

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

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A bill to be entitled
An act relating to elections; creating s.
100.065, F.S.; allowing all voters to vote in
certain primary election contests; providing
for runoffs at the general election; specifying
procedures for placing the candidates' names on
the ballots required; amending ss. 101.021,
101.251, and 101.5606, F.S., to conform;
providing an effective date.

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

Section 1. Section 100.065, Florida Statutes, is
created to read:

100.065 Other candidates on primary and general
election ballots.--

(1) Any other provision of law to the contrary
notwithstanding, if all candidates for an office are seeking
the nomination of the same political party and there will
otherwise be no opposition in the general election, all
registered electors, regardless of party affiliation, may vote
for that office in the first primary election and, if
necessary, in the general election. For the purposes of this
section, a write-in candidate is considered opposition.

(2) When two or more candidates have qualified for an
office and there is only one political party represented and
there will otherwise be no opposition for that office in the
general election, the names of such candidates shall be placed
on the first primary election ballot of each political party
holding a primary election and on a ballot for voters
registered with no party affiliation or registered in a party

1 that is not holding a primary election. The names of the
2 candidates for each such office shall be grouped on a separate
3 portion of the ballot or on a separate ballot. Such offices
4 shall be placed under the heading of "Universal Primary" in
5 the order determined by the Department of State. Following
6 each candidate's name shall be the appropriate abbreviation of
7 party name.

8 (3) If any candidate for such office receives a
9 majority of the votes cast for such office in the first
10 primary election, the name of the candidate who receives such
11 majority shall not appear on any other ballot. Such candidate
12 shall be deemed to have voted for himself or herself at the
13 general election. If no candidate for such office receives a
14 majority of the votes cast for such office in the first
15 primary election, the names of the two candidates receiving
16 the highest number of votes for such office shall be placed on
17 the general election ballot. If more than two candidates for
18 such office receive an equal and highest number of votes, the
19 name of each candidate receiving an equal and highest number
20 of votes shall be placed on the general election ballot. In
21 any contest in which there is a tie for second place and the
22 candidate placing first did not receive a majority of the
23 votes cast for such office, the name of the candidate placing
24 first and the name of each candidate tying for second shall be
25 placed on the general election ballot.

26 Section 2. Section 101.021, Florida Statutes, is
27 amended to read:

28 101.021 Elector to vote the primary ballot of the
29 political party in which he or she is registered;
30 exception. ~~--In a primary election a qualified elector is~~
31 ~~entitled to vote the official primary election ballot of the~~

1 ~~political party designated in the elector's registration, and~~
2 ~~no other.~~ Except as provided in s. 100.065, it is unlawful for
3 any elector to vote in a primary for any candidate running for
4 nomination from a party other than that in which such elector
5 is registered.

6 Section 3. Subsection (2) of section 101.251, Florida
7 Statutes, is amended to read:

8 101.251 Information which supervisor of elections must
9 print on ballots.--

10 (2) In addition to the names printed on the ballot as
11 provided in subsection (1), the supervisor of elections of
12 each county shall have printed on the general election ballot
13 to be used in the county the names of the candidates who are
14 entitled pursuant to s. 100.065 to have their names printed on
15 the ballot, the names of the judicial officers, as defined in
16 chapter 105, who are entitled to have their names printed on
17 the ballot, and minor party and independent candidates who
18 have obtained a position on the general election ballot in
19 compliance with the requirements of this code.

20 Section 4. Subsection (5) of section 101.5606, Florida
21 Statutes, is amended to read:

22 101.5606 Requirements for approval of systems.--No
23 electronic or electromechanical voting system shall be
24 approved by the Department of State unless it is so
25 constructed that:

26 (5) It permits each voter at a primary election to
27 vote only for the candidates seeking nomination by the
28 political party in which such voter is registered, except as
29 provided in s. 100.065; for any candidate for nonpartisan
30 office; ~~and~~ and for any question upon which the voter is entitled
31 to vote.

1 Section 5. This act shall take effect upon becoming a
2 law.
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