has the intention of returning, (2) the place where a person has his or her family domiciled even if he or she does business in another place, and (3) if a person is homeless, the county in which the person is living.</p> <p>STATUTE: http://law.justia.com/nebraska/codes/s32index/s32index.html</p>
Nevada	<p>Except as otherwise provided, for the purposes of registering to vote, the address at which the voter actually resides is the street address assigned to the location at which the voter actually resides. For the purposes of registering to vote, if the voter does not reside at a location that has been assigned a street address, the address at which the voter actually resides is a description of the location at which the voter actually resides. Any registered voter removing from one county to another in the State, or from one precinct to another within the same county, after the close of registration for any election shall be deemed to retain his residence in the county or precinct removed from for the purposes of that election. If a person removes to another state, territory or foreign country, with the intention of establishing his domicile there, he thereby loses his residence in this State. Except as otherwise provided, if a person removes to another state, territory or foreign country, with the intention of residing there for an indefinite time, he thereby loses his residence in this State for election purposes, notwithstanding that he may intend to return at some uncertain future date.</p> <p>STATUTE: http://www.leg.state.nv.us/NRS/Index.cfm</p>
New Hampshire	<p>An inhabitant's domicile for voting purposes is that one place where a person, more than any other place, has established a physical presence and manifests an intent to maintain a single continuous presence for domestic, social, and civil purposes relevant to participating in democratic self-</p>

	<p>government. A person has the right to change domicile at any time, however a mere intention to change domicile in the future does not, of itself, terminate an established domicile before the person actually moves. A person's claim of domicile for voting purposes shall not be conclusive of the person's residence for any other legal purpose.</p> <p>STATUTE: http://www.sos.nh.gov/statutes.htm</p>
New Jersey	<p>A statement satisfying the requirements of sections 2 or 4 of this act shall be prima facie evidence that the place of residence in this State identified therein is the domicile of the affiant. In the absence of evidence contrary thereto appearing either in said statement or otherwise, the affiant shall be entitled to register or reregister within the voting district where such domicile is located, provided he possesses all other qualifications entitling him to do so. Any election official with whom such statement is filed is hereby empowered to conduct such investigation and to require the affiant to furnish additional data or information relating to his identified domicile, as he may consider necessary to discharge his duty pursuant to law.</p> <p>STATUTE: http://law.justia.com/newjersey/codes/8cf1/8cf1.html</p>
New Mexico	<p>For the purpose of determining residence for voting, the place of residence is governed by the following rules: the residence of a person is that place in which his habitation is fixed, and to which, whenever he is absent, he has the intention to return; the place where a person's family resides is presumed to be his place of residence, but a person who takes up or continues his abode with the intention of remaining at a place other than where his family resides is a resident where he abides; a change of residence is made only by the act of removal joined with the intent to remain in another place. There can be only one residence; a person does not lose his residence if he leaves his home and goes to another country, state or place within this state for temporary purposes only and with the intention of returning; a person does not gain a residence in a place to which he comes for temporary purposes only; a person loses his residence in this state if he votes in another state in an election requiring residence in that state, and has not upon his return regained his residence in this state under the provisions of the constitution of New Mexico;</p> <p>STATUTE: http://www.conwaygreene.com/nmsu/lpext.dll?f=templates&fn=main-h.htm&2.0</p>
New York	<p>For the purpose of registering and voting no person shall be deemed to have gained or lost a residence by reason of his presence or absence while employed in the service of the United States, nor while engaged in the navigation of the waters of this state, or of the United States, or of the high seas; nor while a student of any institution of learning; nor while kept at any welfare institution, asylum or other institution wholly or partly supported at public expense or by charity; nor while confined in any public prison. In determining a voter's qualification to register and vote, the board to which such application is made shall consider, in addition to the applicant's expressed intent, his conduct and all attendant surrounding circumstances relating thereto.</p> <p>STATUTE: http://www.elections.state.ny.us/ElectionLaw.html</p>
North Carolina	<p>All election officials in determining the residence of a person offering to register or vote, shall be governed by the following rules, so far as they may apply: the residence of a person is that place in which that person's habitation is fixed, and to which, whenever that person is absent, that person has the intention of returning. A person shall not be considered to have lost that person's residence if that person leaves home and goes into another state or other election district of this State, for temporary purposes only, with the intention of returning. A person shall not be considered to have gained a residence in any election district of this State, into which that person comes for temporary purposes only, without the intention of making that election district a permanent place of abode.</p> <p>STATUTE: http://www.sboe.state.nc.us/getdocument.aspx?ID=249</p>
North Dakota	<p>In determining the place of residence, the following rules must be observed: 1. It is the place where one remains when not called elsewhere for labor or other special or temporary purpose and to which the person returns in seasons of repose. 2. There can be only one residence. 3. A residence cannot be lost until another is gained. 4. The residence of the supporting parent during the supporting parent's life, and after the supporting parent's death, the residence of the other parent is</p>

