

March 10, 2021

Ashley Moody, Esq.  
Attorney General  
Department of Legal Affairs  
The Capitol, PL01  
Tallahassee, Florida 32399-1050

***RE: Request for Attorney General Opinion by Sumter County Supervisor of Elections;  
Local Referendum Petition Signature Verification Deadline***

Dear Attorney General Moody:

The office of William “Bill” Keen, Sumter County Supervisor of Elections respectfully submits this request for an Attorney General opinion as to the following Question:

**QUESTION:**

Does the petition signature limitation contained in section 100.371(11)(a), *Florida Statutes*, also apply to petition signatures for local referendums under section 124.011(3), *Florida Statutes*?

**FACTS**

On August 31, 2004, Sumter County voters adopted a referendum known as “One Sumter” whereby qualified voters residing in any of Sumter County’s five districts could vote to elect the Sumter County Board of County Commissioners in “at-large” elections; i.e. vote in each County Commission District Race regardless of district of residence. On November 4, 2008, Sumter County voters declined to adopt a referendum reversing “One Sumter,” whereby Sumter County would have reverted to “single-member representation” that would limit each voter’s ability to vote to those races involving that voter’s specific district of residence, as had been the case prior to August 31, 2004.

In 2020, the political action committee known as “Reverse One Sumter” began gathering signatures to put the issue of single-member representation back on the ballot, but did not obtain enough signatures in time for the issue to appear on the ballot in 2020. Questions as to the validity of signatures Reverse One Sumter obtained prior to the 2020 election have arisen. If those signatures have not expired, Reverse One Sumter may use them to support the percentage of signatures it needs to place the issue on the ballot in 2022.

Section 100.371(11)(a), *Florida Statutes*, limits the validity of petition signatures to a specific time period. The Reverse One Sumter initiative, however, relates to the statutory requirements of section 124.011(3), *Florida Statutes*, which does not contain such time limitations. The Division of Elections was unable to provide a legal opinion to the Supervisor of Elections regarding this issue, as the statutory section governing how commissioners are elected does not reside in the Election Statutes or Election Code. Given the lack of current case law in regards to this issue, it is unclear whether any such limitation applies.

### MEMORANDUM OF LAW

Section 100.371(11)(a), *Florida Statutes*, which deals with referendums by petition, states that petition signatures “shall be valid until the next February 1 occurring in an even-numbered year for the purpose of the amendment appearing on the ballot for the general election occurring in that same year, provided all other requirements are met.” Section 124.011(3), *Florida Statutes* states, “A proposition calling for single-member representation within the county commission districts of the county shall be submitted to the electors of the county at any primary, general, or otherwise-called special election, in either manner following:

(a) The board of county commissioners may adopt a formal resolution directing an election to be held to place the proposition on the ballot.

(b) The electors of the county may petition to have the proposition placed on the ballot by presenting to the board of county commissioners petitions signed by not less than 10 percent of the duly qualified electors of the county. The number of signatures required shall be determined by the supervisor of elections according to the number of registered electors in the county as of the date the petitioning electors register as a political committee pursuant to subsection (4).”

Without any case law addressing the applicability of section 100.371(11)(a), *Florida Statutes*, to section 124.011, *Florida Statutes*, the only available guidance resides in the rules of statutory interpretation. Pursuant to the doctrine of *in pari materia*, courts must construe related statutes together to determine legislative intent. *Forsythe v. Longboat Key Erosion Control Dist.*, 604 So. 2d 452, 454 (Fla. 1996). The two statutes seemingly relate, as a proposition calling for single-member representation can only be submitted in one of two ways: (1) the board of county commissioners can adopt a formal resolution, or (2) the electors themselves may submit a petition. *See* § 124.011(3), Fla. Stat. Although section 124.011, *Florida Statutes*, does not reference section 100.371, nor does section 100.371 refer to section 124.011, this fact is irrelevant; statutes may be read *in pari materia* without any such specific direction. *See Miami Dolphins, Ltd. v. Metro Dade County*, 394 So. 2d 981, 988 (Fla. 1981). “Laws should be construed with reference to the constitution and the purpose designed to be accomplished, and in connection with other laws in *in pari materia*, though they contain no reference to each other.” *American Bakeries Co. v. Haines City*, 180 So. 524, 528 (Fla. 1938).

Further, a “literal interpretation of the language of a statute need not be given when to do so would lead to an unreasonable or ridiculous conclusion.” *Holly v. Auld*, 450 So. 2d 217, 219

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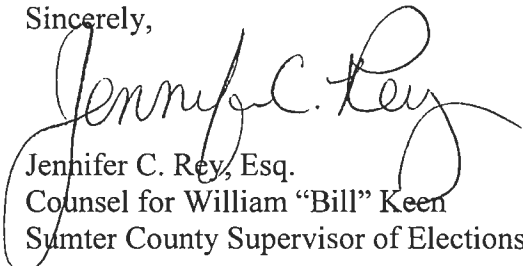
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(Fla. 1984). If the limitations of section 100.371(11)(a), *Florida Statutes*, do not apply to referendums involving single-member representation, then any related signature petition would arguably never expire. In such case, a political action committee could submit the same petition repeatedly over multiple years without having to solicit new signatures regardless of changes in demographics or social mores. Construing section 124.011, *Florida Statutes*, in such a manner arguably leads to ridiculous conclusion contrary to the Legislature's intent.

If section 100.371(11)(a), *Florida Statutes*, applies to petitions involving single-member representation, then any signatures on the aforementioned petition expired on February 1, 2020, as the referendum was not placed on the ballot in 2020. If this section does not apply, the signatures remain valid and Reverse One Sumter may use them to support the total amount of signatures needed to place the issue on the ballot in future elections without having to solicit them again.

William "Bill" Keen, Sumter County Supervisor of Elections respectfully requests an Attorney General Opinion to answer the Question presented above. Thank you in advance for your consideration of the foregoing question.

Sincerely,



Jennifer C. Rey, Esq.  
Counsel for William "Bill" Keen  
Sumter County Supervisor of Elections

cc: William "Bill" Keen, Supervisor of Elections  
Sumter County Board of County Commissioners  
Bradley Arnold, Sumter County Administrator