

STORAGE NAME: h1077.go

DATE: April 3, 1997

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
GOVERNMENTAL OPERATIONS
BILL ANALYSIS & ECONOMIC IMPACT STATEMENT**

BILL #: HB 1077

RELATING TO: Elections

SPONSOR(S): Representative Geller

STATUTE(S) AFFECTED: None

COMPANION BILL(S): SB 1008(s)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ELECTION REFORM (GRC) YEAS 9 NAYS 0
- (2) GOVERNMENTAL OPERATIONS (GRC)
- (3)
- (4)
- (5)

I. SUMMARY:

This bill changes the date of the second primary election in 1998 from Tuesday, September 29, 1998, to Thursday, October 1, 1998, to eliminate a conflict with Yom Kippur, the Jewish Day of Atonement. Other dates in the Election Code which are tied to the date of the second primary will remain set as if the second primary were to be held on September 29.

This bill has no fiscal impact.

This bill takes effect upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Section 100.091, F.S., provides for a second primary election to be held on the Tuesday five weeks prior to the general election. In 1998, the second primary election is scheduled to be held on September 29, which conflicts with Yom Kippur, the Jewish Day of Atonement. During Yom Kippur, members of the Jewish faith are not to engage in secular activities, including working, voting, or campaigning.

B. EFFECT OF PROPOSED CHANGES:

HB 1077 changes the date of the second primary election in 1998 from Tuesday, September 29 to Thursday, October 1. This change will allow Jewish citizens to fully participate in the electoral process.

The Elections Code provides numerous dates that are tied to the date of the second primary election. Since a date change from Tuesday to Thursday would cause some of these dates to fall on weekends and would cause undue confusion for candidates and election workers, the bill provides that all dates tied to the date of the second primary election will remain as if the second primary election were being held on Tuesday, September 29, 1998. These dates include the dates set for mailing absentee ballots to overseas electors, reporting of contributions and expenditures by candidates, and receipt of contributions by candidates.

This change would have the effect of cutting off campaign contributions at midnight Thursday, September 24, prior to the election to be held on Thursday, October 1. Campaign treasurers' reports will continue to be due on Fridays, with the final report due Friday, September 25, prior to the October 1, election.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

- a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

- b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

- a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

This bill changes the date of the second primary election from Tuesday, October 1, 1998, in order that the election date not conflict with Yom Kippur.

- b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

- a. If the bill purports to provide services to families or children:

- (1) Who evaluates the family's needs?

Not applicable.

- (2) Who makes the decisions?

Not applicable.

- (3) Are private alternatives permitted?

Not applicable.

- (4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

Not applicable.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. SECTION-BY-SECTION ANALYSIS:

Section 1 - Provides for October 1, 1998 as the alternate second primary election date for Tuesday, September 29, 1998.

Section 2 - Provides an effective date of upon becoming a law.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

4. Total Revenues and Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

None.

2. Recurring Effects:

None.

3. Long Run Effects Other Than Normal Growth:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

None.

2. Direct Private Sector Benefits:

None.

3. Effects on Competition, Private Enterprise and Employment Markets:

None.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

HB 1077 does not require counties or municipalities to spend funds or to take action which requires the expenditure of funds.

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B. REDUCTION OF REVENUE RAISING AUTHORITY:

HB 1077 does not require counties or municipalities to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

HB 1077 does not reduce the percentage of state tax shared with counties and municipalities.

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

Legislative Research Director:

Clay Roberts

Clay Roberts

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