

IN THE UNITED STATES DISTRICT COURT NORTHERN
DISTRICT OF FLORIDA – TALLAHASSEE DIVISION

NANCY CAROLA
JACOBSON, et al.,

Plaintiffs,

Civil Action No. 18-cv-262 RH/CAS

KENNETH DETZNER, in his official
capacity as Florida Secretary of State

Defendant.

**REPUBLICAN PARTY ORGANIZATIONS’
MOTION TO DISMISS**

Intervenor-Defendants National Republican Senatorial Committee (“NRSC”) and the Republican Governors Association (“RGA”) are Republican Party Organizations supporting candidates throughout the state of Florida (collectively, “Republican Party Organizations” or “Movants”), by and through their undersigned counsel, respectfully request that this Court dismiss Plaintiffs’ claims pursuant to Fed. R. Civ. P. 12(b)(6).

ORAL ARGUMENT REQUESTED

Due to the importance of this matter to the people of the State of Florida, as well as to the Parties, Movants hereby request oral argument on their Motion to Dismiss with 10 minutes of argument per party or any such amount of time the Court, in its sound discretion, feels is appropriate.

Respectfully Submitted,

DATED: June 21, 2018

**Holtzman Vogel Josefiak Torchinsky
PLLC**

/s/ Jason Torchinsky

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Counsel to Proposed Intervenors

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Defendant.

**REPUBLICAN PARTY ORGANIZATIONS’
MEMORANDUM IN SUPPORT OF ITS MOTION TO DISMISS**

INTRODUCTION

Florida decided, about 50 years ago, to use its constitutionally mandated authority to enact time, place, and manner election laws, to place those candidates from the party that won the previous gubernatorial election at the top of its ballot. Democrats, Republicans, Libertarians, and all other parties have an equal opportunity to have their candidates placed at the top of Florida’s ballot. Accordingly, the burden on anyone’s constitutional rights is minimal, if a burden exists at all. Furthermore, Florida made its constitutionally vested decision to prevent confusion and promote predictability and symmetry, all sufficiently important interests. This Court should therefore dismiss this case pursuant to Fed. R. Civ. P. 12(b)(6).

STANDARD OF REVIEW

Although this Court must accept all of Plaintiffs' factual allegations as true, this Court is not required to accept as true any legal conclusions. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). Additionally, this Court need not accept as true any conclusory factual assertions. *Id.* Furthermore, this Court "need not accept conclusory allegations encompassing the legal effects of the pleaded facts." *Sarvis v. Judd*, 80 F. Supp. 3d 692, 697 (E.D. Va. 2015) (quoting Charles A. Wright & Arthur R. Miller, *Federal Practice and Procedure* § 1357 (3d ed. 1998)) *aff.'d sub nom. Sarvis v. Alcorn*, 826 F.3d 708 (4th Cir. 2016); *cert. denied Sarvis v. Alcorn*, 137 S. Ct. 1093 (2017). Accordingly, to survive a motion to dismiss, Plaintiffs' claims must be plausible on their face. *Iqbal*, 556 U.S. at 678. This means that the plaintiff must plead "factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.* Plaintiffs have failed to do so here.

BACKGROUND

Acting under its constitutionally vested authorities, states have the burden of enacting statutes concerning the ordering of candidates on the state's election ballots. States have adopted a variety of methods for ballot order, including rotation, alphabetical listings, lottery or other methods of ballot order determinations such as by political party registration or, like Florida, by listing the

party of the winner of the last gubernatorial election first. *See generally* Laura Miller, Note, *Election by Lottery: Ballot Order, Equal Protection, and the Irrational Voter*, 13 N.Y.U. J. Legis. & Pub. Pol’y, 373, 378-381 (2010) (listing various methods by which states order ballots).

