

By the Committee on Election Reform and Representatives
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Futch, Wilson, Brown and Starks

1 A bill to be entitled
2 An act relating to elections; amending s.
3 99.095, F.S.; modifying the requirements for
4 the alternative method of qualifying; requiring
5 issuance of petition formats instead of
6 petition forms; amending s. 99.0955, F.S.;
7 modifying the requirements for a candidate with
8 no party affiliation to obtain ballot position;
9 requiring issuance of petition formats instead
10 of petition forms; amending s. 99.096, F.S.;
11 modifying the requirements for a minor party
12 candidate to obtain ballot position; requiring
13 issuance of petition formats instead of
14 petition forms; amending s. 99.09651, F.S.;
15 modifying the petition requirements in a year
16 of apportionment; amending s. 99.097, F.S.;
17 allowing minor party candidates to have
18 petitions verified at no charge; revising
19 submission requirements with respect to
20 signature verification totals for an issue to
21 be placed on the ballot; amending s. 99.103,
22 F.S.; providing for minor political parties to
23 receive the same percentage of the filing fees
24 as major political parties; amending s.
25 103.021, F.S.; modifying the requirements for
26 certain minor political parties to have the
27 names of their candidates for President and
28 Vice President printed on the general election
29 ballot; requiring use of petition formats;
30 amending s. 105.035, F.S.; modifying the
31 requirements for the alternative method of

1 qualifying for judicial candidates; requiring
2 issuance of petition formats instead of
3 petition forms; amending ss. 98.231, 99.021,
4 99.061, 99.092, 99.0965, 100.111, 100.141,
5 101.151, 101.191, 101.251, 101.5606, 106.08,
6 106.141, and 106.143, F.S.; to conform;
7 providing an effective date.

8

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

10

11 Section 1. Section 99.095, Florida Statutes, is
12 amended to read:

13 99.095 Alternative method of qualifying.--

14 (1) A person seeking to qualify for nomination to any
15 office may qualify to have his or her name placed on the
16 ballot for the first primary election by means of the
17 petitioning process prescribed in this section. A person
18 qualifying by this alternative method shall not be required to
19 pay the qualifying fee or party assessment required by this
20 chapter. A person using this petitioning process shall file
21 an oath with the officer before whom the candidate would
22 qualify for the office stating that he or she intends to
23 qualify by this alternative method for the office sought. If
24 the person is running for an office which will be grouped on
25 the ballot with two or more similar offices to be filled at
26 the same election, the candidate must indicate in his or her
27 oath for which group or district office he or she is running.
28 The oath shall be filed at any time after the first Tuesday
29 after the first Monday in January of the year in which the
30 first primary is held, but prior to the 21st day preceding the
31 first day of the qualifying period for the office sought. The

1 Department of State shall prescribe the form to be used in
2 administering and filing such oath. No signatures shall be
3 obtained by a candidate on any nominating petition until the
4 candidate has filed the oath required in this section. If the
5 person is running for an office which will be grouped on the
6 ballot with two or more similar offices to be filled at the
7 same election and the petition does not indicate the group or
8 district office for which the person is running, the
9 signatures obtained on such petition will not be counted.

10 ~~(2)~~ Upon receipt of a written oath from a candidate,
11 the qualifying officer shall provide the candidate with a
12 petition format forms in sufficient numbers to facilitate the
13 gathering of signatures pursuant to this section. ~~Such forms~~
14 ~~shall be~~ prescribed by the Department of State to be used by
15 the candidate to reproduce petitions for circulation.

16 ~~(2)(3)~~ ~~When a candidate has filed the oath prescribed~~
17 ~~in subsection (1), the candidate may begin to seek signatures~~
18 ~~on petitions supporting his or her candidacy. Only signatures~~
19 ~~of electors who are registered in the political party by which~~
20 ~~the candidate seeks to be nominated and who are registered to~~
21 ~~vote in the county, district, or other geographical entity~~
22 ~~represented by the office sought shall be counted toward~~
23 ~~obtaining the minimum numbers of signatures prescribed in this~~
24 ~~subsection.~~ A candidate for an office elected on a statewide
25 basis shall obtain the signatures of a number of qualified
26 electors equal to at least 1 percent of the total number of
27 registered electors of Florida or 3 percent of the total
28 number of registered electors of Florida who are registered in
29 the party by which the candidate seeks nomination, as shown by
30 the compilation by the Department of State for the last
31 preceding general election, whichever is less. A candidate

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

18 (3)(4)(a) Each candidate for nomination to federal,
19 state, or multicounty district office shall submit his or her
20 petition file a separate petition for each county from which
21 signatures are sought. Each petition shall be submitted,
22 prior to noon of the 21st day preceding the first day of the
23 qualifying period for the office sought, to the supervisor of
24 elections of the county for which such petition is circulated.
25 Each supervisor of elections to whom a petition is submitted
26 shall check the signatures on the petition to verify their
27 status as electors of the ~~political party by which the~~
28 ~~candidate seeks nomination and of that~~ county, district, or
29 other geographical entity ~~unit~~ represented by the office being
30 sought by the candidate and of the political party by which
31 the candidate seeks nomination, if applicable. Prior to the

1 first date for qualifying, the supervisor shall certify the
2 number shown as registered electors of such county, district,
3 or other geographical entity ~~unit~~ and of the appropriate
4 political party and submit such certification to the
5 Department of State. The Department of State shall determine
6 whether the required number of signatures has been obtained
7 for the name of the candidate to be placed on the ballot and
8 shall notify the candidate. If the required number of
9 signatures has been obtained, the candidate shall, during the
10 time prescribed for qualifying for office, submit a copy of
11 such notice to, and file his or her qualifying papers and oath
12 prescribed by s. 99.021 with, the Department of State. Upon
13 receipt of the copy of such notice and the qualifying papers,
14 the department shall certify the name of the candidate to the
15 appropriate supervisor or supervisors of elections as having
16 qualified for the office sought.

