

DESPITE AMENDMENT 10, SOME GOVERNMENT OFFICES SHOULD BE APPOINTED NOT ELECTED

In 2018 Florida voters approved Amendment Ten to the Florida Constitution. This Amendment requires the offices of sheriff, tax collector, property appraiser, clerk of the court and supervisor of elections to be elected offices rather than appointed offices. When this Amendment was passed, it was beneficial for most of the individuals already in office, regardless of political affiliation. Because of the unique Florida system for proposing and adopting amendments, in which a Committee only meets and proposes amendments every 20 years, this amendment was probably overshadowed by many of the other more controversial amendments being voted on at the same time. Other amendments included limitations on property tax assessments, allowing voters to decide on gambling, restoring the voting rights of felons, increasing the homestead exemption and requiring a super-majority to impose or increase taxes. While multiple news organizations, including *The Sun Sentinel*, *The News Press*, *The Tampa Bay Times* and *The Tallahassee Democrat* recommended that voters should vote “No” for Amendment Ten, it passed, along with many other amendments, supported by a large percentage of voters.

In 2018, not only were voters required to educate themselves regarding multiple amendments, some of the amendments were quite complex and had several parts. Amendment Ten itself had four parts. In addition to requiring the administrative offices of sheriff, tax collector, property appraiser, clerk of the court and supervisor of elections to be subject to election, there were other very appealing parts to the amendment. The other parts included creating a Department of Veteran’s Affairs, creating an Office of Domestic Security and Counter-Terrorism, and requiring the legislature to return to work in January instead of March. All of these proposals seem relatively positive and non-controversial. Of course, voters supported most of these initiatives. Voters probably didn’t pay much attention to the last part of the Amendment regarding the administrative offices and in reality, they probably didn’t understand the implications. That’s the problem when multiple initiatives are bundled into one amendment.

Despite what voters approved, it still seems that some government offices should be non-partisan. Instead of being elected, they should be appointed by bi-partisan commissions. They should be filled based upon the qualifications of the individual rather than political affiliation. Maybe these roles last longer than the 4-year time frame required by politics? Perhaps 6 years or 10 years?

Amendment Ten pushed voters into voting for something that they didn’t really understand or think much about. Why should these offices be appointed and not elected? Because politics shouldn’t play a role in how votes are counted, how the administrative system for the court is run or how property taxes are appraised. By filling these offices full of politicians it perpetuates a system in which no true changes can be made to upgrade existing processes and procedures. The individuals running the governmental agency don’t want to take any risks. If something goes wrong, they simply ask for more bodies to patch up the problem. Few will put their reputations on the line to make effective change because then they could lose the next election. It also results in a system that has limited upward career mobility for those who work at the agency, thus not always attracting or retaining the best employees. The politicians who are put in at the top of the organization often have little to no experience in organizational management, technology or operations. It’s silly that voters choose the leaders of offices in which expertise is more important than political affiliation. Amendment Ten has created an inability for administrative governmental agencies to become efficient and to support the best interests of all voters.

Critics of my opinion have said that all leaders of governmental agencies should be required to swear to uphold the Florida Constitution. OK. Why is that a problem? These government leaders should be sworn in to uphold the Florida Constitution just like those who are elected. All state jobs require this. Just like judges or city commissioners, these individuals must apply the laws every day. They should be non-partisan or, in my opinion, held to an even higher standard. Maybe they should be held to a “fiduciary” standard and be required to work in the “best interests” of all voters and citizens of the state.

By making administrative offices political, the most-qualified leaders for those agencies are not chosen. It leads to ongoing government ineptitude and additional costs for taxpayers. It prevents governmental offices from implementing the newest technology and reorganizing inefficient structures. Additionally, for those who are elected to those roles, it leads to political influence and an “I owe something to someone” culture. In fact, appointing the leaders of some government offices by commission instead of electing them would lead to three exciting alternatives. First, it would allow those working within the organization a potential career path and attract individuals with energy and enthusiasm. Secondly, if necessary, the bi-partisan commission could conduct a professional search to bring in expertise and new ideas from outside. Third, big long-term projects that will ultimately create a more effective and efficient organization can be truly assessed and properly implemented. The only way that government can move forward efficiently and fairly is to reconsider how and why some positions are subject to voting, and change these positions to become more accountable and run more like a corporation.

The greatest example of an office that should be an appointed office is the Supervisor of Elections. Voter fraud is one of the greatest fears for both Democrats and Republicans. In a survey conducted in January of 2020 by NPR, 40% of respondents indicated they were worried about voter fraud. This concern is reflected in various more recent polls that range from 40-60% dependent upon the source. Most Republicans don't trust Democrats to count their votes and vice-versa. Broward County has a history of controversial election practices leading to the forced resignation of the last two Democratic SOE's. The current SOE is an appointee of Governor DeSantis. What a wonderful opportunity to fill a position with a non-partisan individual with operations and technology experience. But under the current laws, a potential SOE must be voted upon - leading to ongoing angst regarding fair voting in Broward.

Unlike offices such as House of Representatives, Senator, and even State and Local legislative seats, the Supervisor of Elections should not be biased and should not have political opinions. The SOE should only be concerned about how to efficiently ensure that all votes are counted correctly and in a timely manner. The SOE should also be concerned about making it easy to register and to vote. The SOE should engage in educating individuals about the importance of voting. The SOE should not be involved in legislative decisions (such as the right of felons to vote), instead, the SOE should be concerned about how to implement the legislation. The SOE should spend a significant amount of time in determining how to continually upgrade and improve technology. The future should include biometric voter identification and perhaps even the ability to vote on a mobile basis. This office, similar to a few other governmental offices, should be based on competence and expertise, not politics. By appointing an SOE in the future, long-term projects such as using technology to vote online, being able to use thumbprints or other biomarkers can never be implemented, because the ability to research, analyze and implement may take longer than the 4-years allowed between elections.

It's unclear if there is any way to modify Amendment Ten in the future without waiting another 20 years. But it wouldn't hurt to try. In the meantime, instead of looking at the political party of these administrative positions, let's look at the qualifications of the candidates. Who has the best background to be SOE? Sheriff? States Attorney? These are the three administrative positions currently represented on the ballot in Broward County this November. I call for voters

to look at these candidates as if you are hiring someone based on qualifications and ignore political affiliation. And in the future, let's reassess portions of Amendment Ten.

Catherine McBreen is an attorney and has audited financial institutions for the last 30 years. She is currently the Republican Candidate for Broward County Supervisor of Elections.