

**STORAGE NAME:** h1369a.ree.doc  
**DATE:** February 12, 2002

**HOUSE OF REPRESENTATIVES  
COMMITTEE ON  
RULES, ETHICS & ELECTIONS (PRC)  
ANALYSIS**

**BILL #:** HJR 1369  
**RELATING TO:** Supervisors of Elections  
**SPONSOR(S):** Representative(s) Diaz de la Portilla

**TIED BILL(S):**

**ORIGINATING COMMITTEE(S)/COUNCIL(S)/COMMITTEE(S) OF REFERENCE:**

- (1) RULES, ETHICS & ELECTIONS (PRC) YEAS 7 NAYS 6
- (2) JUDICIAL OVERSIGHT (SGC)
- (3) PROCEDURAL & REDISTRICTING COUNCIL
- (4)
- (5)

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I. SUMMARY:

HJR 1369 proposes to amend art. VIII, s. 1, of the Florida Constitution to provide for the non-partisan election of supervisors of elections in all counties of the state.

The proposed amendment would be presented to the electors of Florida at the November 2002 general election.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Generally, supervisors of elections are constitutional officers, elected for four-year terms in partisan elections, pursuant to art. VIII, s. 1(d), of the Florida Constitution. Supervisors from Volusia, and Polk Counties currently run in non-partisan elections under their respective county charters.

Currently there are 44 supervisors who were elected as Democrats, 20 supervisors who were elected as Republicans and 2 supervisors who were elected with no party affiliation.<sup>1</sup> The Palm Beach County Supervisor was elected as a Democrat but has recently changed her party registration to "no party affiliation." The supervisor of elections in Miami-Dade County, pursuant to its home rule charter, is appointed by the Miami-Dade County Manager.<sup>2</sup>

C. EFFECT OF PROPOSED CHANGES:

HJR 1369 amends art. VIII, s. 1, of the Florida Constitution to provide for the non-partisan election of supervisors of elections in all counties of the state, including charter counties.

The proposed amendment shall appear on the ballot as follows:

SUPERVISORS OF ELECTIONS; NONPARTISAN ELECTION

Proposes an amendment to the State Constitution under which the supervisors of elections in all counties of the state, including charter counties, would be elected on a nonpartisan basis.

D. SECTION-BY-SECTION ANALYSIS:

N/A

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<sup>1</sup> According to information provided by the Division of Elections on February 8, 2002, there are three supervisors of elections who run in non-partisan elections from the following counties: Duval, Volusia and Polk. However, according to the Duval County supervisor, he ran as a Republican in the most recent election.

<sup>2</sup> Art. VIII, s. 6, Fla. Const. The Miami-Dade County Home Rule Amendment to the Florida Constitution was adopted November 6, 1956. The Miami-Dade County Home Rule Charter was adopted May 21, 1957.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

N/A

2. Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

N/A

2. Expenditures:

Article XI, s. 5, Fla. Const. requires that each proposed amendment to the Constitution be published in a newspaper of general circulation in each county two times prior to the general election. The Division of Elections estimates that the cost of compliance would be approximately \$58,767.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

If the voters approve the amendment, political parties will realize a loss from filing fees and party assessments of candidates for supervisor of elections who currently run on a partisan basis. Political parties currently receive the 3 percent filing fee and 2 percent party assessment from partisan candidates for supervisor of elections, pursuant to s. 99.092(1), F.S. In addition, non-partisan candidates for supervisor of elections who pay a qualifying fee would not be required to pay a party assessment.

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

N/A

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

N/A

C. OTHER COMMENTS:

SJR 526, introduced by Senator Meek in 2001, contained language that is similar to HJR 1369. SJR 526 passed the Senate but died in House messages on May 4, 2001. The 2001 House version, HJR 1631 by Rep. Diaz de la Portilla, died in this committee on the same date. Similar language was also contained in SB 1118, the Election Reform Act of 2001, but was removed during the conference committee process.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON RULES, ETHICS & ELECTIONS (PRC):

Prepared by:

Staff Director:

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Emmett Mitchell, IV

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Richard Hixson