17 (b) Each candidate for nomination to a county office,
18 or district office not covered by paragraph (a), shall submit
19 his or her petition, prior to noon of the 21st day preceding
20 the first day of the qualifying period for the office sought,
21 to the supervisor of elections of the county for which the
22 petition was circulated. The supervisor shall check the
23 signatures on the petition to verify their status as electors
24 of the ~~political party for which the candidate seeks~~
25 ~~nomination and of the~~ county, district, or other geographical
26 entity represented by the office being sought and of the
27 political party by which the candidate seeks nomination, if
28 applicable. Prior to the first date for qualifying, the
29 supervisor shall determine whether the required number of
30 signatures has been obtained for the name of the candidate to
31 be placed on the ballot and shall notify the candidate. If

1 the required number of signatures has been obtained, the
2 candidate shall, during the time prescribed for qualifying for
3 office, submit a copy of the notice to,and file his or her
4 qualifying papers and oath prescribed by s. 99.021 with,the
5 supervisor of elections. Upon receipt of the copy of such
6 notice and the qualifying papers by the supervisor of
7 elections, such candidate shall be entitled to have his or her
8 name printed on the ballot.

9 Section 2. Section 99.0955, Florida Statutes, is
10 amended to read:

11 (Substantial rewording of section. See
12 s. 99.0955, F.S., for present text.)

13 99.0955 Candidates with no party affiliation; name on
14 general election ballot.--

15 (1) Each person seeking to qualify for election as a
16 candidate with no party affiliation shall file his or her
17 qualification papers with and pay the qualifying fee to the
18 qualifying officer during the times and under the conditions
19 prescribed in s. 99.061 or qualify by the alternative method
20 prescribed in subsection (3). Upon qualifying, the candidate
21 shall be entitled to have his or her name placed on the
22 general election ballot.

23 (2) The qualifying fee for candidates with no party
24 affiliation shall consist of a filing fee and an election
25 assessment. The amount of the filing fee is 3 percent of the
26 annual salary of the office sought. The amount of the election
27 assessment is 1 percent of the annual salary of the office
28 sought. The election assessment shall be deposited into the
29 Elections Commission Trust Fund. Filing fees paid to the
30 Department of State shall be deposited into the General
31 Revenue Fund of the state. Filing fees paid to the supervisor

1 of elections shall be deposited into the general revenue fund
2 of the county.

3 (3)(a) A candidate with no party affiliation may, in
4 lieu of paying the qualifying fee, qualify for office by the
5 alternative method prescribed in this subsection. A candidate
6 using this petitioning process shall file an oath with the
7 officer before whom the candidate would qualify for the office
8 stating that he or she intends to qualify by this alternative
9 method. If the person is running for an office which requires
10 a group or district designation, the candidate must indicate
11 the designation in his or her oath. The oath shall be filed at
12 any time after the first Tuesday after the first Monday in
13 January of the year in which the election is held, but prior
14 to the 21st day preceding the first day of the qualifying
15 period for the office sought. The Department of State shall
16 prescribe the form to be used in administering and filing such
17 oath. No signatures shall be obtained by a candidate on any
18 petition until the candidate has filed the oath required in
19 this subsection. Upon receipt of the written oath from a
20 candidate, the qualifying officer shall provide the candidate
21 with a petition format prescribed by the Department of State
22 to be used by the candidate to reproduce petitions for
23 circulation. If the candidate is running for an office which
24 requires a group or district designation, the petition must
25 indicate that designation or the signatures obtained on such
26 petition will not be counted.

27 (b) A candidate shall obtain the signatures of a
28 number of qualified electors in the geographic entity
29 represented by the office sought equal to at least 1 percent
30 of the registered electors of the geographical entity
31 represented by the office sought, as shown by the compilation

1 by the Department of State for the last preceding general
2 election.

3 (c) Each petition shall be submitted, prior to noon of
4 the 21st day preceding the first day of the qualifying period
5 for the office sought, to the supervisor of elections of the
6 county for which such petition was circulated. Each supervisor
7 to whom a petition is submitted shall check the signatures on
8 the petition to verify their status as electors in the
9 geographical entity represented by the office sought. Prior to
10 the first day for qualifying, the supervisor shall certify the
11 number shown as registered electors.

12 (d)1. Certifications for candidates for federal,
13 state, or multicounty district office shall be submitted to
14 the Department of State. The Department of State shall
15 determine whether the required number of signatures has been
16 obtained for the name of the candidate to be placed on the
17 ballot and shall notify the candidate.

18 2. For candidates for county office or district office
19 not covered by subparagraph 1., the supervisor of elections
20 shall determine whether the required number of signatures has
21 been obtained for the name of the candidate to be placed on
22 the ballot and shall notify the candidate.

23 (e) If the required number of signatures has been
24 obtained, the candidate shall, during the times and under the
25 conditions prescribed in s. 99.061, submit a copy of the
26 notice received pursuant to paragraph (d) and file his or her
27 qualifying papers and the oath prescribed by s. 99.021 with
28 the qualifying officer.