A. Brief Survey of Election Results As Ballot Order Position Drivers

Several states beyond Florida list candidates based on the votes in the certain elections. Five states that currently have Republican Governors use a ballot ordering method that is based on the last gubernatorial elections. Those are Arizona (Ariz. Rev. Stat. § 16-502), Georgia (Ga. Code § 21-2-285(c)), Missouri (Mo. Rev. Stat. § 168.703), and Texas (Tex. Elec. Code § 52.091(b)) and Wisconsin (Wis. Stat. § 5.64(1)(es)). Two other states use results from Secretary of State elections to determine ballot order, and those two states, Indiana and Michigan, currently have elected Republicans in those positions. Ind. Code § 3-11-14-3.5 and Mich. Comp. Laws § 168.703. Wyoming lists candidates in accordance with the county level vote for Congress, which has been the Republican candidate in most counties for the last several cycles. Wyo. Stat. Ann. § 22-6-121.

Three states that currently have Democratic Governors currently use a ballot ordering method based on gubernatorial election results. Those are Connecticut, Conn. Gen. Stat. §§ 9-249a, 9-453r, New York, N.Y. Elec. Law § 7-116, and

Pennsylvania, 25 Pa. Stat. § 2963. Other states similarly give preference to Democrats based on results of prior elections such as Massachusetts where elections are listed referencing incumbents and Democrats hold every congressional seat and a super majority in the state legislature. Mass. Gen Laws Ann Ch. 54 § 42. In Washington State, presidential candidates are listed with the party having won the last Presidential election listed first, which has recently advantaged Democrats for the last several election cycles. Wash. Rev. Code § 29A.36.161. Finally, the territory of Puerto Rico also lists at the top of the ballot the candidates of the party who won the previous gubernatorial election. P.R. Laws. Ann. tit. 16 § 4152.

In all, 13 states and one territory have laws that determine ballot order on the basis of election results in past elections. Of these states, eight currently list the Republican candidate first, and five currently list the Democratic candidate first.

B. Florida Has Exercised Its Constitutional Authority To Place The Candidates Of The Party That Won The Previous Gubernatorial Election At The Top Of The Ballot.

Florida places at the top of the ballot, for each office, the candidate from the party who previously won the gubernatorial election.

See, e.g., Fla. Stat. § 101.151(3)(a). Florida's statute reads:

The names of the candidates of the party that received the highest number of votes for Governor in the last election in which a Governor was elected shall be placed first for each office on the general election ballot, together with an appropriate abbreviation of the party name;

the names of the candidates of the party that received the second highest vote for Governor shall be placed second for each office, together with an appropriate abbreviation of the party name.

Id. This statute has remained substantially the same since at least 1969. *Nikolits v. Nicosia*, 682 So. 2d 663, 665 (Fla. App. 4thd 1996). Since 1978, Democrats have won four gubernatorial elections and Republicans have won six gubernatorial elections. *See* Ex. A.¹

Despite the Democratic Party's dominance under this statute for approximately a half-century, the Plaintiffs allege that recent electoral success by the Republican Party in the gubernatorial elections has tipped the "scale in favor of Republican candidates in all of Florida's partisan elections." Compl. ¶ 4. This is so, they claim, because, according to Plaintiffs, the statute is facially discriminatory, treating "the two major political parties vastly differently." Compl. ¶ 31.

Plaintiffs allege that those candidates who are listed first receive additional votes just because they are at the top of the ballot. Compl. ¶ 23. Plaintiffs claim this is because "individuals have an implicit bias to pick the first choice in a set list on the basis of heuristic cues." Compl. ¶ 24. They further contend that this also occurs when there is a lack of information about candidates or voters have

¹ On a Motion to Dismiss, this Court may consider matters that are of public record. *Bryant v. Avado Brands, Inc.*, 187 F.3d 1271, 1278 (11th Cir. 1999); *Laskar v. Peterson*, 771 F.3d 1291, 1295 n.3 (11th Cir. 2014); *Watson v. Bally Mfg. Corp.*, 844 F. Supp. 1533, 1535 n. 1 (S.D. Fla. 1993), *aff'd*, 84 F.3d 438 (11th Cir. 1996) (citing 5A Charles A. Wright and Arthur R. Miller, Federal Practice and Procedure § 1357, at 299 (1990)).

information about the candidates but are ambivalent about the candidates. Compl. ¶ 25. Because of the alleged percentage point boost due to placement at the top of the ballot, Plaintiffs allege that the Republican Party has enjoyed “arbitrary and unfair advantage” in all partisan elections. Compl. ¶¶ 33-43.

