

By Senator Justice

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1                   A bill to be entitled  
2           An act relating to elections; amending s. 98.015,  
3           F.S.; requiring that a supervisor of elections in each  
4           county be elected in a nonpartisan election; amending  
5           s. 101.151, F.S.; deleting a provision requiring that  
6           the title "supervisor of elections" and the names of  
7           candidates running for such office appear under the  
8           heading entitled "County" on election ballots;  
9           amending s. 105.031, F.S.; requiring that candidates  
10          for the office of supervisor of elections pay a  
11          specified qualifying fee, subscribe to an oath, and  
12          file certain items with the supervisor of elections  
13          before the end of the qualifying period; amending s.  
14          105.035, F.S.; including candidates for the office of  
15          supervisor of elections among the list of candidates  
16          who may qualify for election by a specified petition  
17          process; amending s. 105.041, F.S.; requiring that  
18          space be made available on a general election ballot  
19          for an elector to write in the name of a write-in  
20          candidate for the office of supervisor of elections if  
21          such candidate has qualified as a write-in candidate  
22          pursuant to state law; amending s. 105.051, F.S.;  
23          prohibiting the name of an unopposed candidate for the  
24          office of supervisor of elections from appearing on  
25          any ballot; amending s. 105.061, F.S.; requiring that  
26          the election of a supervisor of elections be by vote  
27          of the qualified electors of a county; amending s.  
28          105.08, F.S.; limiting the contributions that may be  
29          accepted and the expenses that may be incurred by a

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30 candidate for the office of supervisor of elections;  
31 requiring such candidates to keep an accurate record  
32 of such contributions and expenses; requiring that  
33 such information be reported in accordance with state  
34 law; amending s. 105.09, F.S.; prohibiting a political  
35 party or partisan political organization from  
36 endorsing, supporting, or assisting any candidate in a  
37 campaign for election to the office of supervisor of  
38 elections; providing that it is a second-degree  
39 misdemeanor to knowingly commit such acts; providing  
40 an effective date.

41

42 Be It Enacted by the Legislature of the State of Florida:

43

44 Section 1. Subsection (1) of section 98.015, Florida  
45 Statutes, is amended to read:

46 98.015 Supervisor of elections; election, tenure of office,  
47 compensation, custody of registration-related documents, office  
48 hours, successor, seal; appointment of deputy supervisors;  
49 duties.-

50 (1) A supervisor of elections shall be elected in a  
51 nonpartisan election in each county at the general election in  
52 each year the number of which is a multiple of four for a 4-year  
53 term commencing on the first Tuesday after the first Monday in  
54 January succeeding his or her election. Each supervisor shall,  
55 before performing any of his or her duties, take the oath  
56 prescribed in s. 5, Art. II of the State Constitution.

57 Section 2. Paragraph (a) of subsection (2) of section  
58 101.151, Florida Statutes, is amended to read:

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59 101.151 Specifications for ballots.—

60 (2) (a) The ballot shall have headings under which shall  
61 appear the names of the offices and the names of the candidates  
62 for the respective offices in the following order: the heading  
63 "President and Vice President" and thereunder the names of the  
64 candidates for President and Vice President of the United States  
65 nominated by the political party that received the highest vote  
66 for Governor in the last general election of the Governor in  
67 this state. Then shall appear the names of other candidates for  
68 President and Vice President of the United States who have been  
69 properly nominated. Then shall follow the heading  
70 "Congressional" and thereunder the offices of United States  
71 Senator and Representative in Congress; then the heading "State"  
72 and thereunder the offices of Governor and Lieutenant Governor,  
73 Attorney General, Chief Financial Officer, Commissioner of  
74 Agriculture, state attorney, and public defender, together with  
75 the names of the candidates for each office and the title of the  
76 office which they seek; then the heading "Legislative" and  
77 thereunder the offices of state senator and state  
78 representative; then the heading "County" and thereunder clerk  
79 of the circuit court, clerk of the county court (when authorized  
80 by law), sheriff, property appraiser, tax collector, and  
81 district superintendent of schools, ~~and supervisor of elections.~~  
82 Thereafter follows: members of the board of county  
83 commissioners, and such other county and district offices as are  
84 involved in the election, in the order fixed by the Department  
85 of State, followed, in the year of their election, by "Party  
86 Offices," and thereunder the offices of state and county party  
87 executive committee members. In a general election, in addition

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88 to the names printed on the ballot, a blank space shall be  
89 provided under each heading for an office for which a write-in  
90 candidate has qualified. With respect to write-in candidates, if  
91 two or more candidates are seeking election to one office, only  
92 one blank space shall be provided.