29 Section 3. Section 99.096, Florida Statutes, is
30 amended to read:

31 (Substantial rewording of section. See

1 s. 99.096, F.S., for present text.)
2 99.096 Minor party candidates; names on ballot.--
3 (1) The executive committee of a minor political party
4 shall, no later than noon of the third day prior to the first
5 day of the qualifying period prescribed for federal candidates
6 and no later than noon of the third day prior to the first day
7 of the qualifying period for state candidates, submit to the
8 Department of State an official list of the respective
9 candidates nominated by that party to be on the ballot in the
10 general election. The Department of State shall notify the
11 appropriate supervisors of elections of the name of each minor
12 party candidate eligible to qualify before such supervisor.
13 The official list of nominated candidates may not be changed
14 by the party after having been filed with the Department of
15 State, except that candidates who have qualified may withdraw
16 from the ballot pursuant to the provisions of this code and
17 vacancies in nominations may be filled pursuant to s. 100.111.
18 (2) Each person seeking to qualify for election as a
19 candidate of a minor political party shall file his or her
20 qualification papers with and pay the qualifying fee and, if
21 one has been levied, the party assessment to the qualifying
22 officer during the times and under the conditions prescribed
23 in s. 99.061 or qualify by the alternative method prescribed
24 in subsection (3).
25 (3)(a) A minor party candidate may, in lieu of paying
26 the qualifying fee and party assessment, qualify for office by
27 the alternative method prescribed in this subsection. A
28 candidate using this petitioning process shall file an oath
29 with the officer before whom the candidate would qualify for
30 the office stating that he or she intends to qualify by this
31 alternative method. If the person is running for an office

1 which requires a group or district designation, the candidate
2 must indicate the designation in his or her oath. The oath
3 shall be filed at any time after the first Tuesday after the
4 first Monday in January of the year in which the election is
5 held, but prior to the 21st day preceding the first day of the
6 qualifying period for the office sought. The Department of
7 State shall prescribe the form to be used in administering and
8 filing such oath. No signatures shall be obtained by a
9 candidate on any petition until the candidate has filed the
10 oath required in this section. Upon receipt of the written
11 oath from a candidate, the qualifying officer shall provide
12 the candidate with a petition format prescribed by the
13 Department of State to be used by the candidate to reproduce
14 petitions for circulation. If the candidate is running for an
15 office which requires a group or district designation, the
16 petition must indicate that designation or the signatures on
17 such petition will not be counted.

18 (b) A candidate shall obtain the signatures of a
19 number of qualified electors in the geographic entity
20 represented by the office sought equal to 1 percent of the
21 registered electors of the geographic entity represented by
22 the office sought, as shown by the compilation by the
23 Department of State for the last preceding general election.

24 (c) Each petition shall be submitted prior to noon of
25 the 21st day preceding the first day of the qualifying period
26 for the office sought, to the supervisor of elections of the
27 county for which such petition was circulated. Each supervisor
28 to whom a petition is submitted shall check the signatures on
29 the petition to verify their status as electors in the
30 geographical entity represented by the office sought. Prior to
31

1 the first day for qualifying, the supervisor shall certify the
2 number shown as registered electors.

3 (d)1. Certifications for candidates for federal,
4 state, or multicounty district office shall be submitted to
5 the Department of State. The Department of State shall
6 determine whether the required number of signatures has been
7 obtained for the name of the candidate to be placed on the
8 ballot and shall notify the candidate.

9 2. For candidates for county office or district office
10 not covered by subparagraph 1., the supervisor of elections
11 shall determine whether the required number of signatures has
12 been obtained for the name of the candidate to be placed on
13 the ballot and shall notify the candidate.

14 (e) If the required number of signatures has been
15 obtained, the candidate shall, during the times and under the
16 conditions prescribed in s. 99.061, submit a copy of the
17 notice received pursuant to paragraph (d) and file his or her
18 qualifying papers and the oath prescribed by s. 99.021 with
19 the qualifying officer.

20 (4) A minor party candidate whose name has been
21 submitted pursuant to subsection (1) and who has qualified for
22 office shall be entitled to have his or her name placed on the
23 general election ballot.

24 Section 4. Subsection (1) of section 99.09651, Florida
25 Statutes, is amended to read:

26 99.09651 Signature requirements for ballot position in
27 year of apportionment.--

28 (1) In a year of apportionment, any candidate for
29 representative to Congress, state Senate, or state House of
30 Representatives seeking ballot position by the alternative
31 method prescribed in s. 99.095, s. 99.0955, or s. 99.096 ~~or as~~

1 ~~an independent candidate or any minor party seeking ballot~~
2 ~~position~~ shall obtain at least the number of signatures equal
3 to one-third of 1 percent of the ideal population for the
4 district of the office being sought.

5 Section 5. Subsection (4) of section 99.097, Florida
6 Statutes, is amended to read:

7 99.097 Verification of signatures on petitions.--

8 (4) The supervisor shall be paid in advance the sum of
9 10 cents for each signature checked or the actual cost of
10 checking such signature, whichever is less, by the candidate,
11 ~~minor party, or person authorized by such minor party~~
12 ~~submitting the petition~~ or, in the case of a petition to have
13 an issue placed on the ballot, by the person or organization
14 submitting the petition. However, if a candidate, person, or
15 organization seeking to have an issue placed upon the ballot
16 cannot pay such charges without imposing an undue burden on
17 personal resources or upon the resources otherwise available
18 to such candidate, person, or organization, such candidate,
19 person, or organization shall, upon written certification of
20 such inability given under oath to the supervisor, be entitled
21 to have the signatures verified at no charge. ~~However, an oath~~
22 ~~in lieu of payment of the charges shall not be allowed to~~
23 ~~verify the signatures on a petition to obtain ballot position~~
24 ~~for a minor party.~~ In the event a candidate, person, or
25 organization submitting a petition to have an issue placed
26 upon the ballot is entitled to have the signatures verified at
27 no charge, the supervisor of elections of each county in which
28 the signatures are verified at no charge shall submit the
29 total number of such signatures checked in the county to the
30 Division of Elections ~~Comptroller~~ no later than December 1 of
31 the general election year, and the Comptroller shall cause