	<p>the residence of the unmarried minor children. 5. An individual's residence does not automatically change upon marriage, but changes in accordance with subsection 7. The residence of either party to a marriage is not presumptive evidence of the other party's residence. 6. The residence of an unmarried minor who has a parent living cannot be changed by either that minor's own act or that of that minor's guardian. 7. The residence can be changed only by the union of act and intent.</p> <p>STATUTE: http://www.legis.nd.gov/cencode/t161.html</p>
Ohio	<p>That place shall be considered the residence of a person in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning. A person shall not be considered to have lost the person's residence who leaves the person's home and goes into another state or county of this state, for temporary purposes only, with the intention of returning. A person shall not be considered to have gained a residence in any county of this state into which the person comes for temporary purposes only, without the intention of making such county the permanent place of abode. If a person removes to another state with the intention of making such state the person's residence, the person shall be considered to have lost the person's residence in this state. Except as otherwise provided in this section, if a person removes from this state and continuously resides outside this state for a period of four years or more, the person shall be considered to have lost the person's residence in this state, notwithstanding the fact that the person may entertain an intention to return at some future period.</p> <p>STATUTE: http://codes.ohio.gov/orc/35</p>
Oklahoma	<p>Oklahoma courts have held that the word "reside", in specifying the qualifications of individual to be entitled to vote in Oklahoma, means to be in residence, one's place of abode, as distinguished from a place where one is employed or an office or place devoted strictly to commercial enterprise.</p> <p>STATUTE: link</p>
Oregon	<p>An elections official, in determining the residence and qualifications of a person offering to register or vote, shall consider the following rules, so far as they may be applicable: The person's residence shall be the place in which habitation is fixed and to which, when the person is absent, the person intends to return. A person shall not be considered to have gained a residence in any location in this state into which the person comes for temporary purposes only, without the intention of making it the person's home. If a person moves to another state with the intention of making a permanent home, the person shall be considered to have lost residence in this state. If a person goes from this state into any other state or territory and votes there, the person shall be considered to have lost residence in this state. A person who has left the place of the person's residence for a temporary purpose only shall not be considered to have lost residence. Notwithstanding subsection (1) of this section, a person who has left the place of the person's residence for a temporary purpose only, who has not established another residence for voter registration purposes and who does not have a place in which habitation is fixed shall not be considered to have changed or lost residence. The person may register at the address of the place the person's residence was located before the person left.</p> <p>STATUTE: http://www.leg.state.or.us/ors/246.html</p>
Pennsylvania	<p>That place shall be considered the residence of a person in which his habitation is fixed, and to which, whenever he is absent, he has the intention of returning. A person shall not be considered to have lost his residence who leaves his home and goes into another state or another election district of this State for temporary purposes only, with the intention of returning. A person shall not be considered to have gained a residence in any election district of this State into which he comes for temporary purposes only, without the intention of making such election district his permanent place of abode.</p> <p>If a person removes to another state with the intention of making such state his permanent residence, he shall be considered to have lost his residence in this State. If a person removes to another state with the intention of remaining there an indefinite time and making such state his place of residence, he shall be considered to have lost his residence in this State, notwithstanding he may entertain an intention to return at some indefinite future period. If a person removes to the District of</p>

