

The Constitution Revision Commission
COMMITTEE MEETING EXPANDED AGENDA

ETHICS AND ELECTIONS
Commissioner Coxe, Chair
Commissioner Kruppenbacher, Vice Chair

MEETING DATE: Wednesday, November 29, 2017
TIME: 8:00 a.m.—12:00 noon
PLACE: 110 Senate Office Building, Tallahassee, Florida

MEMBERS: Commissioner Coxe, Chair; Commissioner Kruppenbacher, Vice Chair; Commissioners Gaetz, Heuchan, Joyner, Newsome, Plymale, Schifino, and Smith

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
1	P 11 Plymale	SUFFRAGE AND ELECTIONS, Primary, general, and special elections; Section 5 of Article VI of the State Constitution to authorize all qualified electors, regardless of party affiliation, to vote in a partisan primary election for an office if all the candidates for the office have the same party affiliation and the winner will be opposed only by one or more write-in candidates in the general election. EE 11/29/2017 Favorable GP	Favorable Yeas 8 Nays 1
2	P 56 Kruppenbacher	SUFFRAGE AND ELECTIONS, Prohibition on expenditure of public funds for campaign spending; Section 7 of Article VI of the State Constitution to remove the requirement that a method of public financing for campaigns for statewide office be established by law and to prohibit the expenditure of any public funds on campaigns for state or local elections. EE 11/29/2017 Temporarily Postponed FT	Temporarily Postponed
3	P 31 Donalds	SUFFRAGE AND ELECTIONS, repeal s. 7; Section 7 of Article VI of the State Constitution to remove the requirement that a method of public financing for campaigns for statewide office be established by law. EE 11/29/2017 Withdrawn	Withdrawn
4	P 13 Timmann	LOCAL GOVERNMENT, Counties; Schedule to Article VIII; Sections 1 and 6 of Article VIII of the State Constitution to remove authority for a county charter or a special law to provide for choosing specified county officers in a manner other than election and to prohibit a county charter from abolishing specified county officers, transferring duties of a county officer to another officer or office, establishing the length of terms of county officers, or establishing any manner of selection of county officers other than by election. LO 11/01/2017 Favorable EE 11/29/2017 Temporarily Postponed	Temporarily Postponed

COMMITTEE MEETING EXPANDED AGENDA

Ethics and Elections

Wednesday, November 29, 2017, 8:00 a.m.—12:00 noon

TAB	PROPOSAL NO. and INTRODUCER	PROPOSAL DESCRIPTION and COMMITTEE ACTIONS	COMMITTEE ACTION
5	Presentation by Steve Hough, Director of Florida Fair and Open Primaries, on Open Primaries.	Presented	

**Constitution Revision Commission
Ethics and Elections Committee
Proposal Analysis**

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

Proposal #: P 11

Relating to: SUFFRAGE AND ELECTIONS, Primary, general, and special elections

Introducer(s): Commissioner Plymale and others

Article/Section affected: Article VI, Section 5

Date: November 21, 2017

	REFERENCE	ACTION
1.	<u>EE</u>	<u>Pre-meeting</u>
2.	<u>GP</u>	<u></u>

I. SUMMARY:

Amends Section 5 of Article VI of the State Constitution to authorize all qualified electors, regardless of party affiliation, to vote in a partisan primary election for an office if all the candidates for the office have the same party affiliation and the winner will be opposed only by one or more write-in candidates in the general election.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Primary Elections – General

A primary election is an election used either to narrow the field of candidates for a given elective office or to determine the nominees for political parties in advance of a general election. Primary elections can take several different forms. In a partisan primary, voters select a candidate to be a political party's nominee for a given office in the corresponding general election. Nonpartisan primaries are used to narrow the field of candidates for nonpartisan offices in advance of a general election. The terms of participation (e.g., whether only registered party members can vote in a party's primary) in primary elections can vary by jurisdiction, political party, and the office or offices up for election. The methods employed to determine the outcome of the primary can also vary by jurisdiction.

Primary Elections - Types

The National Conference on State Legislatures has categorized state terms of participation in primary elections into the following six categories – Closed, Partially Closed, Partially Open, Open to Unaffiliated Voters, Open, and Top Two.

Closed Primaries

Closed primaries are those in which voters must be registered members of the political party holding the primary. This system prevents “cross-over” voting by voters registered with other political parties, as well as voters unaffiliated through voter registration with any political party. Nine states are categorized as having closed primary systems - Delaware, Florida, Kentucky, Maryland, Nevada, New Mexico, New York, Oregon and Pennsylvania.

Partially Closed Primaries

Partially closed primaries are those in which voters must be registered members of the political party holding the primary, unless the party chooses to allow unaffiliated voters to participate. This system gives the parties more flexibility from election to election concerning which voters to include in the primary election process. Seven states are categorized as having partially closed primary systems – Alaska, Connecticut, Idaho, North Carolina, Oklahoma, South Dakota, and Utah.

Partially Open Primaries

Partially open primaries are those in which voters are essentially allowed to vote in a political party’s primary even if they are not registered members of that party, by declaring their affiliation to that political party at the time of voting. This system essentially allows for same-day changing of political party affiliation in order to vote in a given political party’s primary. Six states are categorized as having partially open primary systems – Illinois, Indiana, Iowa, Ohio, Tennessee, and Wyoming.

Primaries Open to Unaffiliated Voters

Primaries open to unaffiliated voters allows such voters to choose a political party primary in which to participate. It does not allow voters registered with another political party to “cross-over” and vote in the primary of a different political party. This system differs from the partially closed primary system in that unaffiliated voters are entitled to vote in a political party primary; it is not subject to the choice of a political party from election to election. Nine states are categorized as having primary systems open to unaffiliated voters – Arizona, Colorado, Kansas, Maine, Massachusetts, New Hampshire, New Jersey, Rhode Island, and West Virginia.

Open Primaries

Open primaries are those in which voters are allowed to participate in a political party’s primary, whether or not they are registered members of the political party holding the primary or for that matter any political party. This system allows for unconditional “cross-over” voting and participation by unaffiliated voters. Fifteen states are categorized as having open primary systems – Alabama, Arkansas, Georgia, Hawaii, Michigan, Minnesota, Mississippi, Missouri, Montana, North Dakota, South Carolina, Texas, Vermont Virginia, and Wisconsin.

Top-Two Primaries

Top-two primaries are those in which all voters can participate, where all candidates for a given office appear on the primary ballot regardless of party of affiliation. The “top-two” vote getters in the primary, again regardless of party affiliation, advance to the general

election ballot. Four states are categorized as having top-two primary systems – California, Louisiana, Nebraska, and Washington.

Primary Elections in Florida

1998 Amendment to the Constitution

Prior to 1998, Florida was considered a “pure” closed primary state in that only voters who were registered members of a given political party could vote in that political party’s primary. However, the 1998 Florida Constitution Revision Commission voted to place Proposition 11 on the ballot for the November 1998 general election. Among several election-related changes, Proposition 11 proposed amending Article VI of the Florida State Constitution by including the following language:

“If all candidates for an office have the same party affiliation and the winner will have no opposition in the general election, all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.”

Proposition 11 was approved and placed into the Constitution by the voters of Florida, with 64.1 percent voting in favor.

Write-In-Candidates

At first glance the 1998 constitutional change to Florida’s primary system appears to allow for open primaries – where all voters may participate regardless of party affiliation – under circumstances in which a party’s primary will determine who will be elected to a given office because there are no opposing candidates appearing on the ballot in the subsequent general election. However, the 1998 Constitution Revision Commission’s debates and discussions on Proposition 11 never addressed the issue of what impact the presence of a write-in candidate should have in a field otherwise composed entirely of candidates from one political party.

Florida general election ballots contain blank lines for voters to write in candidates other than the ones listed for a given elected office. The ballot qualification requirements for write-in candidates are basic – they must file qualifying papers with the appropriate state or local offices during the established qualification period. Currently, under Florida law a write-in candidate must also reside in the district he/she would be representing at the time of ballot qualification, although a subsequent court decision found this requirement unconstitutional. Unlike other candidates, write-in candidates do not have to pay a fee to qualify for the ballot.

2000 Department of State Decision on Write-In Candidates

In 2000, the Florida Department of State’s Division of Elections published an opinion stating that the presence of a write-in candidate in an otherwise all-Republican or all-Democratic field “closed” the primary to all voters other than those registered with the party holding the primary. Since that opinion was published, multiple district and appellate courts have confirmed the Division’s legal position. Over the ensuing years, qualification of write-in candidates for general elections has resulted in the closing of numerous Florida primary elections that otherwise would have been open to all voters

regardless of party affiliation. This result has been colloquially referred to as the “write-in loophole.”

Proponents of the current legal interpretation regarding write-in candidates argue that it helps maintain the integrity of Florida’s primary election system, because limiting participation to registered party members leads to primary winners reflecting the values of the political party holding the primary. Opponents contend that candidates who qualify as write-in candidates for general elections frequently put in little to no effort or resources to reach voters and promote their candidacies, and often withdraw from the elections once the primaries are held. This leads to speculation that many write-in candidates are not interested in sincerely competing for elective office, but instead qualify for the ballot simply to close off primary elections to voters other than those registered as members of the party holding the primaries.

October 2017 Presentation by the Florida Association of Supervisors of Elections

On October 4, 2017, representatives of the Florida Association of Supervisors of Elections (Association) made a presentation to the Ethics and Elections Committee of the 2018 Florida Constitution Revision Commission on Florida’s primary election system. While a broad range of issues related to this topic were discussed, in response to questions from committee members Association representatives made the following points:

- In any given election cycle, write-in candidacies close primaries that otherwise would be open in approximately 10 of Florida’s 67 counties. Also, Florida’s larger counties may experience closed primaries due to write-in candidacies more frequently.
- Voter turnout in Florida primary elections is significantly lower than in general elections (since 2002, voter turnout in Florida primary elections has averaged 22.5 percent for both presidential election cycles – years when voters elect the President of the United States – and non-presidential election cycles. In contrast, since 2002 voter turnout in Florida general elections has averaged 74 percent in presidential election cycles and 50.5 percent in non-presidential election cycles.) One factor that may be contributing to low turnout is that the majority of Florida primaries are closed, including when write-in candidacies result in the closing of primaries that otherwise would have been open.
- In recent years the largest growth in Florida voter registration has been among voters who do not affiliate with any political party (as of October 31 2017, statewide voter registration in Florida was 37.4 percent Democrat, 35.4 percent Republican, 0.5 percent Other Parties, and 26.7 percent No Party Affiliation.) When primary elections in Florida are closed, unaffiliated voters may not participate.
- Over time county Supervisors of Elections have received more complaints from voters about the inability to vote due to closed primaries than any other issue, particularly when primaries are closed due to write-in candidacies. One factor that may be contributing to the level of dissatisfaction is that many Florida voters have moved here from other states where primary elections are open or not fully closed.

- Allowing primaries to remain open even when write-in candidacies are included could contribute to increased voter participation in Florida primary elections, as well as fewer voter complaints to county Supervisors of Elections over primaries being closed because of write-in candidacies.

B. EFFECT OF PROPOSED CHANGES:

This proposal amends Section 5 of Article VI of the Florida State Constitution, by adding language stating that if all candidates for an office have the same party affiliation, and the winner will have **either** no opposition in the general election, **or opposition only from one or more write-in candidates**, then all qualified electors regardless of party affiliation may vote in the primary elections for that office. The effect of this amendment would be to open Florida primary elections to all Florida voters under the specified circumstances regardless of any political party affiliation.

If adopted by the 2018 Florida Constitution Revision Commission, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election (November 6, 2018). If approved, it would be in place for Florida's 2020 election cycle.

C. FISCAL IMPACT:

Should approval of this proposal contribute to an increased percentage of Florida voters participating in certain primary elections, county Supervisors of Elections could experience an indeterminate increase in costs for primary election administration.

III. Additional Information:

A. Statement of Changes:

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

None.

D. Related Issues:

None.

By Commissioners Plymale and Timmann

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201711__

1 A proposal to amend
2 Section 5 of Article VI of the State Constitution to
3 authorize all qualified electors, regardless of party
4 affiliation, to vote in a partisan primary election
5 for an office if all the candidates for the office
6 have the same party affiliation and the winner will be
7 opposed only by one or more write-in candidates in the
8 general election.

9
10 Be It Proposed by the Constitution Revision Commission of
11 Florida:

12
13 Section 5 of Article VI of the State Constitution is
14 amended to read:

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 5. Primary, general, and special elections.-

15
16
17 (a) A general election shall be held in each county on the
18 first Tuesday after the first Monday in November of each even-
19 numbered year to choose a successor to each elective state and
20 county officer whose term will expire before the next general
21 election and, except as provided herein, to fill each vacancy in
22 elective office for the unexpired portion of the term. A general
23 election may be suspended or delayed due to a state of emergency
24 or impending emergency pursuant to general law. Special
25 elections and referenda shall be held as provided by law.

26
27 (b) If all candidates for an office have the same party
28 affiliation and the winner will have either no opposition in the
29 general election, or opposition only from one or more write-in
30 candidates, then all qualified electors, regardless of party
31 affiliation, may vote in the primary elections for that office.