1 such supervisor of elections to be reimbursed from the General
2 Revenue Fund in an amount equal to 10 cents for each name
3 checked or the actual cost of checking such signatures,
4 whichever is less. In no event shall such reimbursement of
5 costs be deemed or applied as extra compensation for the
6 supervisor. Petitions shall be retained by the supervisors
7 for a period of 1 year following the election for which the
8 petitions were circulated.

9 Section 6. Section 99.103, Florida Statutes, is
10 amended to read:

11 99.103 Department of State to remit part of filing
12 fees and party assessments of candidates to state executive
13 committee.--

14 (1) Each political party organized pursuant to chapter
15 103 ~~If more than three-fourths of the full authorized~~
16 ~~membership of the state executive committee of any party was~~
17 ~~elected at the last previous election for such members and if~~
18 ~~such party is declared by the Department of State to have~~
19 ~~recorded on the registration books of the counties, as of the~~
20 ~~first Tuesday after the first Monday in January prior to the~~
21 ~~first primary in general election years, 5 percent of the~~
22 ~~total registration of such counties when added together, such~~
23 ~~committee~~ shall receive, for the purpose of meeting its
24 expenses, all filing fees collected by the Department of State
25 from its candidates less an amount equal to 15 percent of the
26 filing fees, which amount the Department of State shall
27 deposit in the General Revenue Fund of the state.

28 (2) Not later than 20 days after the close of
29 qualifying in even-numbered years, the Department of State
30 shall remit 95 percent of all filing fees, less the amount
31 deposited in general revenue pursuant to subsection (1), or

1 party assessments that may have been collected by the
2 department to the respective state executive committees of the
3 parties ~~complying with subsection (1).~~ Party assessments
4 ~~collected by the Department of State shall be remitted to the~~
5 ~~appropriate state executive committee, irrespective of other~~
6 ~~requirements of this section, provided such committee is duly~~
7 ~~organized under the provisions of chapter 103.~~ The remainder
8 of filing fees or party assessments collected by the
9 Department of State shall be remitted to the appropriate state
10 executive committees not later than the date of the first
11 primary.

12 Section 7. Subsections (3) and (4) of section 103.021,
13 Florida Statutes, are amended to read:

14 103.021 Nomination for presidential
15 electors.--Candidates for presidential electors shall be
16 nominated in the following manner:

17 (3) ~~A minor political party may have the names of its~~
18 ~~candidates for President and Vice President printed, and~~
19 ~~independent~~ Candidates for President and Vice President with
20 no party affiliation may have their names printed, on the
21 general election ballot ballots if a petition is signed by at
22 least 1 percent of the registered electors of this state, as
23 shown by the compilation by the Department of State for the
24 last preceding general election. A separate petition from
25 each county for which signatures are solicited shall be
26 submitted to the supervisor of elections of the respective
27 county no later than July 15 of each presidential election
28 year. The supervisor shall check the names and, on or before
29 the date of the first primary, shall certify the number shown
30 as registered electors of the county. The supervisor shall be
31 paid by the person requesting the certification the cost of

1 checking the petitions as prescribed in s. 99.097. The
2 supervisor shall then forward the certificate to the
3 Department of State which shall determine whether or not the
4 percentage factor required in this section has been met. When
5 the percentage factor required in this section has been met,
6 the Department of State shall order the names of the
7 candidates for whom the petition was circulated to be included
8 on the ballot and shall permit the required number of persons
9 to be certified as electors in the same manner as other party
10 candidates.

11 (4)(a) ~~A Any minor political party which has met the~~
12 ~~petitioning requirements of s. 99.096 and will have the names~~
13 ~~of a candidate or candidates for any office or offices to be~~
14 ~~filled by a statewide election printed on the general election~~
15 ~~ballot, and which~~ minor political party that is affiliated
16 with a national party holding a national convention to
17 nominate candidates for President and Vice President of the
18 United States, may have the names of its candidates for
19 President and Vice President of the United States printed on
20 the general election ballot by filing with the Department of
21 State a certificate naming the candidates for President and
22 Vice President and listing the required number of persons to
23 serve as electors. Notification to the Department of State
24 under this subsection shall be made by September 1 of the year
25 in which the election is held. When the Department of State
26 has been so notified, it shall order the names of the
27 candidates nominated by the minor party ~~for whom the petition~~
28 ~~was circulated~~ to be included on the ballot and shall permit
29 the required number of persons to be certified as electors in
30 the same manner as other party candidates.