	<p>Columbia or other Federal territory or foreign country to engage in the government service, he shall not be considered to have lost his residence in this State during the period of such service, and the place where the person resided at the time of his removal shall be considered and held to be his place of residence. If a person goes into another state and while there exercises the right of a citizen by voting, he shall be considered to have lost his residence in this State.</p> <p>STATUTE: http://government.westlaw.com/linkedslice/default.asp?SP=pac-1000</p>
Rhode Island	<p>A person's residence for voting purposes is his or her fixed and established domicile. The determinant of one's domicile is that person's factual physical presence in the voting district on a regular basis incorporating an intention to reside for an indefinite period. This domicile is the place to which, upon temporary absence, he or she has the intention of returning. Once acquired, this domicile continues until another domicile is established. A person can have only one domicile.</p> <p>STATUTE: http://www.rilin.state.ri.us/Statutes/TITLE17/INDEX.HTM</p>
South Carolina	<p>A person's residence is his domicile. "Domicile" means a person's fixed home where he has an intention of returning when he is absent. A person has only one domicile. For voting purposes, a person has changed his domicile if he (1) has abandoned his prior home and (2) has established a new home, has a present intention to make that place his home, and has no present intention to leave that place.</p> <p>STATUTE: http://www.scstatehouse.net/code/tit17.htm</p>
South Dakota	<p>Criteria for determining voting residence. For the purposes of this title, the term, residence, means the place in which a person has fixed his or her habitation and to which the person, whenever absent, intends to return. A person who has left home and gone into another state or territory or county of this state for a temporary purpose only has not changed his or her residence. A person is considered to have gained a residence in any county or municipality of this state in which the person actually lives, if the person has no present intention of leaving. If a person moves to another state, or to any of the other territories, with the intention of making it his or her permanent home, the person thereby loses residence in this state.</p> <p>STATUTE: http://legis.state.sd.us/statutes/DisplayStatute.aspx?Type=Statute&Statute=12</p>
Tennessee	<p>The residence of a person is that place in which the person's habitation is fixed, and to which, whenever the person is absent, the person has a definite intention to return; provided, that a person may not register to vote using a business location as the registration address when the sole basis for the person's presence at such location is based on a business or commercial use. A change of residence is generally made only by the act of removal joined with the intent to remain in another place. There can be only one residence. A person does not become a resident of a place solely by intending to make it the person's residence. There must be appropriate action consistent with the intention. A person does not lose residence if, with the definite intention of returning, the person leaves home and goes to another country, state or place within this state for temporary purposes, even if of one or more years duration.</p> <p>STATUTE: link</p>
Texas	<p>In this code, "residence" means domicile, that is, one's home and fixed place of habitation to which one intends to return after any temporary absence. A person does not lose the person's residence by leaving the person's home to go to another place for temporary purposes only. A person does not lose the person's residence by leaving the person's home to go to another place for temporary purposes only. A person does not acquire a residence in a place to which the person has come for temporary purposes only and without the intention of making that place the person's home.</p> <p>STATUTE: http://tlo2.tlc.state.tx.us/statutes/el.toc.htm</p>
Utah	<p>A "resident" is a person who resides within a specific voting precinct in Utah as provided in this</p>