Florida Tax Collector

Barbara Ford-Coates – serving Sarasota County

Exceptional Staff Exceptional Service

November 27, 2017

Florida Constitution Revision Commission
Ethics and Elections Committee
The Capitol
400 South Monroe Street
Tallahassee, Florida 32399

Re: Proposal 11

Dear Commissioners:

I wish I could be at your meeting to speak to you in person but a family medical situation prevents my traveling at this time.

I have served as Tax Collector for Sarasota County, Florida, since 1984. In 1998, I served on the Constitution Revision Commission and sponsored an amendment to Article VI, Section 5 of the Florida Constitution, which provides for primary elections. The amendment, also known as Proposal 11, was designed to allow all electors, regardless of party affiliation, to vote in a primary election where all candidates were of the same party, or, no other candidate had filed from another party or as an independent. Doing so was particularly important to the Commission because it allowed residents who were registered with the party that best represented their views, rather than with the party that enabled them to vote in primaries, to cast a vote in the primary election that ultimately would result in the naming of an officeholder. Thus, the goal was to ensure that the person who was elected was selected by all the voters not just those of one political party.

The Commission desired that this purpose be achieved regardless of the presence of "write-in" candidates in a primary election. In fact, the Commission never considered "write-ins" in the context of open primaries because "write-ins," by their very nature, were not considered "candidates," unlike those who actually qualified for the primary. The stated intent of the amendment was to guarantee that a primary election would be open to all electors, including independent voters, when only one political party presented qualified candidates in the primary. On the other hand, when the general election would consist of candidates from different political parties, the Commission determined that the primary elections for the respective parties would remain "closed," and only members of such parties would have an opportunity to cast ballots in their respective primary election.

I believe there is state-wide support for this proposal as indicated by a variety of editorials over the years including those in the Sarasota Herald-Tribune on 10/11/2017, "Change primary rule on write-in candidacy" and on 10/15/2000, "Voters shut out, Legislature should change laws governing write-in campaigns." It's time to bring this issue to the voters, and I sincerely ask for your support of Proposal 11 by Commissioner Plymale.

If you have any questions, do not hesitate to contact me at bfc@SarasotaTaxCollector.com or 941.861.8433.

Very truly yours,

A handwritten signature in blue ink, appearing to read "Barbara Ford-Coates".

Barbara Ford-Coates
Florida Tax Collector
serving Sarasota County

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101 S. Washington Blvd. | Sarasota, FL 34236 | 941.861.8300
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CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11

²⁹
1/18/11
Meeting Date

Proposal Number (if applicable)

*Topic Write it Loophole

Amendment Barcode (if applicable)

*Name Tangui Thurlow - Lippisch

Address 18 Riverview Dr -

Phone 772 486 3818

Street Stuart City FL State 31990 Zip

Email _____

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No I am not but I am a CRC member

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

**Constitution Revision Commission
Ethics and Elections Committee
Proposal Analysis**

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

Proposal #: P 56

Relating to: SUFFRAGE AND ELECTIONS, Prohibition on expenditure of public funds for campaign spending

Introducer(s): Commissioner Kruppenbacher

Article/Section affected: Article VI, Section 7

Date: November 22, 2017

	REFERENCE	ACTION
1.	<u>EE</u>	<u>Pre-meeting</u>
2.	<u>FT</u>	<u></u>

I. SUMMARY:

Amends Section 7 of Article VI of the State Constitution to remove the requirement that a method of public financing for campaigns for statewide office be established by law and to prohibit the expenditure of any public funds on campaigns for state or local elections.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Public Campaign Financing Systems – General

A public campaign financing system is one where government funds are provided to candidates running for elected offices to help fund their campaigns. The funds are provided if candidates adhere to the system's established requirements.

According to the National Conference on State Legislatures, 13 states – Arizona, Connecticut, Florida, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, Rhode Island, Vermont, and West Virginia - provide some form of public financing option for campaigns. Each of these plans require the candidate to accept public money for his or her campaign in exchange for a promise to limit both how much the candidate spends on the election and how much they receive in donations from any one group or individual. In most cases, these systems provide funding only to certain types of candidates, for example those running for Governor.

Public Campaign Financing Systems – Types

The two main types of programs states offer for public financing of elections are the clean elections programs, offered in states such as Maine and Arizona, and programs that provide a candidate with matching funds for each qualifying contribution they receive. The “clean election states” offer full funding for the campaign, and the matching funds programs provide a candidate with a portion of the funds needed to run the campaign.

Clean Elections Programs

In the clean elections programs offered in Arizona, Connecticut, Maine and New Mexico, candidates are encouraged to collect small contributions from a number of individuals (depending on the position sought) to demonstrate that he or she has enough public support to warrant public funding of his or her campaign. In return, the commission established for the program gives the candidate a sum of money equal to the expenditure limit set for the election.

As an example of a clean elections program, a candidate for state office in Arizona must raise \$5 contributions from at least 200 people in order to qualify for the program. In return, the state provides the candidate with public money in an amount equal to the expenditure limit. In the 2014 election, the expenditure limit for gubernatorial candidates was \$1,130,424, and the limit for legislative positions was \$22,880. Arizona Governor Doug Ducey, who declined participation in the clean elections program, raised \$2.4 million for his 2014 campaign, more than double the amount authorized for the program’s participants.

The program is funded through a 10 percent surcharge on all civil penalties and criminal fees, civil penalties paid by the candidates, and the qualifying contributions the candidate raised.

Matching Funds Programs

The other type of public financing program, offered in states such as Florida and Hawaii, provide matching funds for candidates up to a certain amount. In Hawaii, candidates are encouraged to limit their contributions and expenditures to an amount set by the legislature. For the 2014 election, the expenditure limit for the general election was \$1,597,208. The candidate who participates in the matching funds program is eligible to receive 10 percent of this limit in public funds, or \$159,721. A candidate must first receive \$100,000 in qualifying contributions during the primary season for the state to provide a matching \$100,000 during the general election. The candidate can then raise an additional \$59,721 in qualifying contributions that the state will match, for a total of \$319,442. The candidate can then raise additional money from other sources, like PACs, parties, or individuals, to reach the expenditure limit of \$1,597,208.

For example, Hawaii governor David Ige received \$105,164.73 in public funds for his 2014 gubernatorial campaign, and spent the maximum of \$1,597,208 during the general election. His challenger, Duke Aiona, who elected to not participate in the public financing program, spent \$1,532,306.65 on his unsuccessful election. Mr. Aiona, like all

candidates, had to comply with the state's contribution limits, but did not have to worry about collecting the smaller qualifying contributions from many different sources.

The program is funded through a tax return checkoff, whereby citizens choose whether they want to contribute three dollars from their tax burden to the Hawaii Election Campaign Fund.

Florida's Public Campaign Financing System

1986 Florida Election Campaign Financing Act

The Florida Election Campaign Financing Act was enacted in 1986. Effective July 1, 1987, this law established a procedure for partial public funding of campaigns for statewide office (governor/lieutenant governor and cabinet officers) for candidates who voluntarily limit campaign expenditures. Resources for this system were provided through the Election Campaign Financing Trust Fund, which was funded by fines assessed for late filed campaign treasurer reports, the one percent election assessment for municipal candidates, and the three percent filing fee for all other candidates. This trust fund expired by law on November 4, 1996; since then, distribution of public campaign financing to participating candidates has been from the state General Revenue Fund.

1998 Amendment to the Constitution

At the time the Florida Constitution Revision Commission met in 1998, a number of legal challenges had been made to the Florida Elections Campaign Financing Act, with existing sentiment in some quarters that the law be repealed. Others were of the opinion that the state campaign financing system be expanded, and initial proposals before the 1998 Constitution Revision Commission would have increased spending limits and extended public funding to elections for legislators. In the end, the 1998 Commission's recommendation simply maintained the status quo by requiring the retention of the existing campaign financing act or a similar general law that provides public funds to those statewide candidates who limit their campaign expenditures.

The 1998 Constitution Revision Commission voted to place Proposition 11 on the ballot for the November 1998 general election. Among several election-related changes, Proposition 11 proposed adding a new Section 7 to Article VI of the Florida State Constitution that included the following language:

“Campaign spending limits and funding of campaigns for elective state-wide office.--It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.”

Proposition 11 was approved and placed into the Constitution by the voters of Florida, with 64.1 percent voting in favor.

2010 Proposed Amendment to the Constitution

In 2009, the Florida Legislature voted 80-34 and the Florida Senate voted 29-11 to place a constitutional amendment - House Joint Resolution (HJR) 81 - on the 2010 general election ballot. HJR 81 repealed Section 7 of Article VI of the Florida State Constitution, thus removing the language added in 1998. HJR 81 was supported by a majority of those voting on the amendment – 52.5 percent. However, Florida’s Constitution then (and now) required amendments to receive 60 percent of the vote to pass, so HJR 81 was not adopted.

Operation and Administration of Florida’s Public Campaign Financing System

Florida’s public campaign financing system is administered by the Florida Department of State’s Division of Elections (Division.) The program can be summarized as follows:

- Participating statewide candidates must have opposition.
- Candidates must submit an irrevocable statement to abide by overall expenditure limits as well as contribution limits on personal (\$25,000) and party (\$250,000) funds
- Only personal contributions of \$250 or less from state residents are eligible for matching; corporate and political committee contributions are not eligible for matching.
- Participating candidates must raise an initial threshold amount of \$150,000 (for gubernatorial candidates) or \$100,000 (for candidates for Cabinet offices.) Contributions received from the candidate, political parties or non-Florida residents are not counted towards meeting the threshold amount.
- Contributions received after September 1 of the calendar year preceding the election are eligible for matching; contributions prior to September 1 can be counted towards meeting the threshold amount but are not matched.
- The threshold amounts are matched on a two-to-one basis, and after that, a contribution is eligible to be matched on a one-to-one basis, up to \$250. Thus, if a person makes a \$250 contribution, it is matched with \$250 from the state.
- Distribution of public financing begins on the 32nd day prior to the primary election and every seven days thereafter; the last distribution occurs one week after the general election.

Participating candidates must complete a form declaring their intention to apply for public campaign financing at the time of qualifying and after this declaration, submit their contributions for audit by the Division to determine eligibility for the match. The Division audits the submissions and makes payment to the candidate.

Participating candidates must abide by campaign expenditure limits that are based on the total number of Florida registered voters as of June 30th of each odd numbered year. For Governor/Lt. Governor races, the expenditure limit is \$2 for each registered voter; for Cabinet races, the limit is \$1 for each registered voter. According to the Division, the total number of Florida registered voters as of June 30, 2017 was 13,545,731. Therefore, candidates for Governor in the 2018 election cycle that want to accept public financing would be limited to approximately \$27.1 million in campaign expenditures, and

candidates for Cabinet offices that want to accept public financing would be limited to approximately \$13.5 million in campaign expenditures.

Distribution Amounts from Florida’s Public Campaign Financing System

From 1994 through 2016, distribution of funds through Florida’s public campaign financing system have been as follows:

1994

- Governor (5 Candidates): \$8.8 million
- Cabinet (6 Offices, 13 Candidates): \$4.1 million

1998

- Governor (1 Candidate): \$1.1 million
- Cabinet (6 Offices, 13 Candidates): \$3.5 million

2000

- Cabinet (2 Offices, 4 Candidates): \$1.6 million

2002

- Governor (3 Candidates): \$3.0 million
- Cabinet (2 Offices, 7 Candidates): \$2.2 million

2006

- Governor (4 Candidates): \$7.4 million
- Cabinet (3 Offices, 6 Candidates): \$3.7 million

2010

- Governor (1 Candidate): \$1.8 million
- Cabinet (3 Offices, 9 Candidates): \$4.3 million

2014

- Governor (2 Candidates): \$2.8 million
- Cabinet (3 Offices, 5 Candidates): \$1.6 million

TOTAL 1994-2014: \$46 million

Distributions to Governor Candidates

- Low (1998): \$1.1 million
- High (1994): \$8.8 million
- Average: \$4.2 million

Distributions to Cabinet Candidates

- Low (2000): \$1.6 million
- High (2010): \$4.3 million
- Average: \$3.0 million

B. EFFECT OF PROPOSED CHANGES:

This proposal amends Section 7 of Article VI of the State Constitution by deleting existing language and inserting new language. The proposal removes the following language from Section 7:

“...limits and funding of campaigns for elective state-wide office.—It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.”

The proposal also adds language, with the final result being that the revised Section 7 of Article VI would read as follows:

“SECTION 7. Prohibition on expenditure of public funds for campaign spending.—Public funds may not be expended on any campaign for a state or local election.”

C. FISCAL IMPACT:

Passage of the amendment would require elimination of the existing Florida public campaign financing system. Based on distributions from 1994 through 2014, the state General Revenue Fund could save somewhere between \$2.7 million and \$13.1 million every four years when the Governor and Cabinet are up for election, with a likely savings in the range of \$4-\$6 million.

III. Additional Information:**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

None.

D. Related Issues:

None.