Although at the Motion to Dismiss stage, all well pleaded factual assertions must be taken as true, Republican Party Organizations point out that the social science literature on the impact of ballot placement statutes is anything but settled. *See, e.g., New Alliance Party v. N.Y. Bd. Of Elections*, 861 F. Supp. 282, 288-90 (S.D.N.Y. 1994) (stating that some social science studies and courts have arrived at the conclusion that position bias does not affect election outcomes nor does it give the candidate any advantage). In fact one study concluded:

We have found little systematic evidence that indicates that candidates are benefited by being listed first on the ballot. Rather, sometimes candidates appear to benefit by being first; other times being first actually decreases their vote shares. Sometimes candidates benefit by being last on the ballot, but sometimes they also do worse if they are last on the ballot. We also demonstrated that, regardless of the direction of the ballot order effect, the impact of being first or last on the ballot is generally of small magnitude.

R. Michael Alvarez, Betsy Sinclair, And Richard L. Hasen, *How Much Is Enough? The “Ballot Order Effect” and the Use of Social Science Research in Election Law Disputes*, 5 Election Law Journal 40, 52 (2006).

Nonetheless, according to Plaintiffs, Florida cannot justify this statute as an election administrative statute, namely, as political favoritism. Compl. ¶ 44. The

Plaintiffs suggest that there are other alternative methods to organize ballots and reduce the alleged advantages of placement at the top of the ballot. Compl. ¶ 45. The Plaintiffs seem to believe that Florida is required to adopt random rotational ballots. Compl. ¶¶ 46-48.

Because there is an alleged statistical advantage to being placed at the top of the ballot and because the statute allegedly discriminates against the Democratic Party without justification, Plaintiffs maintain that the statute violates the First Amendment's Free Speech and Associational Clauses and the Fourteenth Amendment's Equal Protection Clause. Compl. ¶¶ 50-60.

ARGUMENT

Plaintiffs never allege that the Florida's Ballot Placement statute "severely" burdens their constitutional rights. That omission alone should lead this Court to grant this Motion. Under Supreme Court precedent analyzing statutes that impact the ballot, the first step in the analysis is determining the character and the magnitude of the burden imposed by the challenged statute. Strict scrutiny applies if the burden is severe. But if the challenged statute is non-discriminatory and is a common sense election statute, this Court's review is deferential. As is discussed more fully *infra*, Florida's ballot placement statute imposes on Plaintiffs' constitutional rights no burden, or, if any burden at all, it is a decidedly minimal one. Florida' has a sufficiently important interest in preventing confusion among

the electorate. Florida achieves this goal through an orderly and uniform ballot where each party's candidate is located at the same place for each office to be voted on in the election. This helps voters find their party's candidates easier.

This Court should, accordingly, grant the Motion to Dismiss.

I. PLAINTIFFS FAIL TO STATE A CLAIM

A. Laws Impacting The Ballot Are Subject To Deferential Review.

The Constitution vests state legislatures with the authority to prescribe time, place, and manner restrictions for elections. U.S. Const. art. I, § 4. Therefore, although the right to vote is a fundamental right, “[c]ommon sense, as well as constitutional law, compels the conclusion that government must play an active role in structuring elections.” *Burdick v. Takushi*, 504 U.S. 428, 433 (1992). To provide for fair and orderly elections, states are permitted to enact comprehensive and complex election codes that will inevitably impose some burden on voters. *Id.*; *see also Storer v. Brown*, 415 U.S. 724, 730 (1974). Accordingly, courts do not subject every voting regulation or ballot statute to strict scrutiny. *See Burdick*, 504 U.S. at 433-34. Instead, as the full court agreed in *Anderson*, “a more flexible standard applies.” *Id.* at 434 (citing *Anderson v. Celebrezze*, 460 U.S. 780, 788-789 (1983); *id.* at 808 and 817 (Rehnquist, J., dissenting)).

