Supervisor of elections, sponsorship of banquet

Number: INFORMAL

Date: December 13, 2006

Ms. Sharon R. Bock
Clerk & Comptroller
Palm Beach County
Post Office Box 229
West Palm Beach, Florida 33402

Dear Ms. Bock:

This is in response to your request for assistance in determining whether an expenditure by the Palm Beach County Supervisor of Elections serves a public purpose such that you as the county's comptroller may approve payment.

You have recently received a purchase order from the Supervisor of Elections for a $5,000.00 sponsorship for the Annual Freedom Award Banquet planned by a local branch of the NAACP. The sponsorship includes the prominent display of the sponsor’s name and logo, a commemorative plaque, V.I.P. seating for ten guests at the banquet, ads for the banquet, and a listing of the sponsor on the Glades area NAACP branch honor roll of supporters.

In your role to pre-audit the legality of expenditures of county constitutional offices, you question whether the purchase of a sponsorship described above would be authorized as carrying out the functions of the Supervisor of Elections.[1] You recognize that the supervisor is authorized to work with the business and local community to develop public-private programs to ensure the recruitment of skilled inspectors and clerks,[2] but still have concerns that a sponsorship exceeds this authority.

In Attorney General Opinion 2002-16, this office considered whether a supervisor of elections could use public funds for membership in local chambers of commerce and to attend community organization events. It was proposed that the supervisor's involvement in community activities through local chambers and other civic organizations was essential to the recruitment of qualified individuals to serve as clerks and inspectors at the polls. The supervisor or her staff used the forums for voter education, poll worker recruitment and outreach programs, in addition to organizing voter registration drives and planning educational programs. Given the supervisor's statutory directive to work with the business and local community to develop public-private programs to ensure that skilled inspectors and clerks are available for recruitment, the opinion recognized that the use of public funds to establish and foster relationships with the local and business communities would be appropriate. It was noted that there was no personal privilege inuring to the supervisor of elections, nor did it appear that the employees of the supervisor's office personally benefitted from their attendance at luncheons or banquets at which they promoted the mandate to the supervisor of elections.

Unlike the situation in Attorney General Opinion 2002-16, where the supervisor’s membership

offered an ongoing opportunity to use meetings of the chambers and organizations to fulfill her mandate to recruit skilled inspectors and clerks, the instant situation involves sponsorship of a single event, with what appears to be a set program unrelated to voter education or recruitment. There is no evidence that the supervisor will use the forum for voter education, poll worker recruitment and outreach programs, nor is there a similarity between sponsoring an event which has nothing to do with election education and becoming a member of an organization in order to use its meetings to organize voter registration drives and plan educational programs. The sponsorship appears to be more of a promotion for the office of the supervisor, rather than a means of promoting poll worker recruitment and training. Ultimately, however, it is the clerk of court who must evaluate the circumstances and determine the legality of an expenditure of public funds before a disbursement is made.

Sincerely,

Lagran Saunders
Assistant Attorney General

ALS/tfl
---

1 *See* Art. VIII, s. 1(d), Fla. Const., providing: "When not otherwise provided by county charter or special law approved by vote of the electors, the clerk of the circuit court shall be ex officio clerk of the board of county commissioners, auditor, recorder and custodian of all county funds." *See also, Alachua County v. Powers*, 351 So. 2d 32 (Fla. 1977) (clerk of court has authority and responsibility to perform auditing functions as arm of board of county commission in auditing records of constitutional officers, and as watchdog of the board in pre-auditing accounts of the board in determining legality of expenditures).

[2] *See* s. 102.014(6), Fla. Stat.