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STATE OF FLORIDA
FLORIDA ELECTIONS COMMISSION

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ELECTIONS COMMISSION

Florida Elections Commission,
Petitioner,

v.

Agency Case No.: FEC 13-046
F.O. No.: FOFEC 14-027W

William H. White,
Respondent.

FINAL ORDER

THIS MATTER was heard at an informal hearing held before the Florida Elections Commission (Commission) on February 25, 2014.

APPEARANCES

For Commission Jaakan A. Williams
Assistant General Counsel
107 West Gaines Street
Collins Building, Suite 224
Tallahassee, FL 32399

For Respondent No Appearance

STATEMENT OF THE ISSUE

Whether the Respondent violated Sections 104 011(1), Section 104 011(2), and Section 104 15, Florida Statutes, as alleged in the Order of Probable Cause.

PRELIMINARY STATEMENT

On January 25, 2013, the Commission received a sworn complaint alleging violations of Florida's election laws. Staff of the Commission conducted an investigation to determine

whether the facts alleged in the complaint constituted probable cause to believe that the Respondent violated the Florida Election Code.

On June 27, 2013, staff recommended to the Commission that there was probable cause to believe that the Florida Election Code was violated. On August 13, 2013, the Commission entered an Order of Probable Cause finding that there was probable cause to charge the Respondent with the following violations:

Count 1:

On or about September 25, 2012, Respondent violated Section 104.011(1), Florida Statutes, when he willfully swore or affirmed falsely to an oath or affirmation in connection with voting or elections.

Count 2:

On or about September 25, 2012, Respondent violated Section 104.011(2), Florida Statutes, when he submitted false voter registration information.

Count 3:

On or about October 27, 2012, Respondent violated Section 104.15, Florida Statutes, when he willfully voted in the 2012 General Election while knowing he was not a qualified elector.

Respondent failed to elect a formal administrative hearing be conducted by an administrative law judge from the Division of Administrative Hearings, or elect that the case be resolved by Consent Order, (within 30 days after the date of the filing of the Commission's Order of Probable Cause) and, therefore, the matter was set for an informal hearing before the Commission. At the informal hearing, staff presented the undisputed facts contained in the staff's recommendation, which were adopted as the Commission's findings of fact. The Respondent did not appear at the hearing.

FINDINGS OF FACT

1. The Respondent is William H. White.
2. Respondent is a convicted felon whose civil rights have not been restored.

3. However, Respondent completed and signed a Florida Voter Registration Application on September 25, 2012, affirming that he was not a convicted felon, or that if he was, his right to vote had been restored.

4. Respondent signed an oath affirming that he was a qualified elector and a registered voter of Putnam County, Florida, and he voted in the 2012 general election on October 27, 2012, despite being a convicted felon.

CONCLUSIONS OF LAW

5. The Commission has jurisdiction over the parties to and subject matter of this cause, pursuant to Section 106.26, Florida Statutes.

6. Respondent's conduct was willful. Respondent committed the acts while knowing that, or showing reckless disregard for whether, the acts were prohibited or failed to commit an act while knowing that, or showing reckless disregard for whether, the acts were required.

7. Respondent committed 1 count of violating Section 104.011(1), Florida Statutes, when he willfully swore or affirmed falsely to an oath in connection with voting or elections; Respondent committed 1 count of violating Section 104.011(2), Florida Statutes, when he submitted false voter registration information; and Respondent committed 1 count of violating Section 104.15, Florida Statutes, when he willfully voted in the 2012 general election while knowing he was not a qualified elector.

8. In determining the amount of the civil penalty, the Commission considered the mitigating and aggravating circumstances set forth in Section 106.265, Florida Statutes.

ORDER

WHEREFORE the Commission finds that Respondent has violated the following provisions of Chapter 106, Florida Statutes, and imposes the following fine:

A. Respondent violated Section 104.011(1), Florida Statutes, on 1 occasion for willfully swearing or affirming falsely to an oath or affirmation in connection with voting or elections. Respondent is fined \$1,000 for the violation.

B. Respondent violated Section 104.011(2), Florida Statutes, on 1 occasion for submitting false voter registration information. Respondent is fined \$1,000 for the violation.

C. Respondent violated Section 104.15, Florida Statutes, on 1 occasion for willfully voting in the 2012 general election while knowing he was not a qualified elector. Respondent is fined \$1,000 for the violation.

Therefore it is

DONE AND ORDERED that Respondent shall remit a civil penalty in the amount of \$3,000, inclusive of fees and costs. The civil penalty shall be paid to the Florida Elections Commission, the Collins Building, Suite 224, 107 West Gaines Street, Tallahassee, Florida 32399-0250, within 30 days of the date this Final Order is received by the Respondent and must be paid by money order, cashier's check or attorney trust account check.

DONE AND ORDERED by the Florida Elections Commission on February 25, 2014



Tim Holladay, Chair
Florida Elections Commission

Copies furnished to:

Jaakan A. Williams Assistant General Counsel
William H. White, Respondent (certified mail)
Charles L. Overturf, III, Putnam County SOE

NOTICE OF RIGHT TO APPEAL

This order is final agency action. Any party who is adversely affected by this order has the right to seek judicial review pursuant to Section 120.68, Florida Statutes, by filing a notice of administrative appeal pursuant to Rule 9.110, Florida Rules of Appellate Procedure, with the Clerk of the Florida Elections Commission at 107 West Gaines Street, Suite 224, Collins Building, Tallahassee, Florida 32399-1050 and by filing a copy of the notice of appeal with the appropriate district court of appeal. The party must attach to the notice of appeal a copy of this order and include with the notice of appeal filed with the district court of appeal the applicable filing fees. **The notice of administrative appeal must be filed within 30 days of the date of this order is filed with the Commission.** The date this order was filed appears in the upper right-hand corner of the first page of the order.