The first step in the analysis is to weigh the “character and the magnitude” of the asserted injury to constitutional rights. *Burdick*, 504 U.S. at 434. Then,

courts must balance these asserted injuries against the State's asserted interest, "taking into consideration the extent to which those interests make it necessary to burden the plaintiff's rights." *Id* (internal quotation marks omitted). Only when constitutional rights are subjected to severe burdens, e.g., *Buckley v. Am. Constitutional Law Found.*, 525 U.S. 182, 192 n.12 (1999), is the State's justification subjected to strict scrutiny. *Burdick*, 504 U.S. at 434.

But, when a "state election law provision imposes only reasonable, nondiscriminatory restrictions upon the First and Fourteenth Amendment rights of voters, the State's important regulatory interests are generally sufficient to justify the restrictions." *Id* (internal quotation marks omitted). Accordingly, the U.S. Supreme Court has upheld statutes prohibiting write-in voting in primary elections, *Burdick*, 504 U.S. at 437, prohibiting candidates from appearing on a ballot as candidates of more than one political party, *Timmons v. Twin Cities Area New Party*, 520 U.S. 351, 359 (1997), and prohibiting candidates from appearing on the ballot as an independent candidate if they were registered with a political party within the previous year. *Storer*, 415 U.S. at 726-28; *see also Sarvis*, 826 F.3d at 717. In fact, the U.S. Supreme Court held that these three restrictions imposed on constitutional rights only minimal burdens. *Id*.

B. The Burden On Plaintiffs Is Minimal.

Even assuming, *arguendo*, that placement at the top of the ballot gives a candidate an advantage, Florida's ballot ordering statute imposes only minimal burdens on Plaintiffs' constitutional rights.

First, Florida's ballot ordering statute is facially neutral and non-discriminatory. Florida places at the top of the ballot the candidates of the party that received the most votes for governor in the previous gubernatorial election. Fla. Stat. § 101.151(3)(a). The statute does not make classifications between candidates from different parties. *See generally Graves v. McElderry*, 946 F. Supp. 1569 (W.D. Okla. 1996). Instead, under the statute, Republicans, Democrats, Libertarians, Greens, etc., are all subject to the same requirement and all have an opportunity to win the gubernatorial election every four years. Consequently, candidates from all parties have an equal opportunity to achieve the top position on the ballot. In fact, since 1978, Democrats have won four gubernatorial elections and Republicans have won six gubernatorial elections. *See Ex. A*. Both parties have an equal opportunity and ability to win gubernatorial elections. Florida's ballot ordering statute is therefore nondiscriminatory. *See Sarvis*, 826 F.3d at 717 (holding that Virginia's three tiered ballot order with major political party candidates appearing at the top of the ballot, minor political party candidates appearing in the middle, and independent candidates appearing at the bottom was

facially neutral and non-discriminatory because the Libertarian party had an “evenhanded chance at achieving political party status and first-tier ballot position.”); *Board of Election Comm'rs v. Libertarian Party of Illinois*, 591 F.2d 22, 25-27 (7th Cir. 1979) (holding that an Illinois statute that distinguished between major parties and minor parties in terms of ballot placement was facially neutral and not discriminatory); *New Alliance Party*, 861 F. Supp. at 295 (holding that New York’s ballot placement statute constitutional despite its making distinctions between major parties and minor parties and placing the major political party who won the most votes in the previous gubernatorial election at the top of the ballot and in descending order, and its placing minor political parties in a separate section and in no particular order); *compare with Graves*, 946 F. Supp. at 1580-82 (declaring unconstitutional statute mandating that the “name of the Democratic party candidate for office always be printed in the top position in office blocks on General Election” because the State discriminated against other candidates for public office).