By Commissioner Kruppenbacher

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A proposal to amend

Section 7 of Article VI of the State Constitution to remove the requirement that a method of public financing for campaigns for statewide office be established by law and to prohibit the expenditure of any public funds on campaigns for state or local elections.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 7 of Article VI of the State Constitution is amended to read:

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 7. Prohibition on expenditure of public funds for campaign spending. ~~Public funds may not be expended on any campaign for a state or local election, limits and funding of campaigns for elective state wide office. It is the policy of this state to provide for state wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.~~

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

Proposal
56

Proposal Number (if applicable)

11/29/17
Meeting Date

*Topic Public Financed Elections

Amendment Barcode (if applicable)

*Name Brad Ashwell

Address 1536 Chuli Nene
Street

Phone 850-294-1008

Tallahassee FL 32301
City State Zip

Email bradashwell@gmail.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Common Cause Florida

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

(V2) 8-34

~~576~~ 576
Proposal Number (if applicable)

11/29/17
Meeting Date

Amendment Barcode (if applicable)

*Topic Public financing
*Name BEN WILCOX
Address 1719 Old Fort Dr
Street
Tallahassee Fl. 32301
City State Zip

Phone _____
Email _____

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Integrity Florida

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

**Constitution Revision Commission
Ethics and Elections Committee
Proposal Analysis**

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

Proposal #: P 31

Relating to: SUFFRAGE AND ELECTIONS, repeal s. 7

Introducer(s): Commissioner Donalds

Article/Section affected: Article VI, Section 7

Date: November 22, 2017

REFERENCE	ACTION
1. <u>EE</u>	<u>Pre-meeting</u>

I. SUMMARY:

Repeals Section 7 of Article VI of the State Constitution to remove the requirement that a method of public financing for campaigns for statewide office be established by law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Public Campaign Financing Systems – General

A public campaign financing system is one where government funds are provided to candidates running for elected offices to help fund their campaigns. The funds are provided if candidates adhere to the system's established requirements.

According to the National Conference on State Legislatures, 13 states – Arizona, Connecticut, Florida, Hawaii, Maine, Maryland, Massachusetts, Michigan, Minnesota, New Mexico, Rhode Island, Vermont, and West Virginia - provide some form of public financing option for campaigns. Each of these plans require the candidate to accept public money for his or her campaign in exchange for a promise to limit both how much the candidate spends on the election and how much they receive in donations from any one group or individual. In most cases, these systems provide funding only to certain types of candidates, for example those running for Governor.

Public Campaign Financing Systems – Types

The two main types of programs states offer for public financing of elections are the clean elections programs, offered in states such as Maine and Arizona, and programs that provide a candidate with matching funds for each qualifying contribution they receive.

The “clean election states” offer full funding for the campaign, and the matching funds programs provide a candidate with a portion of the funds needed to run the campaign.

Clean Elections Programs

In the clean elections programs offered in Arizona, Connecticut, Maine and New Mexico, candidates are encouraged to collect small contributions from a number of individuals (depending on the position sought) to demonstrate that he or she has enough public support to warrant public funding of his or her campaign. In return, the commission established for the program gives the candidate a sum of money equal to the expenditure limit set for the election.

As an example of a clean elections program, a candidate for state office in Arizona must raise \$5 contributions from at least 200 people in order to qualify for the program. In return, the state provides the candidate with public money in an amount equal to the expenditure limit. In the 2014 election, the expenditure limit for gubernatorial candidates was \$1,130,424, and the limit for legislative positions was \$22,880. Arizona Governor Doug Ducey, who declined participation in the clean elections program, raised \$2.4 million for his 2014 campaign, more than double the amount authorized for the program’s participants.

The program is funded through a 10 percent surcharge on all civil penalties and criminal fees, civil penalties paid by the candidates, and the qualifying contributions the candidate raised.

Matching Funds Programs

The other type of public financing program, offered in states such as Florida and Hawaii, provide matching funds for candidates up to a certain amount. In Hawaii, candidates are encouraged to limit their contributions and expenditures to an amount set by the legislature. For the 2014 election, the expenditure limit for the general election was \$1,597,208. The candidate who participates in the matching funds program is eligible to receive 10 percent of this limit in public funds, or \$159,721. A candidate must first receive \$100,000 in qualifying contributions during the primary season for the state to provide a matching \$100,000 during the general election. The candidate can then raise an additional \$59,721 in qualifying contributions that the state will match, for a total of \$319,442. The candidate can then raise additional money from other sources, like PACs, parties, or individuals, to reach the expenditure limit of \$1,597,208.

For example, Hawaii governor David Ige received \$105,164.73 in public funds for his 2014 gubernatorial campaign, and spent the maximum of \$1,597,208 during the general election. His challenger, Duke Aiona, who elected to not participate in the public financing program, spent \$1,532,306.65 on his unsuccessful election. Mr. Aiona, like all candidates, had to comply with the state’s contribution limits, but did not have to worry about collecting the smaller qualifying contributions from many different sources.

The program is funded through a tax return checkoff, whereby citizens choose whether they want to contribute three dollars from their tax burden to the Hawaii Election Campaign Fund.

Florida's Public Campaign Financing System

1986 Florida Election Campaign Financing Act

The Florida Election Campaign Financing Act was enacted in 1986. Effective July 1, 1987, this law established a procedure for partial public funding of campaigns for statewide office (governor/lieutenant governor and cabinet officers) for candidates who voluntarily limit campaign expenditures. Resources for this system were provided through the Election Campaign Financing Trust Fund, which was funded by fines assessed for late filed campaign treasurer reports, the one percent election assessment for municipal candidates, and the three percent filing fee for all other candidates. This trust fund expired by law on November 4, 1996; since then, distribution of public campaign financing to participating candidates has been from the state General Revenue Fund.

1998 Amendment to the Constitution

At the time the Florida Constitution Revision Commission met in 1998, a number of legal challenges had been made to the Florida Elections Campaign Financing Act, with existing sentiment in some quarters that the law be repealed. Others were of the opinion that the state campaign financing system be expanded, and initial proposals before the 1998 Constitution Revision Commission would have increased spending limits and extended public funding to elections for legislators. In the end, the 1998 Commission's recommendation simply maintained the status quo by requiring the retention of the existing campaign financing act or a similar general law that provides public funds to those statewide candidates who limit their campaign expenditures.

The 1998 Constitution Revision Commission voted to place Proposition 11 on the ballot for the November 1998 general election. Among several election-related changes, Proposition 11 proposed adding a new Section 7 to Article VI of the Florida State Constitution that included the following language:

“Campaign spending limits and funding of campaigns for elective state-wide office.--It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.”

Proposition 11 was approved and placed into the Constitution by the voters of Florida, with 64.1 percent voting in favor.

2010 Proposed Amendment to the Constitution

In 2009, the Florida Legislature voted 80-34 and the Florida Senate voted 29-11 to place a constitutional amendment - House Joint Resolution (HJR) 81 - on the 2010 general election ballot. HJR 81 repealed Section 7 of Article VI of the Florida State Constitution, thus removing the language added in 1998. HJR 81 was supported by a majority of those voting on the amendment – 52.5 percent. However, Florida's Constitution then (and

now) required amendments to receive 60 percent of the vote to pass, so HJR 81 was not adopted.

Operation and Administration of Florida's Public Campaign Financing System

Florida's public campaign financing system is administered by the Florida Department of State's Division of Elections (Division.) The program can be summarized as follows:

- Participating statewide candidates must have opposition.
- Candidates must submit an irrevocable statement to abide by overall expenditure limits as well as contribution limits on personal (\$25,000) and party (\$250,000) funds
- Only personal contributions of \$250 or less from state residents are eligible for matching; corporate and political committee contributions are not eligible for matching.
- Participating candidates must raise an initial threshold amount of \$150,000 (for gubernatorial candidates) or \$100,000 (for candidates for Cabinet offices.) Contributions received from the candidate, political parties or non-Florida residents are not counted towards meeting the threshold amount.
- Contributions received after September 1 of the calendar year preceding the election are eligible for matching; contributions prior to September 1 can be counted towards meeting the threshold amount but are not matched.
- The threshold amounts are matched on a two-to-one basis, and after that, a contribution is eligible to be matched on a one-to-one basis, up to \$250. Thus, if a person makes a \$250 contribution, it is matched with \$250 from the state.
- Distribution of public financing begins on the 32nd day prior to the primary election and every seven days thereafter; the last distribution occurs one week after the general election.

Participating candidates must complete a form declaring their intention to apply for public campaign financing at the time of qualifying and after this declaration, submit their contributions for audit by the Division to determine eligibility for the match. The Division audits the submissions and makes payment to the candidate.

Participating candidates must abide by campaign expenditure limits that are based on the total number of Florida registered voters as of June 30th of each odd numbered year. For Governor/Lt. Governor races, the expenditure limit is \$2 for each registered voter; for Cabinet races, the limit is \$1 for each registered voter. According to the Division, the total number of Florida registered voters as of June 30, 2017 was 13,545,731. Therefore, candidates for Governor in the 2018 election cycle that want to accept public financing would be limited to approximately \$27.1 million in campaign expenditures, and candidates for Cabinet offices that want to accept public financing would be limited to approximately \$13.5 million in campaign expenditures.

Distribution Amounts from Florida's Public Campaign Financing System

From 1994 through 2016, distribution of funds through Florida's public campaign financing system have been as follows:

1994	
• Governor (5 Candidates):	\$8.8 million
• Cabinet (6 Offices, 13 Candidates):	\$4.1 million
1998	
• Governor (1 Candidate):	\$1.1 million
• Cabinet (6 Offices, 13 Candidates):	\$3.5 million
2000	
• Cabinet (2 Offices, 4 Candidates):	\$1.6 million
2002	
• Governor (3 Candidates):	\$3.0 million
• Cabinet (2 Offices, 7 Candidates):	\$2.2 million
2006	
• Governor (4 Candidates):	\$7.4 million
• Cabinet (3 Offices, 6 Candidates):	\$3.7 million
2010	
• Governor (1 Candidate):	\$1.8 million
• Cabinet (3 Offices, 9 Candidates):	\$4.3 million
2014	
• Governor (2 Candidates):	\$2.8 million
• Cabinet (3 Offices, 5 Candidates):	\$1.6 million
TOTAL 1994-2014:	\$46 million
Distributions to Governor Candidates	
• Low (1998):	\$1.1 million
• High (1994):	\$8.8 million
• Average:	\$4.2 million
Distributions to Cabinet Candidates	
• Low (2000):	\$1.6 million
• High (2010):	\$4.3 million
• Average:	\$3.0 million

B. EFFECT OF PROPOSED CHANGES:

This proposal repeals Section 7 of Article VI of the State Constitution, removing this existing language:

“SECTION 7. Campaign spending limits and funding of campaigns for elective state-wide office.—It is the policy of this state to provide for state-wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state-wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.”

Although repeal of this language would remove the requirement that a public campaign financing system be established in Florida by law, if taken literally it does not specifically prohibit statutory continuation of the existing system or the creation of a new system in the future. If placed on the ballot and approved by Florida voters, a legal argument could potentially be made that the intent of the amendment was to eliminate Florida’s public campaign financing system by deleting the constitutional requirement. However, another legal argument could potentially be made that a public campaign financing system in Florida can exist if the Constitution is silent on the issue, as was the case from passage of the Florida Election Campaign Financing Act in 1986 to passage of the constitutional requirement for such a system in 1998.

If adopted by the 2018 Florida Constitution Revision Commission, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election (November 6, 2018). If approved, it would be in place for Florida’s 2020 election cycle.

C. FISCAL IMPACT:

If passage of the amendment ultimately resulted in the elimination of the existing Florida public campaign financing system, based on distributions from 1994 through 2014 the state General Revenue Fund could save somewhere between \$2.7 million and \$13.1 million every four years when the Governor and Cabinet are up for election, with a likely savings in the range of \$4-\$6 million.

III. Additional Information:

A. Statement of Changes:

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

None.

D. Related Issues:

None.

By Commissioner Donalds

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A proposal to repeal

Section 7 of Article VI of the State Constitution to remove the requirement that a method of public financing for campaigns for statewide office be established by law.

Be It Proposed by the Constitution Revision Commission of Florida:

Section 7 of Article VI of the State Constitution is repealed:

ARTICLE VI
SUFFRAGE AND ELECTIONS

~~SECTION 7. Campaign spending limits and funding of campaigns for elective state wide office. It is the policy of this state to provide for state wide elections in which all qualified candidates may compete effectively. A method of public financing for campaigns for state wide office shall be established by law. Spending limits shall be established for such campaigns for candidates who use public funds in their campaigns. The legislature shall provide funding for this provision. General law implementing this paragraph shall be at least as protective of effective competition by a candidate who uses public funds as the general law in effect on January 1, 1998.~~

**Constitution Revision Commission
Ethics and Elections Committee
Proposal Analysis**

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

Proposal #: P 13

Relating to: LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Introducer(s): Commissioner Timmann and others

Article/Section affected:

Date: November 21, 2017

	REFERENCE	ACTION
1.	<u>LO</u>	Favorable
2.	<u>EE</u>	Pre-meeting

I. SUMMARY:

The proposal revises sections 1 and 6 of Article VIII of the Florida Constitution to mandate that all constitutionally prescribed county officers (Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of Circuit Court) be elected by the electors of that county. Additionally, the proposal will not allow the county to abolish, transfer the duties of, or establish any alternate method of selection for county constitutional officers. The proposal would take effect January 5, 2021, but would govern the elections for county constitutional officers for the 2020 election cycle.