31

1 (b) A minor political party that is not affiliated
2 with a national party holding a national convention to
3 nominate candidates for President and Vice President of the
4 United States may have the names of its candidates for
5 President and Vice President printed on the general election
6 ballot if a petition is signed by at least 1 percent of the
7 registered electors of this state, as shown by the compilation
8 by the Department of State for the last preceding general
9 election. The petition format prescribed by the Department of
10 State may be obtained from the department at any time after
11 the first Tuesday after the first Monday in January preceding
12 the general election to be used to reproduce petitions for
13 circulation. A separate petition from each county for which
14 signatures are solicited shall be submitted to the supervisors
15 of elections of the respective county no later than July 15 of
16 each presidential election year. The supervisor shall check
17 the names and, on or before the date of the first primary,
18 shall certify the number shown as registered electors of the
19 county. The supervisor shall be paid by the person requesting
20 the certification the cost of checking the petitions as
21 prescribed in s. 99.097. The supervisor shall then forward the
22 certificate to the Department of State which shall determine
23 whether or not the percentage factor required in this section
24 has been met. When the percentage factor required in this
25 section has been met, the Department of State shall order the
26 names of the candidates for whom the petition was circulated
27 to be included on the ballot and shall permit the required
28 number of persons to be certified as electors in the same
29 manner as other party candidates.

30 Section 8. Subsections (1), (2), and (3) of section
31 105.035, Florida Statutes, are amended to read:

1 105.035 Alternative method of qualifying for certain
2 judicial offices.--

3 (1) A person seeking to qualify for election to the
4 office of circuit judge or county court judge ~~who is unable to~~
5 ~~pay the qualifying fee without imposing an undue burden on his~~
6 ~~or her personal resources or on resources otherwise available~~
7 ~~to him or her~~ may qualify for election to such office by means
8 of the petitioning process prescribed in this section. A
9 person qualifying by this alternative method shall not be
10 required to pay the qualifying fee required by this chapter.A
11 person using this petitioning process shall file an oath with
12 the officer before whom the candidate would qualify for the
13 office stating that he or she intends to qualify by this
14 alternative method for the office sought ~~and stating that he~~
15 ~~or she is unable to pay the qualifying fee for the office~~
16 ~~without imposing an undue burden on his or her resources or on~~
17 ~~resources otherwise available to him or her.~~ Such oath shall
18 be filed at any time after the first Tuesday after the first
19 Monday in January of the year in which the election is held,
20 but prior to the 21st day preceding the first day of the
21 qualifying period for the office sought. The form of such oath
22 shall be prescribed by the Division of Elections. No
23 signatures shall be obtained until the person has filed the
24 oath prescribed in this subsection.

25 (2) Upon receipt of a written oath from a candidate,
26 the qualifying officer shall provide the candidate with a
27 petition format prescribed by the Division of Elections to be
28 used by the candidate to reproduce petitions for circulation
29 ~~forms in sufficient numbers to facilitate the gathering of~~
30 ~~signatures pursuant to this section.~~ No signature shall be
31 counted toward the number of signatures required unless it is

1 on a petition ~~form~~ prescribed pursuant to this subsection.
2 ~~Such forms shall be prescribed by the Division of Elections.~~
3 If the candidate is running for an office which will be
4 grouped on the ballot with two or more similar offices to be
5 filled at the same election, the candidate's petition must
6 indicate, prior to the obtaining of registered electors'
7 signatures, for which group the candidate is running.

8 (3) A candidate for the office of circuit judge shall
9 obtain the signature of a number of qualified electors of the
10 judicial circuit equal to at least 1 ~~3~~ percent of the total
11 number of registered electors of the judicial circuit, as
12 shown by the compilation by the Department of State for the
13 last preceding general election. A candidate for the office
14 of county court judge shall obtain the signatures of a number
15 of qualified electors of the county equal to at least 1 ~~3~~
16 percent of the total number of registered electors of the
17 county, as shown by the compilation by the Department of State
18 for the last preceding general election. A separate petition
19 shall be circulated for each candidate availing himself or
20 herself of the provisions of this section.

21 Section 9. Section 98.231, Florida Statutes, is
22 amended to read:

23 98.231 Supervisor of elections to furnish Department
24 of State number of registered electors.--The supervisor of
25 each county, within 15 days after the closing of registration
26 books prior to the election, shall, for the county and for
27 each legislative and congressional district in which such
28 county or any portion thereof is located, advise the
29 Department of State of the total number of registered electors
30 of each political party in which any elector has registered
31

1 and the number of electors registered with no ~~as independents~~
2 ~~or without~~ party affiliation.

3 Section 10. Paragraph (a) of subsection (1) of section
4 99.021, Florida Statutes, is amended to read:

5 99.021 Form of candidate oath.--

6 (1)(a) Each candidate, whether a party candidate, a ~~an~~
7 ~~independent~~ candidate with no party affiliation, or a write-in
8 candidate, in order to qualify for nomination or election to
9 any office other than a judicial office as defined in chapter
10 105, shall take and subscribe to an oath or affirmation in
11 writing. A printed copy of the oath or affirmation shall be
12 furnished to the candidate by the officer before whom such
13 candidate seeks to qualify and shall be substantially in the
14 following form:

15
16 State of Florida
17 County of....

18 Before me, an officer authorized to administer oaths,
19 personally appeared ...(please print name as you wish it to
20 appear on the ballot)..., to me well known, who, being sworn,
21 says that he or she is a candidate for the office of;
22 that he or she is a qualified elector of County, Florida;
23 that he or she is qualified under the Constitution and the
24 laws of Florida to hold the office to which he or she desires
25 to be nominated or elected; that he or she has taken the oath
26 required by ss. 876.05-876.10, Florida Statutes; that he or
27 she has qualified for no other public office in the state, the
28 term of which office or any part thereof runs concurrent with
29 that of the office he or she seeks; and that he or she has
30 resigned from any office from which he or she is required to
31 resign pursuant to s. 99.012, Florida Statutes.