Reliance on *McLain v. Meier*, 637 F.2d 1159, 1166 (8th Cir. 1980) is misplaced. The court there wrongly characterized North Dakota’s statute as an incumbent first statute. *Id.* Instead, North Dakota’s statute was like Florida’s where the party that achieved the highest votes in the previous congressional election received the highest ballot placement in *all* elections, regardless of whether the

candidate was the incumbent or not. *Id.* (“[t]he political party which captures North Dakota’s congressional race in one election is listed first in all races in the next election.”). Furthermore, the court ignored North Dakota’s asserted interest, namely, that North Dakota’s ballot was organized to prevent voter confusion. *New Alliance Party*, 861 F. Supp. at 298 (criticizing *McLain v. Meier*). This is more than just a sufficiently important interest, it is a compelling interest. *Am. Party of Tex. v. White*, 415 U.S. 767, 782 n.14 (1974).

Second, nothing in Florida’s ballot placement statute prevents the Democratic Party from speaking, campaigning for their candidates, endorsing their candidates, voting for their candidates, nor does the statute entrench the Republican Party or any candidate. Therefore, the statute’s burdens are, at most, minimal. *See Sarvis*, 826 F.3d at 717-18; *New Alliance Party*, 861 F. Supp. at 295 and 297 (holding that plaintiffs suffered no constitutional injury in ballot placement challenge because “The State has in no way prevented NAP from making its views known to the public or prevented its supporters from voting for the candidate of their choice.”); *cf. Badham v. March Fong Eu*, 694 F. Supp. 664, 670 (N.D. Cal. 1988) (three-judge court) (dismissing free speech and associational claim and equal protection claim challenge to redistricting map because nothing stopped plaintiffs from speaking out about public issues and otherwise engage in robust debate) *sum. aff’d*. 488 U.S. 804 (1988). Furthermore, *in Storer* the

Supreme Court permitted California to prohibit independent candidates from appearing on the ballot because the candidates were registered with a political party in the previous year. *Storer*, 415 U.S. at 726-28. Florida's ballot placement statute that places all Democratic Party candidates on the ballot, in the same second position throughout, survives Plaintiffs' challenge is, if anything, far less restrictive than the California statute in *Storer*.

Third, "access to a preferred position on the ballot so that one has an equal chance of attracting the windfall vote is not a constitutional concern." *Sarvis*, 826 F.3d at 718 (quoting *New Alliance Party*, 861 F. Supp. 295)). This is because there is no "constitutional right to a wholly rational election, based solely on a reasoned consideration of the issues and the candidates' positions, and free from other irrational considerations." *Id.* (quoting *Schaefer v. Lamone*, No. 06-0896, 2006 U.S. Dist. LEXIS 96855, at *13 (D. Md. Nov. 30, 2006)).

Florida's statute is justified as an "important regulatory interests." *Burdick*, 504 U.S. at 434. Accordingly, Plaintiffs' burdens, if any, are minimal.

C. Florida's Important State Interests Are Reasonably Related To Its Ballot Placement Statute.

Florida has an interest in preventing confusion, promoting uniform ordering on the ballot, and promoting predictability on the ballot. Furthermore, it is not necessary that Florida justify its asserted interests with empirical evidence. *See Timmons*, 520 U.S. at 364.

Florida's ballot placement statute is necessary to prevent confusion through proper and uniform ordering of the ballot. Having one party at the top of the ballot and placed there in a non-discriminatory manner reduces confusion and promotes predictability because it "allows voters to more quickly find their preferred choice for a given office, especially when party loyalties influence many voters' decisions." *Sarvis*, 826 F.3d at 719. Plaintiffs seek an order from this Court mandating "random" ballot placement. Compl. ¶¶ 46-49. But this risks "requiring voters to decipher lengthy multi-office, multi-candidate ballots in order to find their preferred candidates." *Id.* Additionally, if voters know that their party's candidate is listed second in the gubernatorial race, then maintaining that symmetry throughout the ballot will help voters know that their party's candidate will be second in every other election on the ballot. *Id.* This too prevents confusion and promotes predictability and efficiency. *Id.*

Unsurprisingly, Florida is not alone in determining that this method is the appropriate manner to prevent voter confusion and properly organize the ballot. Approximately 13 states have statutes that place the party who won the most votes in the previous election at the top of the ballot. *See supra* at 3-4. In fact, Pennsylvania has an identical provision where the party that won the last gubernatorial election is placed at the top of the ballot. Ironically, the Democratic Party has not sued there, presumably because a Democrat currently holds that

office allowing Democrats to be placed at the top of the ballot for all Pennsylvania elections. *See* 25 Pa. Stat. § 2963.