The 1885 Florida Constitution initially provided that county constitutional officers are to be elected and that their duties be established in Florida statute. However, through amendments, in particular the enshrinement of home rule authority in the 1968 Florida Constitution, with the authorization of county charters, the method of selection and duties of some county constitutional officers in some counties changed. The proposal revises sections 1 and 6 of Article VIII to return to having all constitutionally prescribed county officers elected by voters of that county.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

The Florida Constitution calls for the state to be divided into political subdivisions called counties. Specifically, Article VIII of the Florida Constitution provides for two types of counties: charter counties and non-charter counties.

Non-Charter Counties

If a county does not operate under a charter, the county has only such power of self-government as is provided by general or special law. If the Legislature has authorized a non-charter county to govern a particular area, the board of county commissioners may enact county ordinances not inconsistent with general or special law. Currently, there are 47 non-charter counties in Florida.

Charter Counties

Pursuant to either general or special law, a county charter may be adopted, amended, or repealed by approval of the electors of the county in a special election. If a county operates under a charter, the county has all powers of local self-government not inconsistent with general law, or with special law approved by vote of the electors. Therefore, even if the Legislature has not specifically authorized a charter county to govern a particular area, the Florida Constitution grants the board of county commissioners broad authority to enact county ordinances not inconsistent with general law. Currently, there are 20 charter counties in Florida.

County Officers under the Florida Constitution

The Florida Constitution creates five specific county officers: Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of the Circuit Court (collectively, the five constitutional offices/officers). The Clerk of the Circuit Court also serves as the ex officio clerk of the board of county commissioners, auditor, recorder, and custodian of county funds. Each officer is elected separately by the voters of the county for terms of four years. These officers have prescribed duties provided for in general law.

All non-charter counties have the five constitutional officers with statutorily prescribed duties. Eight charter counties have changed the manner of selection of at least one of the five constitutional officers or restructured or abolished at least one of the five constitutional offices and transferred the powers to another county office.

The five constitutional offices may only be altered pursuant to authority prescribed by the terms of a county charter. Specifically, Article VIII, Section 1(d) authorizes a county charter to abolish one or all of the constitutional county offices; transfer the powers to another department of the county government; or provide for a different manner of selecting a county officer. Further, Article VIII, Section 1(d) authorizes a county charter to transfer the Clerk of the Circuit Court's duties as ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds to another department of county government.

Eight charter counties have changed the manner of selection of at least one of the five constitutional officers or restructured or abolished at least one of the five constitutional offices and transferred their duties to another county office. The eight counties that have altered the duties of a constitutional officer, or have abolished the office and reassigned

duties through their charter are: Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia.

Brevard County

Brevard County “expressly preserved” the offices of the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of the Circuit Court as departments of county government, rather than constitutional offices. The county reiterated the ability to transfer or add to the powers of each of the county officers. The county has transferred the powers of the Clerk of Circuit Court as auditor, and custodian of county funds to the county manager. Each officer remains elected for a four year term.

Miami-Dade County

Miami-Dade County abolished the constitutional offices of the Sheriff, Tax Collector, Supervisor of Elections, and Property Appraiser, transferred these powers to the mayor, and granted the mayor the discretion to sub-delegate the powers. The duties of the Sheriff were transferred to the police department, the director of which is appointed by the mayor. The duties of the tax collector were transferred to the department of finance, the director of which is jointly appointed by the mayor and the clerk of court. The county Property Appraiser, although not retained as a constitutional office, remains an elected position. The duties of the Supervisor of Elections were transferred to the elections department, the director of which is appointed by the mayor. The Clerk of the Circuit Court remains a constitutional, elected officer with some changes in duties. Although the clerk is still the clerk of the county commission, the clerk’s financial recorder and custodian duties were transferred to the department of financial services, and the clerk’s auditing duties were transferred to the commission auditor.

Volusia County

Volusia County established its charter by special law in 1970, and the voters of Volusia County subsequently approved it in a special countywide election the same year. Volusia County abolished the constitutional offices of the Sheriff, Tax Collector, Supervisor of Elections, and Property Appraiser. The county transferred these offices’ powers to new charter offices. The duties of the Sheriff were transferred to and divided between the department of public safety and the department of corrections. The duties of the Tax Collector were transferred to the department of finance. The duties of the Property Appraiser were transferred to the department of property appraisal. The duties of the Supervisor of Elections were transferred to the department of elections. The Sheriff, Property Appraiser, and Supervisor of Elections are elected directors of their respective offices. The Tax Collector is appointed by the county manager and confirmed by the county council. The Clerk of the Circuit Court remains a constitutionally elected officer except that the clerk’s constitutional duties as clerk of the county commission were transferred to and divided between the department of central services and the department of finance.

Broward County

Broward County has not altered the constitutionally elected offices and duties of the Sheriff, Property Appraiser, and Supervisor of Elections. However, the office of the Tax Collector was abolished and the duties were transferred to the department of finance and administrative services, headed by the finance and administrative services director appointed by the county administrator. Though the Clerk of the Circuit Court also retains the status of constitutional officer, the clerk's constitutional duties as clerk of the county commission were transferred to the county administrator.

Clay County

Clay County has not altered the constitutionally elected offices and duties of the Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections. Although the Clerk of the Circuit Court also retains the status of constitutional officer, the clerk's constitutional duties as clerk of the county commission, auditor, and custodian of county funds were transferred to the county administrator.

Duval County

Duval County has not altered the constitutionally elected offices and duties of the Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections. The Clerk of the Circuit Court retains the status of constitutional officer but the clerk's duties as clerk of the county commission were transferred to the council secretary and the constitutional duties as auditor were transferred to the council auditor.

Orange County

In 2016, Orange County abolished the constitutionally elected offices of the Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, Clerk of the Circuit Court as well as the county Comptroller and reinstated the offices as elected officials. The 2016 charter amendments provide, however, that each new charter office shall have all rights and privileges of the corresponding constitutional offices. Two separate lawsuits are pending as to whether the county can make constitutional officers term limited and subject to non-partisan elections through their county charter provisions.

Osceola County

Osceola County has not altered the constitutionally elected offices and duties of the Sheriff, Tax Collector, Property Appraiser, and Supervisor of Elections. The Clerk of the Circuit Court retains the status of constitutional officer, but the clerk's duties as clerk of the county commission, auditor, and custodian of funds were transferred to the county manager.

B. EFFECT OF PROPOSED CHANGES:

The proposal revises sections 1 and 6 of Article VIII of the Florida Constitution to mandate that all constitutionally prescribed county officers (Sheriff, Tax Collector, Property Appraiser, Supervisor of Elections, and Clerk of Circuit Court) be elected by the electors of that county, as was originally prescribed prior to the authorization of county charters, and will not allow the county to abolish, transfer the duties of, or establish any alternate method of selection for county constitutional officers.

If adopted by the Constitution Revision Commission, the proposed amendment will be submitted to Florida's electors for approval or rejection at the next general election (November 6, 2018). If approved by the voters, the amendment takes effect on January 5, 2021. As a result, affected charter counties will have around 18 months to revise their charters and ordinances to conform to this amendment for the 2020 general elections.

If adopted, the proposal would have no impact on non-charter counties and those charter counties that retained the constitutional offices without any changes to its selection or authority.

From the 2020 general election cycle forward, all county, whether charter or non-charter, constitutional officers must be elected with fixed four year terms, and their offices cannot be abolished, or their duties transferred to another office or officer.

If approved during the 2018 general election, the following counties will be required to revise their charter to conform to the change before the 2020 general election; Brevard, Broward, Clay, Duval, Miami-Dade, Orange, Osceola, and Volusia.

C. FISCAL IMPACT:

The fiscal impact is indeterminate. The impact will be confined to the charter counties who have altered their constitutional officers. The proposal would require the affected counties to expend funds to (a) provide for election of appointed constitutional officers, and (b) reorganize their governments to accommodate the officer's office and responsibilities. The effect will be heavily dependent on the reorganization efforts at the county level and could vary greatly by county.

III. Additional Information:**A. Statement of Changes:**

(Summarizing differences between the current version and the prior version of the proposal.)

None.

B. Amendments:

None.

C. Technical Deficiencies:

Line 44 “Notwithstanding subsection 6(e)...” The word “notwithstanding” may create ambiguity; therefore, “notwithstanding” is construed to communicate that this amendment supersedes subsection 6(e).

D. Related Issues:

None.

By Commissioner Timmann

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1 A proposal to amend
2 Sections 1 and 6 of Article VIII of the State
3 Constitution to remove authority for a county charter
4 or a special law to provide for choosing specified
5 county officers in a manner other than election and to
6 prohibit a county charter from abolishing specified
7 county officers, transferring duties of a county
8 officer to another officer or office, establishing the
9 length of terms of county officers, or establishing
10 any manner of selection of county officers other than
11 by election.

13 Be It Proposed by the Constitution Revision Commission of
14 Florida:

16 Sections 1 and 6 of Article VIII of the State Constitution
17 are amended to read:

18 ARTICLE VIII
19 LOCAL GOVERNMENT

20 SECTION 1. Counties.—

21 (a) POLITICAL SUBDIVISIONS. The state shall be divided by
22 law into political subdivisions called counties. Counties may be
23 created, abolished or changed by law, with provision for payment
24 or apportionment of the public debt.

25 (b) COUNTY FUNDS. The care, custody and method of
26 disbursing county funds shall be provided by general law.

27 (c) GOVERNMENT. Pursuant to general or special law, a
28 county government may be established by charter which shall be
29 adopted, amended or repealed only upon vote of the electors of
30 the county in a special election called for that purpose.

31 (d) COUNTY OFFICERS. There shall be elected by the electors
32 of each county, for terms of four years, a sheriff, a tax

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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33 collector, a property appraiser, a supervisor of elections, and
34 a clerk of the circuit court, ~~except, when provided by county~~
35 ~~charter or special law approved by vote of the electors of the~~
36 ~~county, any county officer may be chosen in another manner~~
37 ~~therein specified, or any county office may be abolished when~~
38 ~~all the duties of the office prescribed by general law are~~
39 ~~transferred to another office. Unless~~ When not otherwise
40 provided by ~~county charter or~~ special law approved by vote of
41 the electors or pursuant to Article V, section 16, the clerk of
42 the circuit court shall be ex officio clerk of the board of
43 county commissioners, auditor, recorder and custodian of all
44 county funds. Notwithstanding subsection 6(e) of this article, a
45 county charter may not abolish the office of a sheriff, a tax
46 collector, a property appraiser, a supervisor of elections, or a
47 clerk of the circuit court; transfer the duties of those
48 officers to another officer or office; establish the length of
49 the term of office; or establish any manner of selection other
50 than by election by the electors of the county.

51 (e) COMMISSIONERS. Except when otherwise provided by county
52 charter, the governing body of each county shall be a board of
53 county commissioners composed of five or seven members serving
54 staggered terms of four years. After each decennial census the
55 board of county commissioners shall divide the county into
56 districts of contiguous territory as nearly equal in population
57 as practicable. One commissioner residing in each district shall
58 be elected as provided by law.

59 (f) NON-CHARTER GOVERNMENT. Counties not operating under
60 county charters shall have such power of self-government as is
61 provided by general or special law. The board of county

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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62 commissioners of a county not operating under a charter may
 63 enact, in a manner prescribed by general law, county ordinances
 64 not inconsistent with general or special law, but an ordinance
 65 in conflict with a municipal ordinance shall not be effective
 66 within the municipality to the extent of such conflict.

67 (g) CHARTER GOVERNMENT. Counties operating under county
 68 charters shall have all powers of local self-government not
 69 inconsistent with general law, or with special law approved by
 70 vote of the electors. The governing body of a county operating
 71 under a charter may enact county ordinances not inconsistent
 72 with general law. The charter shall provide which shall prevail
 73 in the event of conflict between county and municipal
 74 ordinances.

75 (h) TAXES; LIMITATION. Property situate within
 76 municipalities shall not be subject to taxation for services
 77 rendered by the county exclusively for the benefit of the
 78 property or residents in unincorporated areas.

79 (i) COUNTY ORDINANCES. Each county ordinance shall be filed
 80 with the custodian of state records and shall become effective
 81 at such time thereafter as is provided by general law.

82 (j) VIOLATION OF ORDINANCES. Persons violating county
 83 ordinances shall be prosecuted and punished as provided by law.

84 (k) COUNTY SEAT. In every county there shall be a county
 85 seat at which shall be located the principal offices and
 86 permanent records of all county officers. The county seat may
 87 not be moved except as provided by general law. Branch offices
 88 for the conduct of county business may be established elsewhere
 89 in the county by resolution of the governing body of the county
 90 in the manner prescribed by law. No instrument shall be deemed

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91 recorded until filed at the county seat, or a branch office
 92 designated by the governing body of the county for the recording
 93 of instruments, according to law.

94 SECTION 6. Schedule to Article VIII.—

95 (a) This article shall replace all of Article VIII of the
 96 Constitution of 1885, as amended, except those sections
 97 expressly retained and made a part of this article by reference.

