



FLORIDA DEPARTMENT *of* STATE

RICK SCOTT
Governor

KEN DETZNER
Secretary of State

MEMORANDUM

FROM: Ken Detzner
Florida Secretary of State

TO: Supervisors of Elections

DATE: August 14, 2015

SUBJECT: Directive 2015-02—State Senate Candidate Qualifying;
Year of Apportionment

Supervisors of elections have asked for clarification regarding whether the 2016 election is to be deemed to occur in a “year of apportionment” as that term is used in connection with qualifying requirements for state senate candidates in Florida. Their question arises within the context of the recent consent order issued by the circuit court in Leon County requiring the redrawing of state senate district boundaries. *See League of Women Voters of Fla. et al. v. Detzner et al.*, Case No. 2012-CA-2842, Stipulation and Consent Judgment (Fla. 2d Jud. Cir. July 28, 2015)

In an apportionment year, the qualification requirements for a state senate candidate change in two significant ways. First, such a candidate may obtain signatures from electors who reside anywhere in the state (rather than from only those who reside within the district). *See* § 99.09651(3), Fla. Stat. Second, there is a different formula for calculating the minimum number of signatures required to qualify by petition. *See* § 99.09651(1), (2), Fla. Stat. These different requirements reflect the fact that the timing of redrawing of district boundaries conflicts with the ordinary process of identifying which and how many voters within a district would be required to qualify by petition. Redistricting also creates a period of uncertainty for a candidate trying to decide which specifically numbered district he or she might seek to represent, especially in light of the fact that any state senate district that is redrawn, regardless of district number, must be on the ballot in the next general election.

The consent order that the circuit court recently entered directs the Legislature to submit “a remedial apportionment plan” for state senate districts by November 9, 2015. The Legislature



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has indicated its intent to convene for a special session in October 2015 to adopt that plan. In turn, while state senate candidates seeking 2016 ballot placement will be running for office based on newly drawn district lines, such candidates may not know in a sufficiently timely manner from which voters they may obtain petition signatures or how many signatures they must obtain. Therefore, I conclude that the provisions in the Election Code referring to procedures to be followed in a “year of apportionment” apply to state senate candidates for the purpose of qualifying in such races in Florida during the 2016 election cycle. *See* §§ 99.095, 99.09651, Fla. Stat.

In turn, pursuant to my authority under section 97.012(1) and (16), Florida Statutes, I hereby direct the supervisors of elections in Florida to perform the duty of verifying signatures on petitions submitted to them by state Senate candidates pursuant to section 99.095(3), Florida Statutes, to determine whether a petition’s signature is from a voter registered within the county in which it was circulated. The petitions must state that the candidate is seeking the office of state senator, but they shall not include a district number, *see* § 99.09651(4), Fla. Stat.; however, if a petition includes a district number, the district designation may be disregarded as extraneous and unnecessary information for the applicable qualifying period.

Any state senate candidate in Florida seeking ballot placement for the 2016 election who seeks to qualify by the petition process may obtain signatures “from any registered voter in Florida regardless of party affiliation or district boundaries.” *See* § 99.09651(3), Fla. Stat. Moreover, such a candidate will need to collect 1,552 signatures. *See* § 99.09651(1), (2), Fla. Stat. (requiring a candidate for state senate in an apportionment year to collect a number of signatures equal to one-third of one percent of the “ideal population,” which is a number calculated by taking the total state population based on the most recent decennial census (18,801,310 in 2010) and dividing by the number of state senators in Florida (40)).

This directive remains in effect until such time as it is superseded or revoked by subsequent directive, law, or final court order.