

By the Committee on Election Reform and Representatives  
Flanagan, Stafford, Goodlette, Futch, Detert, Henriquez,  
Wilson, Brown and Diaz de la Portilla

1                           A bill to be entitled  
2           An act relating to elections; creating s.  
3           99.063, F.S.; providing for the designation of  
4           candidates for Lieutenant Governor; modifying  
5           the time of designation; modifying qualifying  
6           requirements; providing for ballot language on  
7           primary election ballots and advance absentee  
8           ballots for the general election if the  
9           candidate for Lieutenant Governor has not been  
10          designated by a time certain; providing for  
11          forfeiture of ballot position at the general  
12          election for the candidate for Governor if a  
13          Lieutenant Governor running mate has not been  
14          designated and qualified by the time required;  
15          repealing s. 99.092(3), F.S., relating to  
16          paying the qualifying fee, to conform; amending  
17          ss. 99.095, 99.0955, and 101.62, F.S., to  
18          conform; amending s. 100.111, F.S.; allowing a  
19          candidate who has qualified for public office  
20          and has either withdrawn or been eliminated to  
21          be designated as a candidate for Lieutenant  
22          Governor; amending s. 102.112, F.S.; revising  
23          the time limit for submission of county returns  
24          to the Department of State; providing an  
25          effective date.

26  
27   Be It Enacted by the Legislature of the State of Florida:

28  
29           Section 1.   Section 99.063, Florida Statutes, is  
30   created to read:

31

1           99.063 Candidates for Governor and Lieutenant  
2 Governor.--  
3           (1) No later than 5 p.m. of the third day following  
4 the second primary election, each candidate for Governor shall  
5 designate a Lieutenant Governor running mate. Such designation  
6 shall be made in writing to the Department of State.  
7           (2) No later than 5 p.m. of the third day following  
8 the second primary election, each designated candidate for  
9 Lieutenant Governor shall file with the Department of State  
10 the following:  
11           (a) The candidate's oath required by s. 99.021, which  
12 must contain the name of the candidate as it is to appear on  
13 the ballot; the office sought; and the signature of the  
14 candidate, duly acknowledged.  
15           (b) The loyalty oath required by s. 876.05, signed by  
16 the candidate and duly acknowledged.  
17           (c) If the office sought is partisan, the written  
18 statement of political party affiliation required by s.  
19 99.021(1)(b).  
20           (d) The full and public disclosure of financial  
21 interests pursuant to s. 8, Art. II of the State Constitution.  
22           (3) A designated candidate for Lieutenant Governor is  
23 not required to pay a separate qualifying fee or obtain  
24 signatures on petitions. Ballot position obtained by the  
25 candidate for Governor entitles the designated candidate for  
26 Lieutenant Governor, upon receipt by the Department of State  
27 of the qualifying papers required by subsection (2), to have  
28 his or her name placed on the ballot for the joint candidacy.  
29           (4) In order to have the name of the candidate for  
30 Lieutenant Governor printed on the first or second primary  
31 election ballot, a candidate for Governor participating in the

1 primary must designate the candidate for Lieutenant Governor,  
2 and the designated candidate must qualify pursuant to  
3 subsection (2) no later than the end of the qualifying period  
4 specified in s. 99.061. If the candidate for Lieutenant  
5 Governor has not been designated and has not qualified by the  
6 end of the qualifying period, the phrase "Not Yet Designated"  
7 shall be included in lieu of the candidate's name on primary  
8 election ballots and on advance absentee ballots for the  
9 general election.

10 (5) Failure of the Lieutenant Governor candidate to be  
11 designated and qualified by the time specified in subsection  
12 (2) shall result in forfeiture of ballot position for the  
13 candidate for Governor.

14 Section 2. Subsection (3) of section 99.092, Florida  
15 Statutes, is repealed:

16 99.092 Qualifying fee of candidate; notification of  
17 Department of State.--

18 ~~(3) Each candidate for the office of Governor and each~~  
19 ~~candidate for the office of Lieutenant Governor shall pay a~~  
20 ~~separate qualifying fee for his or her office in accordance~~  
21 ~~with this section.~~

22 Section 3. Subsection (3) of section 99.095, Florida  
23 Statutes, is amended to read:

24 99.095 Alternative method of qualifying.--

25 (3) When a candidate has filed the oath prescribed in  
26 subsection (1), the candidate may begin to seek signatures on  
27 petitions supporting his or her candidacy. Only signatures of  
28 electors who are registered in the political party by which  
29 the candidate seeks to be nominated and who are registered to  
30 vote in the county, district, or other geographical entity  
31 represented by the office sought shall be counted toward

1 obtaining the minimum numbers of signatures prescribed in this  
2 subsection. A candidate for an office elected on a statewide  
3 basis shall obtain the signatures of a number of qualified  
4 electors equal to at least 3 percent of the total number of  
5 registered electors of Florida who are registered in the party  
6 by which the candidate seeks nomination, as shown by the  
7 compilation by the Department of State for the last preceding  
8 general election. A candidate for any federal, state, county,  
9 or district office to be elected on less than a statewide  
10 basis shall obtain the signatures of a number of qualified  
11 electors of the district, county, or other geographical entity  
12 equal to at least 3 percent of the total number of registered  
13 voters of the party by which the candidate seeks nomination  
14 that are registered within the district, county, or other  
15 geographical entity represented by the office sought, as shown  
16 by the compilation by the Department of State for the last  
17 preceding general election. A separate petition shall be  
18 circulated for each candidate availing himself or herself of  
19 the provisions of this section. ~~However, candidates for the~~  
20 ~~offices of Governor and Lieutenant Governor forming joint~~  
21 ~~candidacies shall use the same nominating petition for both~~  
22 ~~candidates.~~