98 (b) COUNTIES; COUNTY SEATS; MUNICIPALITIES; DISTRICTS. The
 99 status of the following items as they exist on the date this
 100 article becomes effective is recognized and shall be continued
 101 until changed in accordance with law: the counties of the state;
 102 their status with respect to the legality of the sale of
 103 intoxicating liquors, wines and beers; the method of selection
 104 of county officers; the performance of municipal functions by
 105 county officers; the county seats; and the municipalities and
 106 special districts of the state, their powers, jurisdiction and
 107 government.

108 (c) OFFICERS TO CONTINUE IN OFFICE. Every person holding
 109 office when this article becomes effective shall continue in
 110 office for the remainder of the term if that office is not
 111 abolished. If the office is abolished the incumbent shall be
 112 paid adequate compensation, to be fixed by law, for the loss of
 113 emoluments for the remainder of the term.

114 (d) ORDINANCES. Local laws relating only to unincorporated
 115 areas of a county on the effective date of this article may be
 116 amended or repealed by county ordinance.

117 (e) CONSOLIDATION AND HOME RULE. Article VIII, Sections 9,
 118 10, 11 and 24, of the Constitution of 1885, as amended, shall
 119 remain in full force and effect as to each county affected, as

timmannc-00018B-17

201713__

120 if this article had not been adopted, until that county shall
121 expressly adopt a charter or home rule plan pursuant to this
122 article. All provisions of the Metropolitan Dade County Home
123 Rule Charter, heretofore or hereafter adopted by the electors of
124 Dade County pursuant to Article VIII, Section 11, of the
125 Constitution of 1885, as amended, shall be valid, and any
126 amendments to such charter shall be valid; provided that the
127 said provisions of such charter and the said amendments thereto
128 are authorized under said Article VIII, Section 11, of the
129 Constitution of 1885, as amended.

130 (f) DADE COUNTY; POWERS CONFERRED UPON MUNICIPALITIES. To
131 the extent not inconsistent with the powers of existing
132 municipalities or general law, the Metropolitan Government of
133 Dade County may exercise all the powers conferred now or
134 hereafter by general law upon municipalities.

135 (g) SELECTION AND DUTIES OF COUNTY OFFICERS.—The amendment
136 to Section 1 of this article, relating to the selection and
137 duties of county officers, shall take effect January 5, 2021,
138 but shall govern with respect to the qualifying for and the
139 holding of the primary and general elections for county
140 constitutional officers in 2020.

141 ~~(h) (g)~~ DELETION OF OBSOLETE SCHEDULE ITEMS. The legislature
142 shall have power, by joint resolution, to delete from this
143 article any subsection of this Section 6, including this
144 subsection, when all events to which the subsection to be
145 deleted is or could become applicable have occurred. A
146 legislative determination of fact made as a basis for
147 application of this subsection shall be subject to judicial
148 review.



BERTHA W. HENRY, County Administrator

115 S. Andrews Avenue, Room 409 • Fort Lauderdale, Florida 33301 • 954-357-7362 • FAX 954-357-7360

November 27, 2017

Commissioner Hank Coxe, Chair
Ethics and Elections Committee
The Constitutional Revision Commission
The Capitol
400 S. Monroe Street
Tallahassee, Florida 32399

Re: Proposal 13 – Constitutional County Officers

Dear Chair Coxe:

The referenced proposal is scheduled for consideration before the Ethics and Elections Committee the morning of November 29, 2017. We write to express Broward County's concerns with this proposal.

Proposal 13 broadly affects counties whose electors have chosen to eliminate or restructure their constitutional offices. In Broward County, for example, voters eliminated the elected office of the Tax Collector and transferred its functions to an agency run by finance professionals, the Broward County Finance and Administrative Services Department (FASD). This department operates under the oversight of Broward County's Chief Financial Officer, the County Administrator, and ultimately the Board of County Commissioners.

In addition, Broward voters also transferred the Clerk of Court's non-judicial functions to FASD (payroll, accounting, management of property records, tax-certificate sales, etc.), the County Administrator (clerk to the Board of County Commissioners, agenda management), and the County's independent County Auditor. Yet, Proposal 13, if adopted and approved by voters in a statewide referendum, would require an elected Tax Collector's Office be reestablished in Broward County and all non-judicial functions previously transferred from the Clerk of Courts to be returned without need of any qualification or expertise in finance or management.

In addition, if Proposal 13 were to pass and apply retroactively, it could affect nearly 250 employees in some capacity relating to finance and records management. Furthermore, the Office of the County Auditor, an independent charter office, could be eliminated as auditing functions are normally assigned to the Clerk of Court. The County's financial controls could be weakened because the auditing and accounting functions would report to

Commissioner Hank Cox, Chair, Ethics and Elections Committee
The Constitutional Revision Commission
November 27, 2017

the same person. Accounting and auditing professionals generally consider this a bad practice because it makes the auditor less independent.

Even more notably, an elected clerk would not necessarily have an accounting background or any experience in public or private finance – yet would be responsible for billions of taxpayer funds. For example, pursuant to Article 4 of the Broward County Charter, the County Auditor must be a certified public accountant with governmental accounting and auditing experience. The Auditor is nominated by an independent committee, subject to ratification by the Board of County Commissioners. The Auditor serves a five-year term and may be removed by the Board of County Commissioners only by a supermajority vote.

For these reasons, Broward County opposes Proposal 13 and respectfully request the Committee's negative vote. Should you or any member of the Committee have any questions or desire additional information, please feel free to contact Intergovernmental Affairs at (954) 357-7575.

Sincerely,


Bertha Henry
County Administrator

cc: Members, Ethics and Election Committee, The Constitutional Revision Commission
Virginia "Ginger" Delegal, Executive Director, Florida Association of Counties
Broward County Board of County Commissioners
Monica Cepero, Deputy County Administrator
Andrew Meyers, County Attorney
Robert Melton, CPA, County Auditor
George Tablack, CPA, Chief Financial Officer
C. Marty Cassini, Intergovernmental Affairs Manager



November 27, 2017

Copy by email transmission: Admin@flcrc.gov

Original by U.S. mail

Constitution Revision Commission
The Capitol
400 S. Monroe Street
Tallahassee, FL 32399

Re: Proposal 13: LOCAL GOVERNMENT; Counties; Article VIII

Dear Chair Beruff and Members of the Commission,

I write briefly to furnish background regarding proposal 13 pertaining to county officers. I hope that you may find it helpful in your deliberations.

Volusia was the first of the twenty Florida counties to adopt a charter pursuant to article VIII of the 1968 Constitution. Chapter 70-966, Laws of Florida (Sp. Acts), as amended. Volusia remains the only county to have a charter adopted by special act. The charter proposal referred to the voters on June 30, 1970, was preceded by a study directed by the legislature. Chapter 69-1704, Laws of Florida (Sp. Acts). The legislature established a charter study and review commission which had the duty "to determine whether tax savings can be made and whether efficiency can be obtained through revision of such [governmental] structures, functions and operations," and "to recommend a plan or plans for the solution of any problem disclosed by such research and study."

The commission proposed, the legislature adopted, and the voters approved a charter which created a council-manager form of government, separating legislative and executive functions. The charter also abolished the constitutional offices of sheriff, property appraiser (the tax assessor, as then known), supervisor of elections, and tax collector. It transferred the duties of the first three named offices to departments of county government, the heads of which are elected each four years; and the duties of the fourth named office to a department, the head of which is appointed. It transferred the non-judicial duties of the clerk of the court to departments of the charter government, except for the duty of recorder which the clerk retained.

Members of the county council, the legislative body that replaced the county commission, are paid 50% of what county commission members by law would receive (except that 60% is paid to the county chair). None receive reimbursement for in-county expenses. However, the charter achieved the financial savings desired by the legislature in large measure by requiring all departments to use centralized county services. The county estimates a resulting annual cost avoidance of approximately \$10 million in current dollars in the general fund alone. This equates to just over 0.3 mil, slightly less than 5% of this year's general fund levy.

The legislative goal of cost efficiency has been achieved. This is no small matter in a county with a predominately residential tax base and a per capita household income about 90% of the state average. The county of course has sought to reduce the percentage of the tax base that is residential; and to assist in private creation of jobs with above average pay. Despite provision of urban services (and the regional service of the beach), Volusia has maintained county government taxation that per capita has been in the lowest quartile of the state (53rd highest in 2010). Still, any increase in expense resulting from a constitutionally mandated change in governmental structure unavoidably and disproportionately will fall on non-homestead taxpayers.

Nevertheless, the legislature, by special act, and Volusia electors, by referendum thereon, retain the ability to re-establish a constitutional office that they abolished, if that is desired. No statewide vote is required for such a change.

Respectfully,



Daniel D. Eckert
County Attorney

DDE: mg

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/17
Meeting Date

13
Proposal Number (if applicable)

*Topic Constitutional Officers

Amendment Barcode (if applicable)

*Name Nocco, Chris

Address 8700 C.T. Swarc Dr.

Phone _____

Street
New Port Richey FL
City State Zip

Email _____

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/17
Meeting Date

13
Proposal Number (if applicable)

*Topic local elected officials

Amendment Barcode (if applicable)

*Name EMERY A. GARNEY

Address PH-01 THE CAPITOL
Street

Phone 850 245 0140

TALLAHASSEE FL 32359
City State Zip

Email _____

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

7:56 am

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017
Meeting Date

13
Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Joe Tedder

Address 2415 Nevada Rd

Phone 863-534-4729

Street

Lakeland FL

City

State

Zip

Email joe.tedder@polktaxes.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Tax Collectors Association

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/17 Meeting Date

13 Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Michael Corrigan

Address 231 E Forsyth St.

Phone 904:630-1464

Street

Jacksonville FL 32203

Email MCorrigan@CofJ.net

City

State

Zip

*Speaking: [X] For [] Against [] Information Only

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Are you representing someone other than yourself? [X] Yes [] No

If yes, who? Florida Tax Collector Association

Are you a registered lobbyist? [] Yes [X] No

Are you an elected official or judge? [X] Yes [] No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017
Meeting Date

13
Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Christopher C. Rudolph, Jr.

Address 133 Wexham Ct

Phone 863 608 0231

Street

Davenport

FL

33897

City

State

Zip

Email chrisrudolph@polktaxes.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Tax Collectors

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-29-17

Meeting Date

13

Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Sharon Jordan

Address 215 Pine Avenue

Phone (386)364-3430

Street

Live Oak FL 32064

City

State

Zip

Email sjordan@suwtax.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Tax Collector Association

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

13

11-29-17 Meeting Date

Proposal Number (if applicable)

*Topic P-13

Amendment Barcode (if applicable)

*Name Larry Hart

Address 2480 Thompson St

Phone 239 533 6060

Street Fort Myers FL City State Zip

Email Larryh@leeta.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Tax Collector Assoc.

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-29-17

Meeting Date

13

Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Doris Maloy

Address 2324 Napoleon Bonaparte Dr.

Phone 850/606-4710

Street

Tallahassee

FL

32308

Email maloyd@leoncountyfl.gov

City

State

Zip

*Speaking: For Against Information Only

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Tax Collector's Assoc. (Association)

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

*Topic LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

*Name Robert Stuart Jr.

Address 301 E Pine Street, Suite 1400

Phone 407-843-8880

Street

Orlando

FL

32801

City

State

Zip

Email robert.stuart@gray-robinson.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Volusia County

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/30/17

11/30/17

Meeting Date

13

Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Ben Anderson

Address 854 Holbrook Circle

Phone 850-689-5300

Street

Fort Walton Beach, FL 32547

Email Bew@BenAnderson.com

City

State

Zip

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Tax Collector Association

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-29-17

Meeting Date

13

Proposal Number (if applicable)

*Topic _____

Amendment Barcode (if applicable)

*Name Jess M. McCarty

Address 111 NW 1 Street Suite 2810

Phone (305) 979-7110

Street

Miami

Florida

33128

City

State

Zip

Email jmm2@miamidade.gov

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? MIAMI - DADE COUNTY

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

(1) 4. 078M

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

November 29, 2017

Meeting Date

Proposal 13

Proposal Number (if applicable)

***Topic** Constitutional County Officers

Amendment Barcode (if applicable)

***Name** Edward G. Labrador, Esq., Legislative Counsel

Address 115 S. Andrews Avenue, Room 426

Phone (954) 357-7575

Street

Fort Lauderdale

FL

33301

City

State

Zip

Email elabrador@broward.org

***Speaking:** For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Broward County

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

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***Required**

CONSTITUTION REVISION COMMISSION

16 9052M

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/17

Meeting Date

13

Proposal Number (if applicable)

*Topic County Charter

Amendment Barcode (if applicable)

*Name STACY Butterfield, CPA

Address 330 W. Church Street

Phone 863-534-4522

Bartow, FL 33830

Email stacybutterfield@polk-county.net

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Court Clerks & Comptrollers

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2018 ~~2018~~ 2017

Meeting Date

13

Proposal Number (if applicable)

*Topic LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

*Name Sheriff Mike Adkinson

Address 752 Triple G Road

Phone 850-892-8186

Street

DeFuniak Springs

FL

32453

Email

City

State

Zip

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Sheriffs Association

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

***Topic** LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

***Name** Sheriff Kevin Crews

Address 1293 Jackson Ave. Bldg. 400

Phone 850-638-6111

Street

Chipley

FL

32428

Email

City

State

Zip

***Speaking:** For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

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***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

***Topic** LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

***Name** Sheriff Gator DeLoach

Address 130 Oriie Griffin Blvd.