1 ~~refunded to such candidate by the qualifying officer within 10~~
2 ~~days from the date that the determination is made that such~~
3 ~~candidate or minor party failed to obtain the required number~~
4 ~~of signatures.~~

5 (6) Notwithstanding the qualifying period prescribed
6 in this section, if a candidate has submitted the necessary
7 petitions by the required deadline in order to qualify by the
8 alternative method as a candidate for nomination or election
9 and such candidate is notified after the 5th day prior to the
10 last day for qualifying that the required number of signatures
11 has been obtained, such candidate shall be entitled to
12 subscribe to the candidate's oath and file the qualifying
13 papers at any time within 5 days from the date such candidate
14 is notified that the necessary number of signatures has been
15 obtained. Any candidate who qualifies within the time
16 prescribed in this subsection shall be entitled to have his or
17 her name printed on the ballot.

18 (7)(a) In order for a candidate to be qualified, the
19 following items must be received by the filing officer by the
20 end of the qualifying period:

21 1. A properly executed check drawn upon the
22 candidate's campaign account in an amount not less than the
23 fee required by s. 99.092 or, in lieu thereof, as applicable,
24 the copy of the notice of obtaining ballot position pursuant
25 to s. 99.095, ~~or the undue burden oath authorized pursuant to~~
26 ~~s. 99.0955,~~ or s. 99.096. If a candidate's check is returned
27 by the bank for any reason, the filing officer shall
28 immediately notify the candidate and the candidate shall, the
29 end of qualifying notwithstanding, have 48 hours from the time
30 such notification is received, excluding Saturdays, Sundays,
31 and legal holidays, to pay the fee with a cashier's check

1 purchased from funds of the campaign account. Failure to pay
2 the fee as provided in this subparagraph shall disqualify the
3 candidate.

4 2. The candidate's oath required by s. 99.021, which
5 must contain the name of the candidate as it is to appear on
6 the ballot; the office sought, including the district or group
7 number if applicable; and the signature of the candidate, duly
8 acknowledged.

9 3. The loyalty oath required by s. 876.05, signed by
10 the candidate and duly acknowledged.

11 4. If the office sought is partisan, the written
12 statement of political party affiliation required by s.
13 99.021(1)(b).

14 5. The completed form for the appointment of campaign
15 treasurer and designation of campaign depository, as required
16 by s. 106.021.

17 6. The full and public disclosure or statement of
18 financial interests required by subsection (4).

19 Section 12. Subsection (1) of section 99.092, Florida
20 Statutes, is amended to read:

21 99.092 Qualifying fee of candidate; notification of
22 Department of State.--

23 (1) Each person seeking to qualify for nomination or
24 election to any office, except a person seeking to qualify by
25 the alternative method pursuant to s. 99.095, s. 99.0955, or
26 s. 99.096 and except a person seeking to qualify as a write-in
27 candidate, shall pay a qualifying fee, which shall consist of
28 a filing fee and election assessment, to the officer with whom
29 the person qualifies, and any party assessment levied, and
30 shall attach the original or signed duplicate of the receipt
31 for his or her party assessment or pay the same, in accordance

1 with the provisions of s. 103.121, at the time of filing his
2 or her other qualifying papers. The amount of the filing fee
3 is 3 percent of the annual salary of the office. The amount
4 of the election assessment is 1 percent of the annual salary
5 of the office sought. The election assessment shall be
6 deposited into the Elections Commission Trust Fund. The
7 amount of the party assessment is 2 percent of the annual
8 salary. The annual salary of the office for purposes of
9 computing the filing fee, election assessment, and party
10 assessment shall be computed by multiplying 12 times the
11 monthly salary, excluding any special qualification pay,
12 authorized for such office as of July 1 immediately preceding
13 the first day of qualifying. No qualifying fee shall be
14 returned to the candidate unless the candidate withdraws his
15 or her candidacy before the last date to qualify. If a
16 candidate dies prior to an election and has not withdrawn his
17 or her candidacy before the last date to qualify, the
18 candidate's qualifying fee shall be returned to his or her
19 designated beneficiary, and, if the filing fee or any portion
20 thereof has been transferred to the political party of the
21 candidate, the Secretary of State shall direct the party to
22 return that portion to the designated beneficiary of the
23 candidate.

24 Section 13. Section 99.0965, Florida Statutes, is
25 amended to read:

26 99.0965 Minor parties; selection of candidates.--A
27 minor political party ~~with a position on the general election~~
28 ~~ballot~~ may provide for the designation of its official list of
29 nominated candidates in any manner that it deems proper. The
30 state executive committee of the party shall by resolution
31

1 adopt a procedure for the selection of candidates, a copy of
2 which shall be submitted to the Department of State.

3 Section 14. Paragraph (c) of subsection (3) and
4 subsection (6) of section 100.111, Florida Statutes, are
5 amended to read:

6 100.111 Filling vacancy.--

7 (3) Whenever there is a vacancy for which a special
8 election is required pursuant to s. 100.101(1)-(4), the
9 Governor, after consultation with the Secretary of State,
10 shall fix the date of a special first primary election, a
11 special second primary election, and a special election.
12 Nominees of political parties other than minor political
13 parties shall be chosen under the primary laws of this state
14 in the special primary elections to become candidates in the
15 special election. Prior to setting the special election
16 dates, the Governor shall consider any upcoming elections in
17 the jurisdiction where the special election will be held. The
18 dates fixed by the Governor shall be specific days certain and
19 shall not be established by the happening of a condition or
20 stated in the alternative. The dates fixed shall provide a
21 minimum of 2 weeks between each election. In the event a
22 vacancy occurs in the office of state senator or member of the
23 House of Representatives when the Legislature is in regular
24 legislative session, the minimum times prescribed by this
25 subsection may be waived upon concurrence of the Governor, the
26 Speaker of the House of Representatives, and the President of
27 the Senate. If a vacancy occurs in the office of state
28 senator and no session of the Legislature is scheduled to be
29 held prior to the next general election, the Governor may fix
30 the dates for any special primary and for the special election
31 to coincide with the dates of the first and second primary and

1 general election. If a vacancy in office occurs in any
2 district in the state Senate or House of Representatives or in
3 any congressional district, and no session of the Legislature,
4 or session of Congress if the vacancy is in a congressional
5 district, is scheduled to be held during the unexpired portion
6 of the term, the Governor is not required to call a special
7 election to fill such vacancy.