Finally, when this Court balances the alleged minimal harms Plaintiffs suffer with Florida's important regulatory interests", Florida's ballot placement statute is justified. *See Timmons*, 520 U.S. at 358. As stated *supra*, the burdens imposed on Plaintiffs' constitutional rights are minimal. Consequently, there is no basis to find Florida's ballot placement statute unconstitutional. *Sarvis*, 826 F.3d at 721.

CONCLUSION

For the foregoing reasons, the Intervenor-Defendants respectfully request that this Court grant the Motion to Dismiss.

Respectfully Submitted,

DATED: June 21, 2018

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/s/ Jason Torchinsky

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**Pro hac vice applications forthcoming*

Counsel to Proposed Intervenors

CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(B)

Movants certify that in accordance with Local Rule 7.1(B), Movants sought and obtained the concurrence of Defendant by electronic communication in this Motion. Prior to this Motion, Movants also sought the concurrence of Plaintiffs in this Motion. Plaintiffs object to this Motion.

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/s/ Jason Torchinsky

Jason Torchinsky

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CERTIFICATE OF COMPLIANCE WITH LOCAL RULE 7.1(F)

The foregoing Motion and Memorandum in Support of the Motion complies with Local Rule 7.1(F) because it contains 3,475 words, exclusive of the required certificates, case style, and signature blocs.

**Holtzman Vogel Josefiak Torchinsky
PLLC**

/s/ Jason Torchinsky

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CERTIFICATE OF SERVICE

I hereby certify that on June 21, 2018 the foregoing was filed with the Clerk via the CM/ECF system that sent a Notice of Electronic Filing to all counsel of record.

/s/ Jason Torchinsky

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EXHIBIT

A

Election Resu

Select Election:

1978 General

**November 7, 1978
Election**

Select Office:

Governor & Cabinet

Select County:

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**Florida Department of State
Division of Elections
November 7, 1978 General Election**

Official Results

Governor & Cabinet

Governor and Lieutenant Governor

	Bob Graham / Wayne Mixson (DEM)	Jack Eckerd / Paula Hawkins (REP)
Total	1,406,580	1,123,888
% Votes	55.6%	44.4%

Secretary of State

	George Firestone (DEM)	Ander Crenshaw (REP)
Total	1,278,658	1,045,703
% Votes	55.0%	45.0%

Treasurer

	Bill Gunter (DEM)	Jeffrey L. Latham (REP)
Total	1,758,435	591,730
% Votes	74.8%	25.2%

Commissioner of Education

Election Res

Select Election:

1982 General

**November 2, 1982
Election**

Select Office:

Governor & Cabinet

Select County:

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**Florida Department of State
Division of Elections
November 2, 1982 General Election**

Official Results

Governor & Cabinet

Governor and Lieutenant Governor

	Bob Graham / Skip Bafalis Wayne / Leo Mixson (DEM)	Callahan (REP)
Total	1,739,553	949,013
% Votes	64.7%	35.3%

Secretary of State

	George Firestone (DEM)	Jim Smith (REP)
Total	1,459,084	1,129,785
% Votes	56.4%	43.6%

Commissioner of Agriculture

	Doyle Conner (DEM)	Barbara Lindsey (REP)
Total	1,568,578	1,010,909
% Votes	60.8%	39.2%

Election Results

Select Election:

1986 General

**November 4, 1986
Election**

Select Office:

Governor & Cabinet

Select County:

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**Florida Department of State
Division of Elections
November 4, 1986 General Election**