Phone 386-329-0808

Street

Palatka

FL

32178

Email

City

State

Zip

***Speaking:** For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

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***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

***Topic** LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

***Name** Sheriff Al Nienhuis

Address 18900 Cortez Blvd.

Phone 352-754-6830

Street

Brooksville

FL

34601

Email

City

State

Zip

***Speaking:** For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

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***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

*Topic LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

*Name Sheriff David Shoar

Address 4015 Lewis Speedway
Street

Phone 904-810-6601

St. Augustine FL 32084
City State Zip

Email

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

***Topic** LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

***Name** Sheriff Mark Hunter

Address 4917 E. US Hwy. 90

Phone 386-752-9212

Street

Lake City

FL

32055

Email

City

State

Zip

***Speaking:** For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

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***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

***Topic** LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

***Name** Sheriff Walt McNeil

Address 2825 Municipal Way

Phone 850-606-3300

Street

Tallahassee

FL

32304

City

State

Zip

Email

***Speaking:** For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

***Topic** LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

***Name** Captain Dennis Strange

Address 2500 W. Colonial Drive

Phone 407-254-7000

Street

Orlando

FL

32804

City

State

Zip

Email

***Speaking:** For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Orange County Sheriff Jerry Demings

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-29-17
Meeting Date

13
Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Hunter Conrad - Clerk + Comptroller, St. Johns County

Address 4010 Lewis Speedway Phone 904-819-3601
Street

St. Aug. FL 32084 Email hconrad@sjccoc.org
City State Zip

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Clerks + Comptrollers

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

29 Nov 2017
Meeting Date

13
Proposal Number (if applicable)

*Topic PROPOSAL 13

Amendment Barcode (if applicable)

*Name BILLY WASHINGTON - CLERK; COMPTROLLER MADISON FL

Address P.O. Box 247
Street

Phone 850 973-8000

MADISON FL 32340
City State Zip

Email b.washington@medisonclerk.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? FCC

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/17

Meeting Date

13

Proposal Number (if applicable)

*Topic Local Government

Amendment Barcode (if applicable)

*Name Carey L. Baker

Address 320 W. Main St. Suite A

Phone 352/406-2329

Street Towhee, FL 32778

Email cbaker@lcpafl.org

City State Zip

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Assoc. of Property Appraisers, Inc.

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/17

Meeting Date

13

Proposal Number (if applicable)

*Topic Proposal 13

Amendment Barcode (if applicable)

*Name Kelley Teague

Address 201 S. Rosalind Ave

Phone (407) 421-4863

Street

Orlando

FL

32801

City

State

Zip

Email

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Orange County Government

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

*Topic LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

*Name Sheriff Mike Chitwood

Address 123 W. Indiana Ave.

Phone 386-736-5931

Street

DeLand

FL

32720

City

State

Zip

Email

*Speaking: [X] For [] Against [] Information Only

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Are you representing someone other than yourself? [] Yes [X] No

If yes, who?

Are you a registered lobbyist? [] Yes [X] No

Are you an elected official or judge? [X] Yes [] No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

*Topic LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

*Name Sheriff Grady Judd

Address 1891 Jim Keene Blvd.

Phone 863-298-6200

Street

Winter Haven

FL

33880

City

State

Zip

Email

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

18 11:24

11/29/17
Meeting Date

P13
Proposal Number (if applicable)

*Topic P13

Amendment Barcode (if applicable)

*Name Enike Donalds

Address 14642 Indigo Lakes Cir
Street
Naples FL 34119
City State Zip

Phone 2392876287

Email enikedonalds@gmail.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

⑥ 8:05 am

CONSTITUTION REVISION COMMISSION APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/17

Meeting Date

13

Proposal Number (if applicable)

*Topic Proposal #13 - Charter Government

Amendment Barcode (if applicable)

*Name Tom Bexley - Clerk & Comptroller, Flagler County

Address 1769 East Mandy Blvd #1

Phone 386.313.4400

Bunnell FL 32110
City State Zip

Email tbexley@flagclerk.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Flagler County Clerk & Comptroller

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

(18) 10:16am

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/17

Meeting Date

P13

Proposal Number (if applicable)

*Topic P13 Local Govt

Amendment Barcode (if applicable)

*Name GWEN MARSHALL, Leon Co Clerk & Comptroller

Address 301 S Monroe St., Ste 100

Phone 850-606-4005

Street

TALL FL 33301

City

State

Zip

Email gmarshall@leoncountyfl.gov

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? FL Court Clerks & Comptrollers & Leon Co Clerk of Court

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-29-17

Meeting Date

13

Proposal Number (if applicable)

*Topic LOCAL GOVERNMENT

Amendment Barcode (if applicable)

*Name MIKE HARRISON

Address 1000 CECIL G COSTIN SR BLVD

Phone 850-227-8706

Street

PORT ST JOE FL 32456

Email _____

City

State

Zip

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

1-29-17

Meeting Date

13

Proposal Number (if applicable)

*Topic LOCAL GOVERNMENT

Amendment Barcode (if applicable)

*Name BEN STEWART SHERIFF MADISON Co.

Address 2364 WEST CUL 90

Phone 850-973-4151

Street

MADISON

FL

32340

Email ST

City

State

Zip

*Speaking: [X] For [] Against [] Information Only

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Are you representing someone other than yourself? [] Yes [X] No

If yes, who? _____

Are you a registered lobbyist? [] Yes [X] No

Are you an elected official or judge? [X] Yes [] No

While the Commission encourages 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.

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*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-29-17

Meeting Date

13

Proposal Number (if applicable)

*Topic Local Gov

Amendment Barcode (if applicable)

*Name Glenn Kimbrel

Address P.O. Box 403

Phone

Street

Blountstown

FL

32424

Email

City

State

Zip

*Speaking: For Against Information Only

Waive Speaking: In Support Against (The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? NA

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

***Topic** LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

***Name** Sheriff Bob Gualtieri

Address 10750 Ulmerton Road

Phone 727-582-6200

Street

Largo

FL

33778

City

State

Zip

Email

***Speaking:** For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29/2017

Meeting Date

13

Proposal Number (if applicable)

*Topic LOCAL GOVERNMENT, Counties; Schedule to Article VIII

Amendment Barcode (if applicable)

*Name Sheriff Mike Prendergast

Address 1 Dr. Martin Luther King Jr. Ave.

Phone 352-726-4488

Street

Inverness

FL

34450

City

State

Zip

Email

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

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CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

11-29-17

Meeting Date

13

Proposal Number (if applicable)

*Topic PROPOSAL 13

Amendment Barcode (if applicable)

*Name LAURA YOUMANS

Address 819 GOVERNORS DR

Phone 850-294-1838

Street

TAL

City

FL

State

32301

Zip

Email LYOUMANS@FL-COUNTIES

com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? FLORIDA ASSOCIATION OF COUNTIES

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

*Required

Why Florida Should Adopt

OPEN PRIMARIES

Florida General Elections Are Increasingly Uncompetitive

In the 2016 general election:

- 47% of races for the Florida legislature were **UNCONTESTED**
- 37% of all other races were **UNCOMPETITIVE**

ONLY 16% of Florida Elections Were Competitive

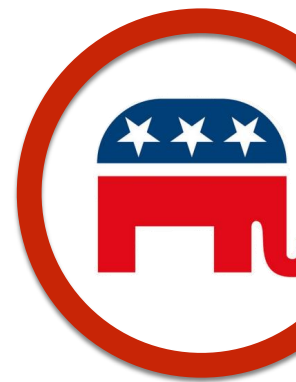


Most Florida Elections Are
Decided in the Primary, NOT
in the General Election



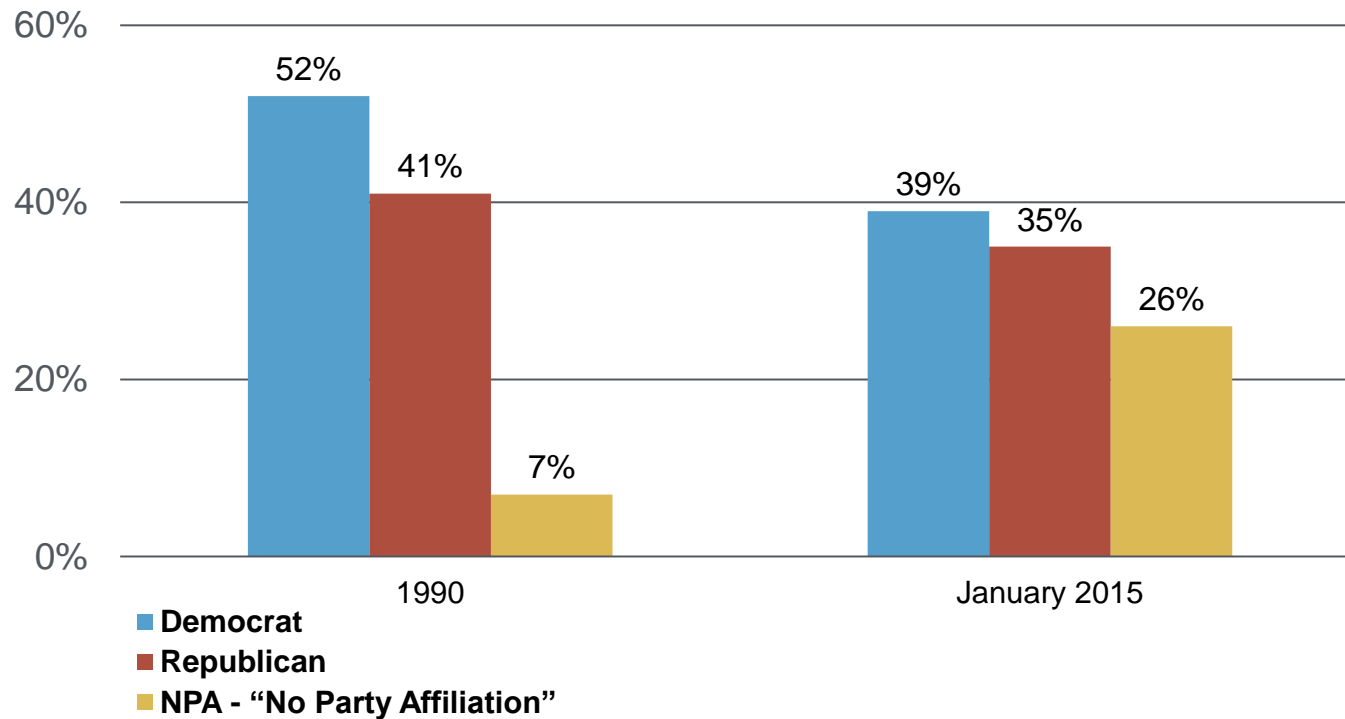
HELLO
my name is

*Independent
Voter*



Registered Voters by Party: 1990 vs. Present

“Since 1990, the relative number of voters registered NPA in Florida has increased by 380%.”



Voter Registration - By Party Affiliation

Totals reflect the number of **active** registered voters in the State of Florida.
Data as of September 30, 2017.

Year	Republican Party of Florida	Florida Democratic Party	Minor Parties	No Party Affiliation	Total
2017	4,540,034	4,806,071	53,926	3,417,193	12,820,224

[By Party Affiliation Archive - Data for 1972 - 2016](#)

[Voter Registration - By County and Party](#)

Voter Registration - By Party Affiliation

- [By Party Affiliation Archive](#)

[Voter Registration - New and Removed](#)

[Voter Registration - Method and Location](#)