23 Section 4. Subsection (2) of section 99.0955, Florida  
24 Statutes, is amended to read:

25 99.0955 Independent candidate for office; name on  
26 general election ballot.--

27 (2) A candidate for an office elected on a statewide  
28 basis shall obtain the signatures of a number of the qualified  
29 electors equal to 3 percent of the registered electors of  
30 Florida, as shown by the compilation by the Department of  
31 State for the last preceding general election. ~~When joint~~

1 ~~candidacies for the offices of Governor and Lieutenant~~  
2 ~~Governor are provided by law, independent candidates for the~~  
3 ~~offices of Governor and Lieutenant Governor shall form a joint~~  
4 ~~candidacy, and only one petition shall be used to place both~~  
5 ~~names on the ballot as otherwise provided in this section. A~~  
6 candidate for any federal, state, county, or district office  
7 to be elected on less than a statewide basis shall obtain the  
8 signatures of a number of the qualified electors of the  
9 district, county, or other geographical entity equal to at  
10 least 3 percent of the total number of the registered voters  
11 of the district, county, or other geographical entity  
12 represented by the office sought, as shown by the compilation  
13 by the Department of State for the last preceding general  
14 election.

15 Section 5. Paragraph (d) of subsection (4) of section  
16 100.111, Florida Statutes, is amended to read:

17 100.111 Filling vacancy.--

18 (4)

19 (d) Any person who, at the close of qualifying as  
20 prescribed in ss. 99.061 and 105.031, was qualified for  
21 nomination or election to or retention in a public office to  
22 be filled at the ensuing general election is prohibited from  
23 qualifying as a candidate to fill a vacancy in nomination for  
24 any other office to be filled at that general election, even  
25 if such person has withdrawn or been eliminated as a candidate  
26 for the original office sought. However, this paragraph does  
27 not apply to a candidate for the office of Lieutenant Governor  
28 who applies to fill a vacancy in nomination for the office of  
29 Governor on the same ticket or to a person who has withdrawn  
30 or been eliminated as a candidate and who is subsequently  
31

1 designated as a candidate for Lieutenant Governor pursuant to  
2 s. 99.063.

3 Section 6. Paragraph (a) of subsection (4) of section  
4 101.62, Florida Statutes, 1998 Supplement, is amended to read:

5 101.62 Request for absentee ballots.--

6 (4)(a) To each absent qualified elector overseas who  
7 has requested an absentee ballot, the supervisor of elections  
8 shall, not fewer than 35 days before the first primary  
9 election, mail an absentee ballot. Not fewer than 45 days  
10 before the second primary and general election, the supervisor  
11 of elections shall mail an advance absentee ballot to those  
12 persons requesting ballots for such elections. The advance  
13 absentee ballot for the second primary shall be the same as  
14 the first primary absentee ballot as to the names of  
15 candidates, except that for any offices where there are only  
16 two candidates, those offices and all political party  
17 executive committee offices shall be omitted. Except as  
18 provided in s. 99.063(4), the advance absentee ballot for the  
19 general election shall be as specified in s. 101.151, except  
20 that in the case of candidates of political parties where  
21 nominations were not made in the first primary, the names of  
22 the candidates placing first and second in the first primary  
23 election shall be printed on the advance absentee ballot. The  
24 advance absentee ballot or advance absentee ballot information  
25 booklet shall be of a different color for each election and  
26 also a different color from the absentee ballots for the first  
27 primary, second primary, and general election. The supervisor  
28 shall mail an advance absentee ballot for the second primary  
29 and general election to each qualified absent elector for whom  
30 a request is received until the absentee ballots are printed.  
31 The supervisor shall enclose with the advance second primary

1 absentee ballot and advance general election absentee ballot  
2 an explanation stating that the absentee ballot for the  
3 election will be mailed as soon as it is printed; and, if both  
4 the advance absentee ballot and the absentee ballot for the  
5 election are returned in time to be counted, only the absentee  
6 ballot will be counted.

7 Section 7. Subsection (1) of section 102.112, Florida  
8 Statutes, is amended to read

9 102.112 Deadline for submission of county returns to  
10 the Department of State; penalties.--

11 (1) The county canvassing board or a majority thereof  
12 shall file the county returns for the election of a federal or  
13 state officer with the Department of State immediately after  
14 certification of the election results. If the returns are not  
15 received by the department by 3 p.m.~~5 p.m.~~ on the 3rd ~~7th~~ day  
16 after an election, such returns may be ignored and the results  
17 on file at that time may be certified by the department.

18 Section 8. This act shall take effect January 1, 2000.

19 \*\*\*\*\*  
20 \*\*\*\*\*

21 HOUSE SUMMARY

22 Provides for the designation of a Lieutenant Governor  
23 running mate. Provides requirements and a time limit for  
24 a candidate to qualify for such office. Prescribes ballot  
25 language for primary election ballots and advance  
26 absentee ballots for the general election if such a  
27 candidate has not been designated by a certain time.  
28 Allows a candidate who has qualified for public office  
29 and has either withdrawn or been eliminated to be  
30 designated as a candidate for Lieutenant Governor.  
31 Provides that failure of a Lieutenant Governor candidate  
to be designated and qualified by the time limit shall  
result in forfeiture of ballot position for the candidate  
for Governor at the general election. Revises the time  
limit for the county canvassing board to file returns for  
the election of a federal or state officer with the  
Department of State.