8 (c) The dates for a candidate to qualify by the
9 alternative method, ~~to qualify as an independent candidate, or~~
10 ~~to qualify as a minor party candidate~~ in such special primary
11 or special election shall be fixed by the Department of State.
12 In fixing such dates the Department of State shall take into
13 consideration and be governed by the practical time
14 limitations.

15 1. Any candidate seeking to qualify by the alternative
16 method ~~for nomination~~ in a special primary election shall
17 obtain 25 percent of the signatures required by s. 99.095, s.
18 99.0955, or s. 99.096, as applicable.

19 2. ~~Any candidate seeking to qualify as an independent~~
20 ~~candidate in a special election shall obtain 25 percent of the~~
21 ~~signatures required by s. 99.0955.~~

22 3. ~~A minor party may have the names of its candidates~~
23 ~~for office printed on the ballot in a special election if the~~
24 ~~minor party obtains 25 percent of the signatures required by~~
25 ~~s. 99.096.~~

26 (6) In the event that a vacancy occurs which leaves
27 less than 4 weeks for a ~~minor party candidate, an independent~~
28 ~~candidate, or a~~ candidate seeking to qualify by the
29 alternative method to gather signatures for ballot position,
30 the number of signatures required for ballot placement shall
31

1 be 25 percent of the number of signatures required by s.
2 99.095, s. 99.0955, or s. 99.096, whichever is applicable.

3 Section 15. Subsection (2) of section 100.141, Florida
4 Statutes, is amended to read:

5 100.141 Notice of special election to fill any vacancy
6 in office or nomination.--

7 (2) The Department of State shall prepare a notice
8 stating what offices and vacancies are to be filled in the
9 special election, the date set for each special primary
10 election and the special election, the dates fixed for
11 qualifying for office, the dates fixed for qualifying by the
12 alternative method, ~~as an independent candidate, or as a minor~~
13 ~~party candidate,~~ and the dates fixed for filing campaign
14 expense statements.

15 Section 16. Subsection (5) of section 101.151, Florida
16 Statutes, is amended to read:

17 101.151 Specifications for general election
18 ballot.--In counties in which voting machines are not used,
19 and in other counties for use as absentee ballots not designed
20 for tabulation by an electronic or electromechanical voting
21 system, the general election ballot shall conform to the
22 following specifications:

23 (5) Minor political party candidates and ~~independent~~
24 candidates with no party affiliation shall have their names
25 appear on the general election ballot following the names of
26 recognized political parties, in the same order as they were
27 certified.

28 Section 17. Subsection (1) of section 101.191, Florida
29 Statutes, is amended to read:

30 101.191 Form of general election ballot.--

31

1 (1) The general election ballot shall be in
2 substantially the following form:

3
4 OFFICIAL BALLOT GENERAL ELECTION
5 No. COUNTY, FLORIDA
6 Precinct No.
7 ...(Date)...
8 (Signature of Voter) (Initials of Issuing Official)
9 Stub No. 1

10
11 OFFICIAL BALLOT GENERAL ELECTION
12 No. COUNTY, FLORIDA
13 Precinct No.
14 ...(Date)...
15 (Initials of Issuing Official)
16 Stub No. 2

17
18 OFFICIAL BALLOT GENERAL ELECTION
19 COUNTY, FLORIDA
20 Precinct No.
21 ...(Date)...

22 TO VOTE for a candidate whose name is printed on the
23 ballot, mark a cross (X) in the blank space at the RIGHT of
24 the name of the candidate for whom you desire to vote. To
25 vote for a candidate whose name is not printed on the ballot,
26 write the candidate's name in the blank space provided for
27 that purpose.

28
29 ELECTORS
30 For President
31 and

1 Vice President
2 (A vote for the candidates will actually be a vote for their
3 electors)
4 Vote for group
5
6 DEMOCRATIC
7
8 (Name of Candidate)
9 For President
10 []
11
12 (Name of Candidate)
13 For Vice President
14
15 REPUBLICAN
16
17 (Name of Candidate)
18 For President
19 []
20
21 (Name of Candidate)
22 For Vice President
23
24 (NAME OF MINOR PARTY)
25
26 (Name of Candidate)
27 For President
28 []
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30 (Name of Candidate)
31 For Vice President

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NO PARTY AFFILIATION ~~INDEPENDENT~~

(Name of Candidate)
For President

[]

(Name of Candidate)
For Vice President

WRITE-IN

For President

For Vice President

CONGRESSIONAL

UNITED STATES SENATOR

Vote for One

(Name of Candidate) (Party abbreviation) []

(Name of Candidate) (Party abbreviation) []

(And thence other offices under this heading, followed
by the headings and offices as prescribed in s. 101.151.)

PROPOSED CONSTITUTIONAL

AMENDMENTS OR OTHER PUBLIC MEASURES

To vote on a constitutional amendment or other public measure,
mark a cross (X) in the blank space next to either YES or NO.