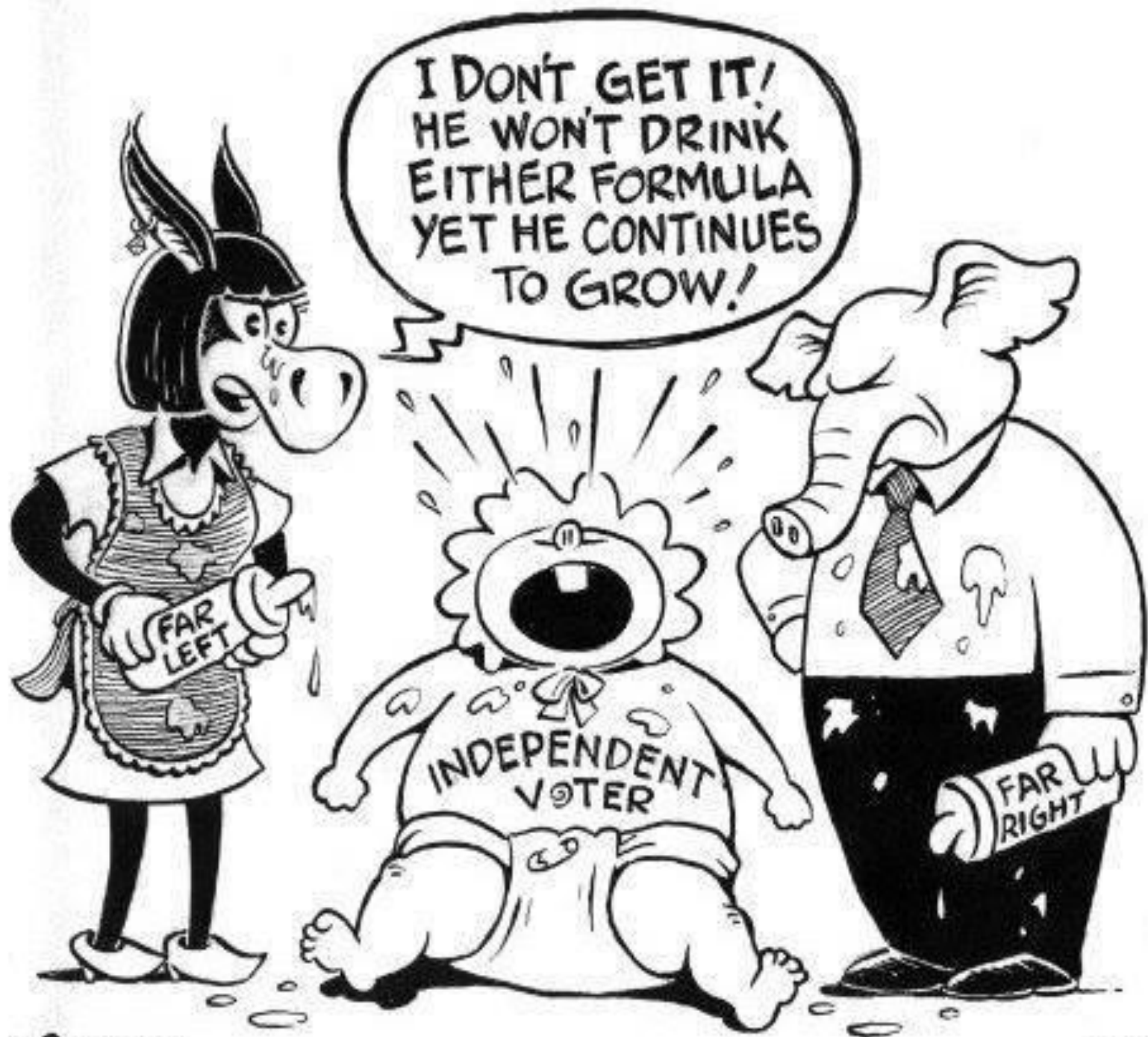
Rick Scott, Governor
Ken Detzner, Secretary of State

[Media](#) | [Connect](#)

Florida Department of State
Phone: 850.245.6500

R.A. Gray Building
500 South Bronough Street
Tallahassee, Florida 32399-0250

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4/21/10

An orange silhouette of the state of Florida is centered in the background. The text is overlaid on this map.

FLORIDA INDEPENDENT VOTER ATTITUDE SURVEY

OPENPRIMARIES

Insights and Takeaways

- There are 3.4 million registered unaffiliated voters in Florida. They were not eligible to vote in the 2016 Presidential Primary.
- 88% of Florida's independents believe that their exclusion is unfair and 87% want a more inclusive political process.
- 95% of Florida's independent voters want to focus on good candidates and the issues, not parties, with 88% believing that neither political party works for them.
- Florida's independent voters overwhelmingly support structural political change. 87% support a change to nonpartisan primaries, and 93% support a truly independent redistricting commission.
- In addition to our survey questions, we asked independent voters if they were willing to sign a petition to the chairs of the Democratic and Republican parties in Florida urging them to open the 2016 Presidential Primaries to independent voters. 83% of respondents signed the petition.



Florida Poll Results
January 2016



OPENPRIMARIES



Florida independents want an election system that allows ALL voters the opportunity to cast a meaningful vote in every election.

Key Findings

- 70% of Floridians support open primaries - **including majorities of Democrats, Republicans and independents**. (March, 2017 PPP poll*)
- 87% of voters support electoral changes that expand democracy in Florida. Democrats and Republicans support the full inclusion of independents.
- 73% of Floridians think the Constitutional Revision Commission should put an open primaries measure on the ballot.

*Full Poll Results at: <https://d3n8a8pro7vhmx.cloudfront.net/openprimaries/pages/1635/attachments/original/1490631147/FloridaFinalPoll.pdf?1490631147>

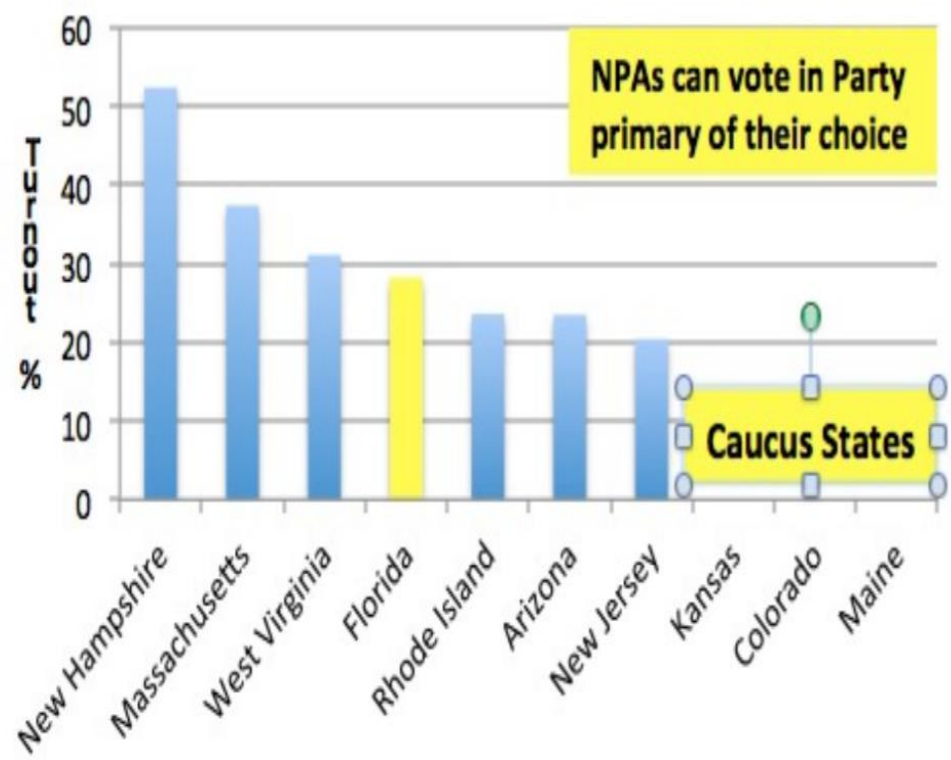


41 U.S. States Have Some Form of Open Primary Election System

Alabama, Alaska, Arizona, Arkansas, California, Colorado, Georgia, Hawaii Idaho, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Montana Nebraska, New Hampshire, New Jersey, North Carolina, North Dakota, Ohio Oklahoma, Rhode Island, South Carolina, South Dakota, Tennessee, Texas Utah, Vermont, Virginia, Washington, West Virginia, Wisconsin, Wyoming

League of Women Voters of Florida Open Primary Study

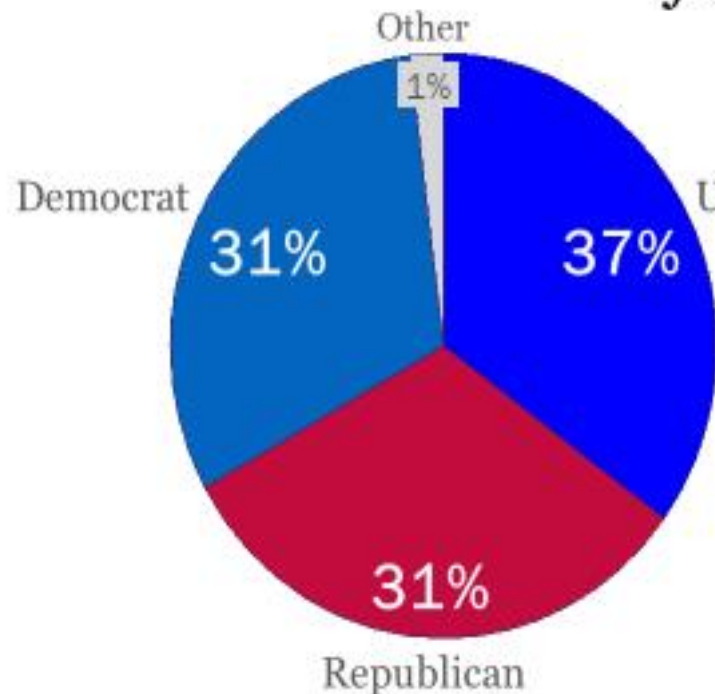
Figure #5 Open to Unaffiliated Voter Primary 2016 VEP Data



Arizona voters who are registered as independent, no party preference or as a member of a non-recognized party may choose one ballot to vote.

2016: Colorado Adopts Open Primaries

Why? A large and growing percentage of voters are left out, just like in Florida



- 37% = more than 1 million active voters that do not get to participate
- CO leads nation in growth of unaffiliated voters (+40% since '08)
- Primary turnout is declining, with only 1 in 5 voters participating

Sources: Colorado Secretary of State, March 2016; Third Way

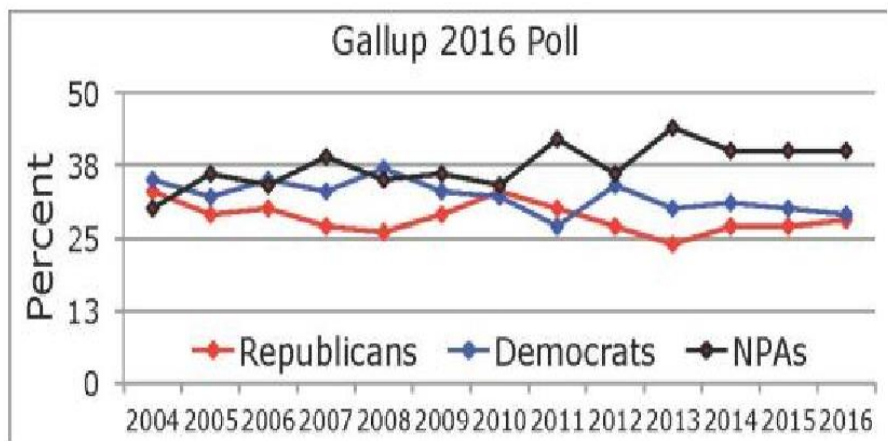
2. Consensus Statement: No Party Affiliation (NPAs) and minor party voters should have an opportunity to vote in all primary elections.

Discussion:

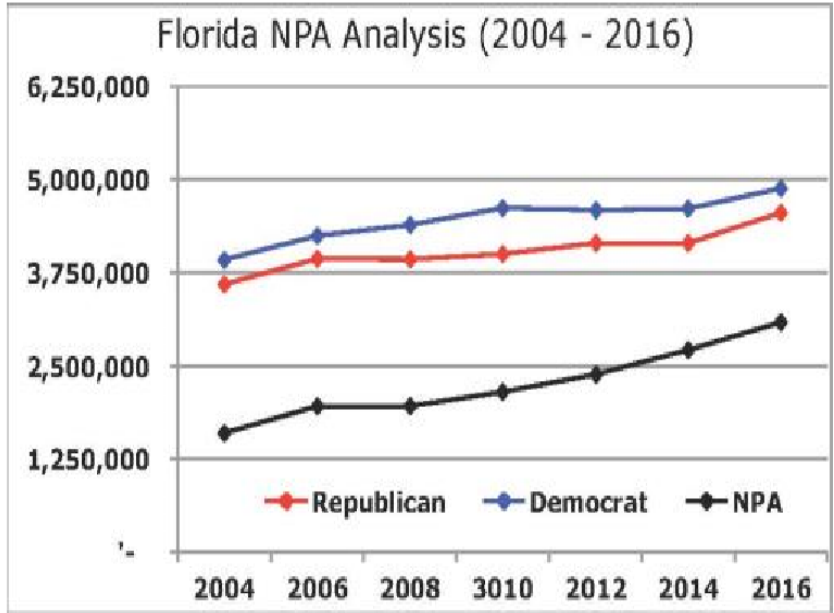
Voters are increasingly registering as No Party Affiliation (NPA) nation-wide and in Florida because they are turned off by the dysfunction of the national and state governments and political parties. The chart below shows the national trend based on a 2016 Gallup Poll with the following question: "In politics, as of today, do you consider yourself a Republican, a Democrat, or an independent?" Notice the wording of the poll. It does not ask how they are registered but what they consider themselves to be.

<http://www.gallup.com/poll/15370/party-affiliation.aspx>

p.9



The trend is similar in Florida. From 2004 through 2016, Florida NPAs have grown over 1.2 million voters as shown in the chart below.



PRO

- Changing Florida’s Closed Primary to an Open Primary would allow 3.1 million NPA voters to take part in the political process.
- NPA voters are growing in numbers. From 2004 to 2016, NPAs grew over 1.2 million.
- The Millennial survey indicates that young voters want candidate choice without having to pick a party.
- Including NPAs in the political process would add the following demographics, According-to Florida Division of Elections data.