93 Section 3. Subsection (3), paragraph (a) of subsection (4),  
94 and paragraph (a) of subsection (5) of section 105.031, Florida  
95 Statutes, are amended to read:

96 105.031 Qualification; filing fee; candidate's oath; items  
97 required to be filed.—

98 (3) QUALIFYING FEE.—Each candidate qualifying for election  
99 to a judicial office, the office of supervisor of elections, or  
100 the office of school board member, except write-in ~~judicial or~~  
101 ~~school board~~ candidates, shall, during the time for qualifying,  
102 pay to the officer with whom he or she qualifies a qualifying  
103 fee, which shall consist of a filing fee and an election  
104 assessment, or qualify by the petition process. The amount of  
105 the filing fee is 3 percent of the annual salary of the office  
106 sought. The amount of the election assessment is 1 percent of  
107 the annual salary of the office sought. The Department of State  
108 shall forward all filing fees to the Department of Revenue for  
109 deposit in the Elections Commission Trust Fund. The supervisor  
110 of elections shall forward all filing fees to the Elections  
111 Commission Trust Fund. The election assessment shall be  
112 deposited into the Elections Commission Trust Fund. The annual  
113 salary of the office for purposes of computing the qualifying  
114 fee shall be computed by multiplying 12 times the monthly salary  
115 authorized for such office as of July 1 immediately preceding  
116 the first day of qualifying. This subsection shall not apply to

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117 candidates qualifying for retention to judicial office.

118 (4) CANDIDATE'S OATH.—

119 (a) All candidates for the office of supervisor of  
120 elections or the office of school board member shall subscribe  
121 to the oath as prescribed in s. 99.021.

122 (5) ITEMS REQUIRED TO BE FILED.—

123 (a) In order for a candidate for judicial office, the  
124 office of supervisor of elections, or the office of school board  
125 member to be qualified, the following items must be received by  
126 the filing officer by the end of the qualifying period:

127 1. Except for candidates for retention to judicial office,  
128 a properly executed check drawn upon the candidate's campaign  
129 account in an amount not less than the fee required by  
130 subsection (3) or, in lieu thereof, the copy of the notice of  
131 obtaining ballot position pursuant to s. 105.035. If a  
132 candidate's check is returned by the bank for any reason, the  
133 filing officer shall immediately notify the candidate and the  
134 candidate shall, the end of qualifying notwithstanding, have 48  
135 hours from the time such notification is received, excluding  
136 Saturdays, Sundays, and legal holidays, to pay the fee with a  
137 cashier's check purchased from funds of the campaign account.  
138 Failure to pay the fee as provided in this subparagraph shall  
139 disqualify the candidate.

140 2. The candidate's oath required by subsection (4), which  
141 must contain the name of the candidate as it is to appear on the  
142 ballot; the office sought, including the district or group  
143 number if applicable; and the signature of the candidate, duly  
144 acknowledged.

145 3. The loyalty oath required by s. 876.05, signed by the

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146 candidate and duly acknowledged.

147 4. The completed form for the appointment of campaign  
 148 treasurer and designation of campaign depository, as required by  
 149 s. 106.021. In addition, each candidate for judicial office,  
 150 including an incumbent judge, shall file a statement with the  
 151 qualifying officer, within 10 days after filing the appointment  
 152 of campaign treasurer and designation of campaign depository,  
 153 stating that the candidate has read and understands the  
 154 requirements of the Florida Code of Judicial Conduct. Such  
 155 statement shall be in substantially the following form:

156 Statement of Candidate for Judicial Office

157  
 158 I, ...(name of candidate)..., a judicial candidate, have  
 159 received, read, and understand the requirements of the Florida  
 160 Code of Judicial Conduct.

161 ... (Signature of candidate) ...

162 ... (Date) ...

163 5. The full and public disclosure of financial interests  
 164 required by s. 8, Art. II of the State Constitution or the  
 165 statement of financial interests required by s. 112.3145,  
 166 whichever is applicable. A public officer who has filed the full  
 167 and public disclosure or statement of financial interests with  
 168 the Commission on Ethics or the supervisor of elections prior to  
 169 qualifying for office may file a copy of that disclosure at the  
 170 time of qualifying.

171 Section 4. Section 105.035, Florida Statutes, is amended to  
 172 read:

173 105.035 Petition process of qualifying for certain judicial  
 174 offices, the office of supervisor of elections, and the office

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175 of school board member.-

176 (1) A person seeking to qualify for election to the office  
177 of circuit judge, ~~or~~ county court judge, supervisor of  
178 elections, or ~~the office of~~ school board member may qualify for  
179 election to such office by means of the petitioning process  
180 prescribed in this section. A person qualifying by this petition  
181 process is not required to pay the qualifying fee required by  
182 this chapter.

183 (2) The petition format shall be prescribed by the Division  
184 of Elections and shall be used by the candidate to reproduce  
185 petitions for circulation. If the candidate is running for an  
186 office that will be grouped on the ballot with two or more  
187 similar offices to be filled at the same election, the  
188 candidate's petition must indicate, prior to the obtaining of  
189 registered electors' signatures, for which group or district  
190 office the candidate is running.

191 (3) Each candidate for election to a judicial office, the  
192 office of supervisor of elections, or the office of school board  
193 member shall obtain the signature of a number of qualified  
194 electors equal to at least 1 percent of the total number of  
195 registered electors of the district, circuit, county, or other  
196 geographic entity represented by the office sought as shown by  
197 the compilation by the Department of State for the last  
198 preceding general election. A separate petition shall be  
199 circulated for each candidate availing himself or herself of the  
200 provisions of this section. Signatures may not be obtained until  
201 the candidate has filed the appointment of campaign treasurer  
202 and designation of campaign depository pursuant to s. 106.021.