	<p>section. A person resides in Utah if: the person's principal place of residence is within Utah; and (ii) the person has a present intention to continue residency within Utah permanently or indefinite. A person resides within a particular voting precinct if, as of the date of registering to vote, the person has the person's principal place of residence in that voting precinct. A person's "principal place of residence" is that place in which the person's habitation is fixed and to which, whenever the person is absent, the person has the intention of returning. A person is not a resident of any county or voting precinct if that person comes for temporary purposes and does not intend to make that county or voting precinct the person's home. If a person removes to another state with the intention of making it the person's principal place of residence, the person loses the person's residence in Utah. If a person moves to another state with the intent of remaining there for an indefinite time as a place of permanent residence, the person loses the person's residence in Utah, even though the person intends to return at some future time.</p> <p>STATUTE: http://www.le.state.ut.us/~code/TITLE20A/TITLE20A.htm</p>
Vermont	<p>A person may have his or her name on the checklist only in the town of which the person is a resident. For the purpose of this chapter, "resident" shall mean a person who is domiciled in the town as evidenced by an intent to maintain a principal dwelling place in the town indefinitely and to return there if temporarily absent, coupled with an act or acts consistent with that intent. If a person removes to another town with the intention of remaining there indefinitely, that person shall be considered to have lost residence in the town in which the person originally resided even though the person intends to return at some future time. However, a person shall retain the ability to vote in a town of former residence for a period of 17 days after becoming a resident of a new town. A person may have only one residence at a given time.</p> <p>STATUTE: http://www.leg.state.vt.us/statutes/chapters.cfm?Title=17</p>
Virginia	<p>A resident of Virginia (A person who has come to Virginia for temporary purposes and intends to return to another state is NOT considered a resident for voting purposes)</p> <p>STATUTE: http://leg1.state.va.us/cgi-bin/legp504.exe?000+cod+TOC2402000</p>
Washington	<p>Persons are considered residents of this state for sales and use tax purposes if they take actions which indicate that they intend to live in this state on more than a temporary or transient basis. A person may be considered a resident of this state even though the person is a resident of another state</p> <p>STATUTE: http://apps.leg.wa.gov/rcw/default.aspx?Cite=29A</p>
West Virginia	<p>The law requires that you register where you live, not at a business address.</p> <p>STATUTE: http://www.wvsos.com/adlaw/index/index2.htm#146</p>
Wisconsin	<p>Residence as a qualification for voting shall be governed by the following standards: The residence of a person is the place where the person's habitation is fixed, without any present intent to move, and to which, when absent, the person intends to return. A person shall not lose residence when the person leaves home and goes into another state or county, town, village or ward of this state for temporary purposes with an intent to return.</p> <p>STATUTE: http://www.legis.state.wi.us/rsb/stats.html</p>
Wyoming	<p>"Residence" is the place of a person's actual habitation. The construction of this term shall be governed by the following rules: residence is the place where a person has a current habitation and to which, whenever he is absent, he has the intention of returning; a person shall not lose his residence by leaving his home to go to another state, another district of this state, or to another country for temporary purposes, with the intent of returning, if he has not registered in the other state, district or country; a person shall not gain residence in a county if he enters it without the intent of making it his current actual residence; if a person removes to another state with the intent of making it his residence, he loses his residence in Wyoming; except that in a general election year, if his registration is valid in Wyoming when he leaves this state and he is unable to</p>

	<p>qualify under the laws of his new state of residence to vote at the primary or general election, he shall be deemed to have retained residence in Wyoming for purposes of voting by absentee ballot in the primary or general election.</p> <p>STATUTES: http://legisweb.state.wy.us/statutes/statutes.aspx?file=titles/Title22/Title22.htm</p>
--	---

CourtSmart Tag Report

Room: KN 412
Caption: Senate Ethics and Elections

Case:
Judge:

Type:

Started: 9/23/2013 3:59:55 PM

Ends: 9/23/2013 5:05:50 PM

Length: 01:05:56

4:00:15 PM Meeting called to order by Chair Latvala
4:00:22 PM Roll Call by Admin. Asst.
4:00:51 PM Opening Remarks by Chair Latvala
4:01:35 PM Tab #1 - SB 72 by Sen. Flores
4:02:04 PM Chair Latvala
4:02:05 PM Sen. Braynon
4:02:16 PM Sen. Flores
4:02:45 PM Chair
4:02:46 PM Sen. Soto
4:02:54 PM Sen. Flores
4:03:40 PM Chair
4:03:41 PM Sen. Clemens
4:03:50 PM Sen. Flores
4:04:45 PM Chair
4:04:50 PM Sen. Thrasher
4:05:05 PM Sen. Flores
4:05:37 PM Chair Latvala
4:05:40 PM Sen. Legg
4:06:05 PM Sen. Flores
4:06:33 PM Chair Latvala
4:06:58 PM Sen. Joyner
4:07:38 PM Chair
4:07:42 PM Sen. Flores
4:08:08 PM Chair
4:08:19 PM Sen. Joyner
4:08:50 PM Chair
4:08:56 PM Sen. Thrasher
4:09:12 PM Chair
4:09:46 PM Testimony: Brian Pitts, Justice-2-Jesus
4:12:36 PM Chair
4:12:47 PM Sen. Soto
4:13:20 PM Chair
4:13:26 PM Sen. Flores
4:15:10 PM Chair
4:15:18 PM Roll Call on SB 72
4:16:05 PM Chair Latvala: SB 72 passed Favorably
4:16:20 PM Chair: Move to Tab #2 - Ad Valorem Taxing Authority Bds/Commissions and Senate Confirmation
4:17:08 PM Tab #2 - Ad Valorem Taxing Authority Bds/Commissions and Senate Confirmation presented by Dawn Roberts, Staff Director
4:21:58 PM Sen. Diaz de la Portilla
4:22:19 PM Chair responds
4:22:47 PM Chair responds
4:22:49 PM Sen. Diaz de la Portilla
4:23:47 PM Follow-up by Sen. Diaz de la Portilla
4:23:50 PM Response by Staff Director
4:24:31 PM Response by Staff Director
4:24:31 PM Sen. Diaz de la Portilla
4:25:25 PM Follow-up by Sen. Diaz de la Portilla
4:25:27 PM Chair
4:26:58 PM Chair
4:27:01 PM Chair
4:27:03 PM Chair