A15 : X ✓ fx Wisconsin

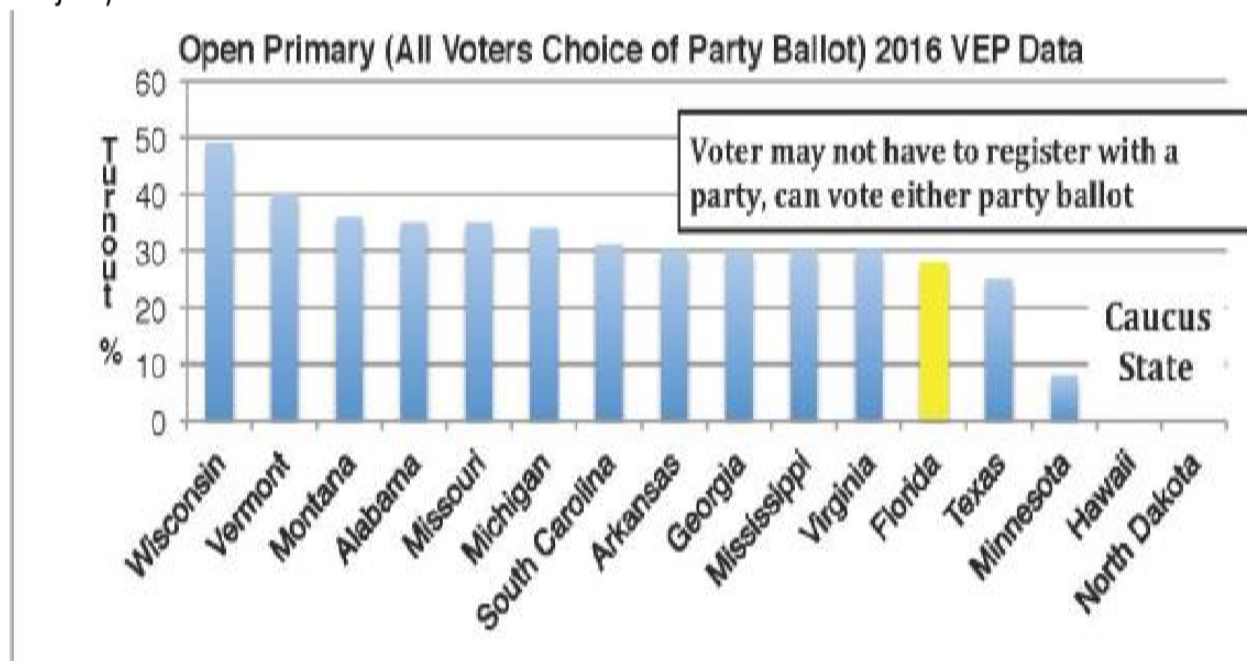
	A	B	C	D	E	F	G	H	I	J
1		Same Day Voter Registration	Absentee Voting With Excuse	Absentee Voting Without Excuse	Early Voting	In-Person Absentee Voting	All-Mail Voting	Provisional Voting	Overseas Absentee Voting	Military Absentee Voting
2	New Hampshire	Yes	Yes	No	No	No	No	No	Yes	Yes
3	Massachusetts	No	Yes	No	Yes	No	No	Yes	Yes	Yes
4	West Virginia	No	Yes	No	Yes	No	No	Yes	Yes	Yes
5	Florida	No	No	Yes	Yes	No	No	Yes	Yes	Yes
6	Rhode Island	No	Yes	No	No	No	No	Yes	Yes	Yes
7	Arizona	No	No	Yes	Yes	No	No	Yes	Yes	Yes
8	New Jersey	No	No	Yes	No	Yes	No	Yes	Yes	Yes
9										
10										
11										
12										
13										
14										
29										
30										
31										
32										
33										
34										
35										

C13

	A	B	C	D	E	F	G
			Absentee Voting With	Absentee Voting Without			
1		Same Day Voter Registration	Excuse	Excuse	Early Voting	In-Person Absentee Voting	Provisional Voting
2	New Hampshire	Yes	Yes	No	No	No	No
3	Massachusetts	No	Yes	No	Yes	No	Yes
4	West Virginia	No	Yes	No	Yes	No	Yes
5	Florida	No	No	Yes	Yes	No	Yes
6	Rhode Island	No	Yes	No	No	No	Yes
7	Arizona	No	No	Yes	Yes	No	Yes
8	New Jersey	No	No	Yes	No	Yes	Yes
9							
10							
11							
12							
13							
14							
29							
30							
31							
32							
33							
34							
35							
36							
37							
38							

Discussion:

According-to Florida statute 101.021, "In a primary election a qualified elector is entitled to vote the official primary election ballot of the political party designated in the elector's registration, and no other. It is unlawful for any elector to vote in a primary for any candidate running for nomination from a party other than that in which such elector is registered" Minor Party and No Party Affiliate voters are excluded from these primaries unless they change party registration. Candidates may qualify to run in a general election by paying fees (Florida Statute 99.061) or by obtaining petition signatures of 1 percent of the registered voters in the preceding general election (Florida Statute 99.095). The chart below compare voter turnouts of National Conference of State Legislatures (NCSL) Open Primary versus Florida's Closed Primary. Turnout data is from Dr. Michael McDonald's U.S. Elections Project).



C6 : [X] [✓] [fx] Yes

	A	B	C	D	E	F	G
1		Same Day Voter Registration	Absentee Voting With Excuse	Absentee Voting Without Excuse	Early Voting	In-Person Absentee Voting	Provisional Voting
2	Wisconsin	Yes	No	Yes	No	Yes	Yes
3	Vermont	No	No	Yes	No	Yes	Yes
4	Montana	Yes	No	Yes	No	Yes	Yes
5	Alabama	No	Yes	No	No	No	No
6	Missouri	No	Yes	No	No	No	Yes
7	Michigan	No	Yes	No	No	No	Yes
8	South Carolina	No	Yes	No	No	Yes	Yes
9	Arkansas	No	Yes	No	Yes	No	Yes
10	Georgia	No	No	Yes	Yes	No	Yes
11	Mississippi	No	No	Yes	No	Yes	Yes
12	Virginia	No	Yes	No	No	Yes	Yes
13	Florida	No	No	Yes	Yes	No	Yes
14	Texas	No	Yes	No	Yes	No	Yes
15	Minnesota	Yes	No	Yes	No	Yes	No
16							

Sheet1



READY

[Grid] [Print] [Zoom] 100%



Type here to search



ENG

8:03 PM

11/22/2017



2

H15 : X ✓ fx

	A	B	C	D	E	F	G
1		Presidential Primary	First Primary	Second Primary	General Election		
2	2000	19%	25%	12%	70%		
3	2002		29%		55%		
4	2004	20%	26%		74%		
5	2006		20%		47%		
6	2008	42%	18%		75%		
7	2010		22%		49%		
8	2012	41%	21%		72%		
9	2014		18%		51%		
10	2016	46%	24%		75%		
11							
12							
13							
14							
15							



9 U.S. States Have Completely Closed Primary Elections


Florida, New Mexico, Kentucky, New York, Delaware, Connecticut,
Pennsylvania, Oregon

THE STATUS QUO

- Strengthens partisanship and rewards party loyalty not constructive legislating
- Contributes to dysfunction in Tallahassee
- Disenfranchises young voters and independent voters
- Reduces voter participation

AN OPEN PRIMARY WOULD

- Include, energize and engage young voters
- Encourage candidates to appeal to a broader electorate
- Reward candidates seeking solutions over partisanship
- End taxpayer funding of private and exclusionary elections



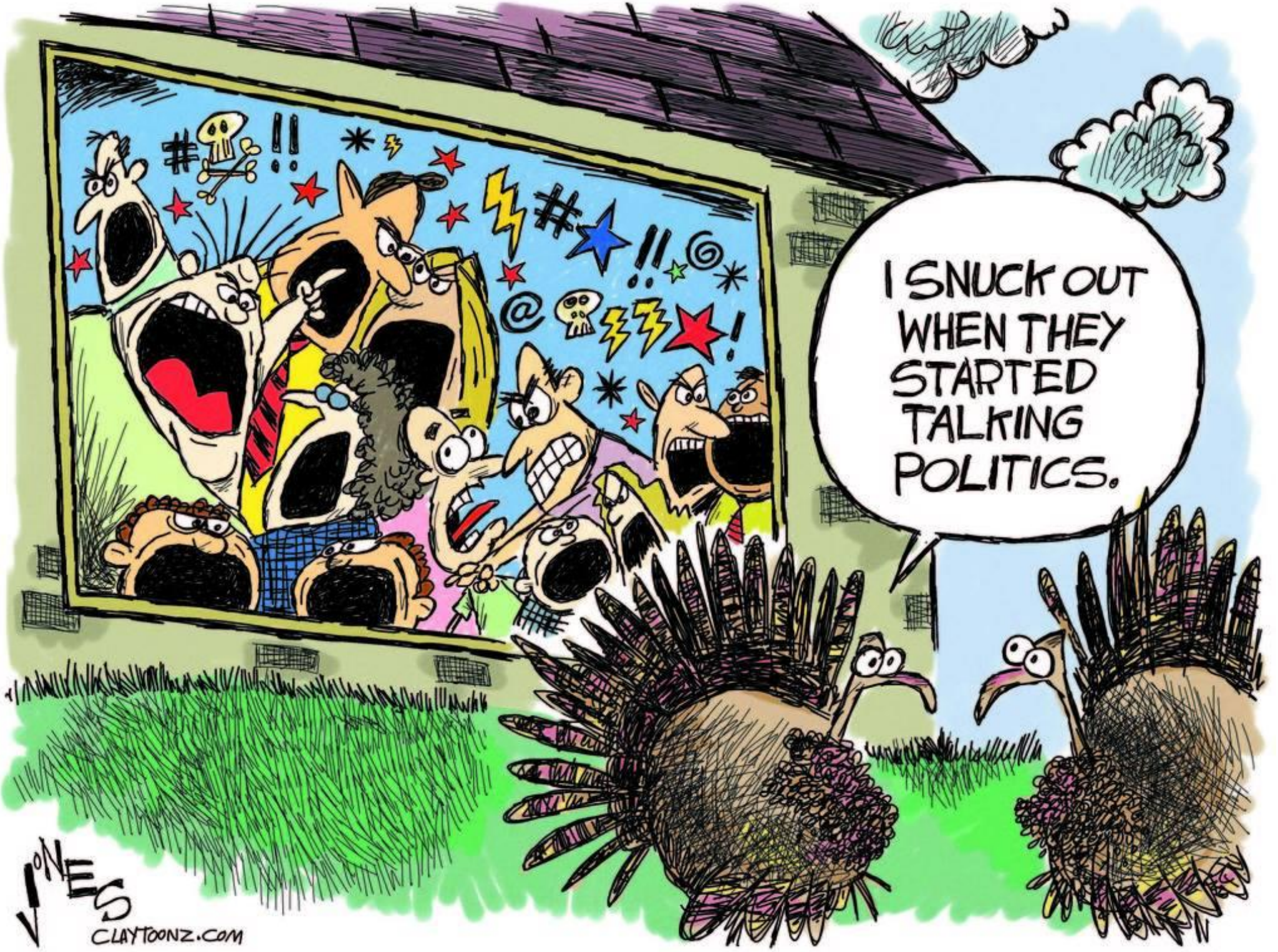
**THOUSANDS OF FLORIDA VOTERS
ARE STANDING UP AND DEMANDING
OPEN PRIMARIES FROM THE
CONSTITUTION REVISION COMMISSION**

OPEN PRIMARIES



Florida Open Primaries

<https://www.floridaopenprimaries.org/>



I SNUCK OUT
WHEN THEY
STARTED
TALKING
POLITICS.

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD
(Deliver completed form to Commission staff)

11-29-17

Meeting Date

Proposal Number (if applicable)

*Topic Open Primaries

Amendment Barcode (if applicable)

*Name Steve Hough

Address 9701 Resota Beach Rd.

Phone 850-265-9073

Street Southport State FL Zip 32409
City State Zip

Email shough195@gmail.com

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? Florida Fair and Open Primaries

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**

CONSTITUTION REVISION COMMISSION
APPEARANCE RECORD

(Deliver completed form to Commission staff)

11/29
Meeting Date

Proposal Number (if applicable)

*Topic Open Primaries

Amendment Barcode (if applicable)

*Name Jeremy Gruber

Address 163 BPW 2L

Phone 609 610 1602

Street
Brooklyn NJ 11215
City State Zip

Email jgruber@openprimaries.org

*Speaking: For Against Information Only

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Are you representing someone other than yourself? Yes No

If yes, who? _____

Are you a registered lobbyist? Yes No

Are you an elected official or judge? Yes No

While the Commission encourages 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.

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***Required**

CONSTITUTION REVISION COMMISSION

APPEARANCE RECORD

(Deliver completed form to Commission staff)

10-29-17

Meeting Date



Proposal Number (if applicable)

*Topic

Open Primary #5

*Name

Tom Wells

Address

502 NE 6th Ave

Street

City

Gainesville, FL

State

Zip

32601

Phone

352-514-5467

Email

twells@gmail.com

*Speaking:



For

Against

Information Only

Information Only

Waive Speaking:



In Support

Against

(The Chair will read this information into the record.)

Are you representing someone other than yourself?

Yes

No

If yes, who? _____

Are you a registered lobbyist?

Yes

No

Are you an elected official or judge?

Yes

No

While the Commission encourages 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.

Information submitted on this form is public record.

***Required**