203 (4) (a) Each candidate seeking to qualify for election to

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204 the office of circuit judge or the office of school board member  
205 from a multicounty school district pursuant to this section  
206 shall file a separate petition from each county from which  
207 signatures are sought. Each petition shall be submitted, prior  
208 to noon of the 28th day preceding the first day of the  
209 qualifying period for the office sought, to the supervisor of  
210 elections of the county for which such petition was circulated.  
211 Each supervisor of elections to whom a petition is submitted  
212 shall check the signatures on the petition to verify their  
213 status as electors of that county and of the geographic area  
214 represented by the office sought. No later than the 7th day  
215 before the first date for qualifying, the supervisor shall  
216 certify the number shown as registered electors and submit such  
217 certification to the Division of Elections. The division shall  
218 determine whether the required number of signatures has been  
219 obtained for the name of the candidate to be placed on the  
220 ballot and shall notify the candidate. If the required number of  
221 signatures has been obtained, the candidate shall, during the  
222 time prescribed for qualifying for office, submit a copy of such  
223 notice and file his or her qualifying papers and oath prescribed  
224 in s. 105.031 with the Division of Elections. Upon receipt of  
225 the copy of such notice and qualifying papers, the division  
226 shall certify the name of the candidate to the appropriate  
227 supervisor or supervisors of elections as having qualified for  
228 the office sought.

229 (b) Each candidate seeking to qualify for election to the  
230 office of county court judge, the office of supervisor of  
231 elections, or the office of school board member from a single  
232 county school district pursuant to this section shall submit his



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233 or her petition, before ~~prior to~~ noon of the 28th day preceding  
234 the first day of the qualifying period for the office sought, to  
235 the supervisor of elections of the county for which such  
236 petition was circulated. The supervisor shall check the  
237 signatures on the petition to verify their status as electors of  
238 the county and of the geographic area represented by the office  
239 sought. No later than the 7th day before the first date for  
240 qualifying, the supervisor shall determine whether the required  
241 number of signatures has been obtained for the name of the  
242 candidate to be placed on the ballot and shall notify the  
243 candidate. If the required number of signatures has been  
244 obtained, the candidate shall, during the time prescribed for  
245 qualifying for office, submit a copy of such notice and file his  
246 or her qualifying papers and oath prescribed in s. 105.031 with  
247 the qualifying officer. Upon receipt of the copy of such notice  
248 and qualifying papers, such candidate shall be entitled to have  
249 his or her name printed on the ballot.

250 Section 5. Subsection (4) of section 105.041, Florida  
251 Statutes, is amended to read:

252 105.041 Form of ballot.—

253 (4) WRITE-IN CANDIDATES.—Space shall be made available on  
254 the general election ballot for an elector to write in the name  
255 of a write-in candidate for judge of a circuit court or county  
256 court, the office of supervisor of elections, or member of a  
257 school board if a candidate has qualified as a write-in  
258 candidate for such office pursuant to s. 105.031. This  
259 subsection shall not apply to the offices of justices and judges  
260 seeking retention.

261 Section 6. Paragraph (a) of subsection (1) of section

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262 105.051, Florida Statutes, is amended to read:

263 105.051 Determination of election or retention to office.—

264 (1) ELECTION.—In circuits and counties holding elections:

265 (a) The name of an unopposed candidate for the office of  
266 circuit judge, county court judge, supervisor of elections, or  
267 member of a school board shall not appear on any ballot, and  
268 such candidate shall be deemed to have voted for himself or  
269 herself at the general election.

270 Section 7. Subsection (3) is added to section 105.061,  
271 Florida Statutes, to read:

272 105.061 Electors qualified to vote.—

273 (3) The election of the supervisor of elections shall be by  
274 vote of the qualified electors of the county.

275 Section 8. Subsection (1) of section 105.08, Florida  
276 Statutes, is amended to read:

277 105.08 Campaign contribution and expense; reporting.—

278 (1) A candidate for judicial office, the office of  
279 supervisor of elections, or the office of school board member  
280 may accept contributions and may incur only such expenses as are  
281 authorized by law. Each such candidate shall keep an accurate  
282 record of his or her contributions and expenses, and shall file  
283 reports pursuant to chapter 106.

284 Section 9. Section 105.09, Florida Statutes, is amended to  
285 read:

286 105.09 Political activity on ~~in~~ behalf of a candidate for  
287 judicial office or the office of supervisor of elections  
288 limited.—

289 (1) A ~~No~~ political party or partisan political organization  
290 may not ~~shall~~ endorse, support, or assist any candidate in a

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291 campaign for election to judicial office or the office of  
292 supervisor of elections.

293 (2) Any person who knowingly, in an individual capacity or  
294 as an officer of an organization, violates the provisions of  
295 this section commits ~~is guilty of~~ a misdemeanor of the second  
296 degree, punishable as provided in s. 775.082 or s. 775.083.

297 Section 10. This act shall take effect July 1, 2009.