Official Results

Governor & Cabinet

Governor and Lieutenant Governor

	Steve Pajcic / Frank Mann (DEM)	Bob Martinez / Bobby Brantley (REP)	Frederick Bryant / Ronald Bridges (WRI)	James F. Johnston / James F. Johnston (WRI)
Total	1,538,620	1,847,525	21	5
% Votes	45.4%	54.6%	0.0%	0.0%

Secretary of State

	George Firestone (DEM)	Jim Smith (REP)
Total	1,702,659	1,570,194
% Votes	52.0%	48.0%

Attorney General

	Robert A. "Bob" Butterworth (DEM)	Jim Watt (REP)
Total	1,900,890	1,341,090
% Votes	58.6%	41.4%

Election Res

Select Election:

1990 General

**November 6, 1990
Election**

Select Office:

Governor & Cabinet

Select County:

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**Florida Department of State
Division of Elections
November 6, 1990 General Election**

Official Results

Governor & Cabinet

Governor and Lieutenant Governor

	Bob Martinez / Allison Defoor (REP)	Lawton Chiles / Buddy MacKay (DEM)	Rose "Jackie" Floyd / Peter Seidman (WRI)
Total	1,535,068	1,995,206	597
% Votes	43.5%	56.5%	0.0%

Secretary of State

	Jim Smith (REP)	Jim Minter (DEM)	Jim Fair (WRI)
Total	2,030,659	1,388,600	410
% Votes	59.4%	40.6%	0.0%

Comptroller

	Chris Comstock (REP)	Gerald Lewis (DEM)
Total	1,358,069	1,999,208
% Votes	40.5%	59.5%

Treasurer

Election Res

Select Election:

1994 General

**November 8, 1994
Election**

Select Office:

Governor & Cabinet

Select County:

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**Florida Department of State
Division of Elections
November 8, 1994 General Election**

Official Results

Governor & Cabinet

Governor and Lieutenant Governor

	Lawton Chiles / Buddy MacKay (DEM)	Jeb Bush / Tom Feeney (REP)	G. G. Boone / Lynda D. Ray (WRI)	C. C. Reed / Rappsodi Ali (WRI)
Total	2,135,008	2,071,068	556	27
% Votes	50.8%	49.2%	0.0%	0.0%

Secretary of State

	Ron Saunders (DEM)	Sandy Barringer Mortham (REP)
Total	1,887,688	2,075,207
% Votes	47.6%	52.4%

Attorney General

	Bob Butterwort (DEM)	Henry Ferro (REP)
Total	2,312,010	1,709,139
% Votes	57.5%	42.5%

Election Res

Select Election:

1998 General

**November 3, 1998
Election**

Select Office:

Governor & Cabinet

Select County:

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**Florida Department of State
Division of Elections
November 3, 1998 General Election**

Official Results

Governor & Cabinet

Governor and Lieutenant Governor

	Buddy MacKay / Rick Dantzler (DEM)	Jeb Bush / Frank Brogan (REP)	L. Nelson "Mac" McAlexander / Geri McAlexander (WRI)
Total	1,773,054	2,191,105	282
% Votes	44.7%	55.3%	0.0%

Secretary of State

	Karen Gievers (DEM)	Katherine Harris (REP)
Total	1,778,924	2,065,313
% Votes	46.3%	53.7%

Attorney General

	Bob Butterworth (DEM)	David H. (Dave) Bludworth (REP)
Total	2,301,328	1,562,269
% Votes	59.6%	40.4%

Election Res

Select Election:

2002 General

**November 5, 2002
Election**

Select Office:

Governor & Cabinet

Select County:

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**Florida Department of State
Division of Elections
November 5, 2002 General Election**

Official Results

Governor and Lieutenant Governor

			Robert (Bob)	Rachele Fruit / Margaret McCraw	Terry Galloway AKA Mickey Faust / Andrea Jones AKA 'Sister Moe'	Nanc Grant Sherre R. Low
	Jeb Bush / Frank T. Brogan (REP)	Bill McBride / Tom Rossin (DEM)	Kunst / Linda Miklowitz (NPA)	(WRI)	(WRI)	(WRI)
Total	2,856,845	2,201,427	42,039	24	23	4
% Votes	56.0%	43.2%	0.8%	0.0%	0.0%	0.0%