4:27:14 PM Chair wants a follow-up report
4:30:00 PM continued - Chair wants a follow-up report
4:30:02 PM continued - Chair wants a follow-up report
4:30:07 PM Testimony - Mrs. Shelia Anderson, citizen
4:30:12 PM Tab #3 - Presentation by Dr. Carol Weissert, Director, LeRoy Collins Institute re to Ethics
4:30:49 PM cont'd discussion (Tab #3)
4:30:51 PM Dr. Weissert
4:32:34 PM Dr. Weissert
4:32:46 PM Dr. Weissert
4:32:53 PM Dr. Weissert
4:32:53 PM Power Point Presentation - Survey Response by Counties
4:33:34 PM Exhibit #6: Does your county offer ethics training for elected county officials?
4:34:00 PM Exhibit #5: Does your county have a designated point person for ethics issues?
4:34:02 PM Exhibit #11: Has your county adopted any ordinance regulating procurement practices?
4:34:21 PM Exhibit #7: Has your county adopted restrictions on gifts from lobbyists to county commissioners and county employees?
4:34:41 PM Exhibit #7: cont'd
4:34:41 PM Exhibit #1: Has your county adopted an ethics code different from the state (Ch.112)?
4:35:05 PM Exhibit #2: Has your county adopted an ordinance re voting conflicts for elected officials?
4:35:22 PM Exhibit #3: Does your county have its own Ethics Commission?
4:35:38 PM Exhibit #4: Does your county have its own independent Inspector General?
4:37:50 PM Exhibit #4: cont'd
4:37:51 PM Chair: Any Questions?
4:38:41 PM Chair
4:38:43 PM Chair - Directions for Staff
4:39:12 PM Chair: (cont'd) Directions for Staff
4:39:14 PM Tab #3: Testimony by Dan Krassner, Executive Director, Integrity Florida
4:41:38 PM Tab #3: Cont'd presentation by Dan Krassner
4:41:42 PM Tab #3: Cont'd by Dan Krassner
4:42:56 PM Tab #3: Cont'd by Dan Krassner
4:43:22 PM Sen. Clemens
4:43:36 PM Sen. Clemens
4:43:39 PM Response by Dan Krassner
4:44:45 PM Sen. Thrasher re other states
4:45:25 PM Mr. Krassner responds
4:45:38 PM Sen. Thrasher
4:45:58 PM Mr. Krassner responds
4:46:34 PM Sen. Thrasher
4:46:55 PM Chair
4:46:59 PM Sen. Diaz de la Portilla
4:47:17 PM Mr. Krassner responds
4:48:12 PM Sen. Diaz de la Portilla
4:49:38 PM Mr. Krassner
4:50:51 PM Mr. Krassner
4:50:53 PM Sen. Diaz de la Portilla
4:51:47 PM Sen. Diaz de la Portilla
4:51:48 PM Chair
4:51:50 PM Sen. Soto
4:52:26 PM Mr. Krassner
4:53:23 PM Chair
4:53:48 PM Testimony: Mrs. Sheila Anderson - private citizen
4:56:23 PM cont'd Testimony by Mrs. Sheila Anderson - private citizen
4:56:24 PM Chair
4:57:19 PM Testimony: Brian Pitts, Justice-2-Jesus
4:57:45 PM Chair
4:58:07 PM Tab #4: Discussion - Statutes and court decisions pertaining to the definition of residency for elected officials in Florida
5:00:19 PM Staff Director - Dawn Roberts
5:00:41 PM Reference made to Supporting Document Tab #4b - Guidelines for when residency must be met
5:01:04 PM Reference made to Supporting Document Tab #4c - NCSL - Residency Requirements
5:01:20 PM Reference made to Supporting Document Tab #4d - NASS Survey: Review of Laws defining Residency
5:01:47 PM Supporting Document Tab #4a presented by Dan Carlton, Staff Attorney

5:05:16 PM Chair makes closing remarks
5:05:42 PM Chair: Sen. Sobel moves we rise.