

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

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

BILL: SJR 1084

SPONSOR: Senator Meek

SUBJECT: Local government; nonpartisan election of supervisors of elections

DATE: February 21, 2002 REVISED: 02/13/02 _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Rubinas</u>	<u>Rubinas</u>	<u>EE</u>	<u>Fav/1 amendment</u>
2.	<u>Bowman</u>	<u>Yeatman</u>	<u>CA</u>	<u>Favorable</u>
3.	_____	_____	<u>RC</u>	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

Senate Joint Resolution 1084 proposes an amendment to the Constitution to require all of Florida’s supervisors of elections, including those from charter counties, to be elected on a nonpartisan basis. If passed by a vote of three-fifths of the members of each house of the Legislature, the proposed amendment will be presented to the voters at the 2002 General Election.

This joint resolution proposes an amendment to Art. VIII, section 1, of the State Constitution.

II. Present Situation:

Each of Florida’s 67 counties has a supervisor of elections whose responsibilities include voter registration and conducting elections. Pursuant to Article VIII, section 1(d), of the State Constitution, the supervisor of election is a county officer to be elected upon the vote of the electors; except, the supervisor of elections may be chosen by another method when provided by county charter, or by a special law approved by the vote of the electors.

With the exception of Dade County, each of the supervisors of elections is an elected constitutional officer. Most of the supervisors of elections run on a partisan basis; however, a few supervisors are elected on a nonpartisan basis pursuant to county charter. Also, the supervisor of elections in Miami-Dade County is *appointed* by the County Manager pursuant to Miami-Dade’s Home Rule Charter. Miami-Dade’s Home Rule Charter was adopted in 1957.

Article VIII, section 6(e) of the State Constitution states that the provisions of the Metropolitan Miami-Dade County Home Rule Charter adopted by the electors of Miami-Dade County pursuant to Article VIII, section 11 of the Constitution of 1885 are valid and any subsequent

amendments to the charter, authorized by Article VIII, section 11 of the Constitution of 1885 are authorized.¹

Article VIII, section 11 of the Constitution of 1885 granted the electors of Miami-Dade County the authority to adopt a home rule charter government in Miami-Dade County of which the Board of County Commissioners of Miami-Dade County is the governing body. In contrast to charter governments created pursuant to Article VIII, section 6(g) of the State Constitution, Metropolitan Miami-Dade County is granted unique powers that include:

- Abolishing the offices of sheriff, tax collector, property appraiser, supervisor of elections and clerk of the circuit court and provide for the consolidation and transfer of their functions; and
- Changing the boundaries of, merging, consolidating and abolishing municipalities, county or district governments whose jurisdictions lies wholly within Miami-Dade County;
- Providing a method for establishing new municipal corporations, special taxing units and other governmental units in Miami-Dade County;
- Providing an exclusive method for municipal corporations to make, amend or repeal its own charter, which, once adopted, cannot be changed or repealed by the Legislature;
- Changing the name of Miami-Dade County.

III. Effect of Proposed Changes:

Senate Joint Resolution 1084 proposes an amendment to the Constitution to provide for the election of all 67 of Florida's supervisors of elections on a nonpartisan basis, including supervisors of elections in all charter counties.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

¹ Art. VIII, section 6(e), State Constitution

B. Private Sector Impact:

If approved by the voters, the political parties will realize a loss from the filing fees and party assessments of candidates for supervisor of elections who currently run on a partisan basis. The political parties receive the 2 percent party assessment and the 3 percent filing fee from partisan candidates for supervisor of elections. In addition, nonpartisan candidates for supervisor of elections who pay a qualifying fee would see a reduction in the fees since they would not be required to pay a party assessment.

C. Government Sector Impact:

Each constitutional amendment is required to be published in a newspaper of general circulation in each county, once in the sixth week and once in the tenth week preceding the general election. Costs for advertising vary depending on the length of the amendment; however, the cost per amendment is estimated to be \$59,000.

VI. Technical Deficiencies:

The constitutional ballot language is defective because the language describes the proposed amendment as an amendment to Article VIII, section 6 when the actual amendment stated in the Senate Joint Resolution is drafted to Article VIII, section 1.

VII. Related Issues:

None.

VIII. Amendments:

#1 by Ethics and Elections:

Technical; corrects an improper section reference.