Attorney General

	Charlie Crist (REP)	Buddy Dyer (DEM)
Total	2,636,616	2,299,149
% Votes	53.4%	46.6%

Commissioner of Agriculture

	Charles H. Bronson (REP)	David Nelson (DEM)	Karl Butts (WRI)
Total	2,803,890	2,084,487	115

Election Results

**Florida Department of State
Division of Elections
November 7, 2006 General Election**

Select Election:

2006 General

Official Results

**November 7, 2006
Election**

Governor and Lieutenant Governor

Select Office:

Governor & Cabinet

Select County:

Select ▼

				Richard Paul Smith / James J. Kearney	John Wayne Smith / Karl Behr	
	Charlie Crist / Jeff Kottkamp	Jim Davis / Daryl L. Jones	Max Linn / Tom Macklin	Dr. Joe Smith	James J. Kearney	Karl Behr
	(REP)	(DEM)	(REF)	(NPA)	(NPA)	(N)
Total	2,519,845	2,178,289	92,595	11,921	15,987	10,
% Votes	52.2%	45.1%	1.9%	0.2%	0.3%	0.

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Attorney General

	Bill McCollum	Walter "Skip" Campbell
	(REP)	(DEM)
Total	2,448,008	2,197,959
% Votes	52.7%	47.3%

Chief Financial Officer

	Tom Lee	Alex Sink
	(REP)	(DEM)
Total	2,151,232	2,479,861
% Votes	46.5%	53.5%

Commissioner of Agriculture

Election Results

**Florida Department of State
Division of Elections
November 2, 2010 General Election**

Select Election:

2010 General

Official Results

**November 2, 2010
Election**

Governor

Select Office:

Governor & Cabinet

Select County:

Select ▼

	Scott / Carroll (REP)	Sink / Smith (DEM)	Allen / Zanni (IDP)	Arth / Kruclick (NPA)	Khavari / Richardson (NPA)	Reed Wald (NPA)
Total	2,619,335	2,557,785	123,831	18,644	7,487	18,84
% Votes	48.9%	47.7%	2.3%	0.3%	0.1%	0.4%

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Attorney General

	Pam Bondi (REP)	Dan Gelber (DEM)	Jim Lewis (NPA)
Total	2,882,868	2,181,377	199,147
% Votes	54.8%	41.4%	3.8%

Chief Financial Officer

	Jeff Atwater (REP)	Loranne Ausley (DEM)	Ken Mazzie (NPA)	Tom Stearns (NPA)
Total	2,967,052	2,015,579	83,959	109,192
% Votes	57.3%	38.9%	1.6%	2.1%

Commissioner of Agriculture

	Adam H. Putnam (REP)	Scott Maddox (DEM)	Ira Chester (TEA)	Thad Hamilton (NPA)
Total				
% Votes				

Election Results

**Florida Department of State
Division of Elections
November 4, 2014 General Election**

Select Election:

2014 General Election

Official Results

**November 4, 2014
Election**

Governor

Select Office:

Governor and Cabinet

Select County:

Select ▼

	Rick Scott (REP)	Charlie Crist (DEM)	Adrian Wyllie (LPF)	Farid Khavari (NPA)	Glenn Burkett (NPA)	Piotr Blass (WRI)	Tir M D
Total	2,865,343	2,801,198	223,356	20,186	41,341	15	
% Votes	48.1%	47.1%	3.8%	0.3%	0.7%	0.0%	

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Attorney General

	Pam Bondi (REP)	George Sheldon (DEM)	Bill Wohlsifer (LPF)
Total	3,222,524	2,457,317	169,394
% Votes	55.1%	42.0%	2.9%

Chief Financial Officer

	Jeff Atwater (REP)	William "Will" Rankin (DEM)
Total	3,353,897	2,337,727
% Votes	58.9%	41.1%

Commissioner of Agriculture

Thaddeus