

# Speaker pro tempore Chuck Clemons

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Florida House of Representatives, District 22

April 17, 2024

Commissioner of Education Manny Diaz, Jr.  
Florida Department of Education  
325 West Gaines Street 500  
Tallahassee, Florida 32399-0400

Secretary of State Cord Byrd  
Florida Department of State  
South Bronough Street  
Tallahassee, Florida 32399-0250

Commissioner Diaz & Secretary Byrd:

I am writing to you both in your capacities as Florida's Chief Education Official and as Florida's Chief Elections Official, respectively, and asking for your immediate intervention into a serious matter that has occurred in the House District I represent. The specific issue pertains to efforts undertaken by the citizens of Newberry to gain charter school status for its 3 public schools; the ultimate objective being, to revert the Newberry Elementary, Newberry Middle, and Newberry High Schools under the umbrella of a single citywide administrative entity.

To aid their campaign, the group created and organized under the name Education First for Newberry, Inc. and launched the website <https://www.yesnewberry.org/>. In accordance with F.S. 1002.33(3), a vote was set to be tabulated today, April 17th, conducted by the Alachua County Elections Supervisor, Kim Barton and the Supervisor has indicated that she will certify those results tomorrow, Thursday, April 18th. I am specifically asking that through your Legal Counsels, you provide Supervisor Barton with the necessary guidance to certify the results in accordance with existing law.

There is no quarrel with the outcome of the votes in regard to the Newberry Middle and High Schools. However, it is imperative that we gain firm legal direction concerning the election certification of the vote in regards to Newberry Elementary. Again, in accordance with statute, votes were collected separately from both the school's parents and teachers. While the parental vote exceeded the threshold dictated in statute, a hand tabulation of the 44 teachers participating resulted in a 23-21 vote in favor of charter school status. The local election officials then took the teachers' ballots and ran them through the electronic scanner. To everyone's amazement, the electronic tabulation produced a 22-21 vote in favor of charter school status.

Upon further investigation, it was surmised that one of the teachers had mistakenly been given a parent ballot, and when it was processed along with all other of teachers' ballots, the tabulator kicked it out as a undervote and dismissed it. Despite this, the vote in favor of charter status was successful. However, the Supervisor questioned whether a majority of the 44 teachers voting in the affirmative is required, thus, resulting in the initiative falling one short of what would be a required 23 favorable votes. As such, the Supervisor is seeking guidance before she certifies the results tomorrow.

Of note, the only difference between a teacher and parent ballot is that one is blue and the other gold and one says "teacher" and the other indicates "parent". Most importantly, is that the numbers of votes in favor of charter status was clearly sufficient to fulfill the requirements of the statute. The plain language of the law states "**at least 50 percent of the teachers employed at the school**" and does not require a majority.

As both of you have served as respected lawmakers, I know that you understand that had the Legislature intended to require a majority vote, it would have done just that. While I feel strongly that the statute, as it plainly reads, is not ambiguous and thus, the effort as it relates to Newberry Elementary cannot be characterized as anything other than successful. However, your opinions and the opinions of your Legal Counsel are critical in insuring that this election is certified properly.

Thank you for your Leadership,

A handwritten signature in blue ink that reads "Chuck Clemons".

Charles "Chuck" Clemons

*Energy, Communications & Cybersecurity Subcommittee  
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