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No.
CONSTITUTIONAL
AMENDMENT
ARTICLE, SECTION

(Here the wording of the substance of the amendment shall be inserted.)

YES for Approval []

NO for Rejection []

Section 18. Subsection (2) of section 101.251, Florida Statutes, is amended to read:

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

(2) In addition to the names printed on the ballot as provided in subsection (1), the supervisor of elections of each county shall have printed on the general election ballot to be used in the county the names of the judicial officers, as defined in chapter 105, who are entitled to have their names printed on the ballot, and minor party candidates and ~~independent~~ candidates with no party affiliation who have obtained a position on the general election ballot in compliance with the requirements of this code.

Section 19. Subsection (6) of section 101.5606, Florida Statutes, is amended to read:

101.5606 Requirements for approval of systems.--No electronic or electromechanical voting system shall be

1 approved by the Department of State unless it is so
2 constructed that:

3 (6) At presidential elections it permits each elector,
4 by one operation, to vote for all presidential electors of a
5 party or for all presidential electors of independent
6 candidates for President and Vice President with no party
7 affiliation.

8 Section 20. Paragraph (c) of subsection (3) of section
9 106.08, Florida Statutes, is amended to read:

10 106.08 Contributions; limitations on.--

11 (3)

12 (c) With respect to any campaign for an office in
13 which a candidate with no party affiliation ~~an independent~~ or
14 a minor party candidate has filed as required in s. 99.0955 or
15 s. 99.096, but whose qualification is pending a determination
16 by the Department of State or supervisor of elections as to
17 whether or not the required number of petition signatures was
18 obtained:

19 1. The department or supervisor shall, no later than 3
20 days after that determination has been made, notify in writing
21 all other candidates for that office of that determination.

22 2. Any contribution received by a candidate or the
23 campaign treasurer or deputy campaign treasurer of a candidate
24 after the candidate has been notified in writing by the
25 department or supervisor that he or she has become unopposed
26 as a result of a candidate with no party affiliation ~~an~~
27 ~~independent~~ or a minor party candidate failing to obtain the
28 required number of petition signatures shall be returned to
29 the person, political committee, or committee of continuous
30 existence contributing it and shall not be used or expended by
31 or on behalf of the candidate.

1 Section 21. Subsection (6) of section 106.141, Florida
2 Statutes, is amended to read:

3 106.141 Disposition of surplus funds by candidates.--

4 (6) Prior to disposing of funds pursuant to subsection
5 (4) or transferring funds into an office account pursuant to
6 subsection (5), any candidate who qualified by the alternative
7 method or was otherwise not required to pay the election
8 assessment, or who filed an oath stating that he or she was
9 unable to pay the ~~election assessment or~~ fee for verification
10 of petition signatures without imposing an undue burden on his
11 or her personal resources or on resources otherwise available
12 to him or her, ~~or who filed both such oaths, or who qualified~~
13 ~~by the alternative method and was not required to pay an~~
14 ~~election assessment,~~ shall reimburse the state or local
15 governmental entity, whichever is applicable, for such waived
16 assessment or fee or both. Such reimbursement shall be made
17 first for the cost of petition verification and then, if funds
18 are remaining, for the amount of the election assessment. If
19 there are insufficient funds in the account to pay the full
20 amount of either the assessment or the fee or both, the
21 remaining funds shall be disbursed in the above manner until
22 no funds remain. All funds disbursed pursuant to this
23 subsection shall be remitted to the qualifying officer. Any
24 reimbursement for petition verification costs which are
25 reimbursable to ~~by~~ the state shall be forwarded by the
26 qualifying officer to the state for deposit in the General
27 Revenue Fund. All reimbursements for the amount of the
28 election assessment shall be forwarded by the qualifying
29 officer to the Department of State for deposit in the
30 Elections Commission Trust Fund.

31

1 Section 22. Subsection (2) of section 106.143, Florida
2 Statutes, is amended to read:

3 106.143 Political advertisements circulated prior to
4 election; requirements.--

5 (2) Any political advertisement of a candidate running
6 for partisan office shall express the name of the political
7 party of which the candidate is seeking nomination or is the
8 nominee. If the candidate for partisan office is running as a
9 ~~an independent~~ candidate with no party affiliation, any
10 political advertisement of the candidate must state that the
11 candidate has no party affiliation ~~is an independent~~
12 ~~candidate~~.

13 Section 23. This act shall take effect upon becoming a
14 law.

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HOUSE SUMMARY

Modifies requirements for the alternative method of qualifying for candidates of major political parties. Provides for issuance of petition formats instead of petition forms. Allows candidates to obtain signatures from any registered elector, and requires a number of signatures equal to at least 1 percent of the total number of registered electors of the geographical entity represented by the office sought or 3 percent of the total number of registered voters of the party by which the candidate seeks nomination who are registered within the geographical entity represented by the office sought, whichever is less. Substantially modifies the procedures for qualifying by candidates with no party affiliation and for minor political party candidates, to require filing qualification papers and either paying the qualifying fee or qualifying by an alternative method similar to that provided for major party candidates. Provides that in a year of apportionment, any candidate for Congress or the Legislature qualifying by the alternative method must meet prescribed requirements and obtain at least a number of signatures equal to one-third of 1 percent of the ideal population for the district of the office being sought. Modifies the procedures for placing on the ballot the names of presidential and vice presidential candidates with no political party affiliation and candidates of certain specified minor political parties. Reduces the number of signatures needed for a candidate for circuit court judge or county court judge to qualify by the alternative method. Allows minor political party candidates to have petitions verified at no charge. Provides for minor political parties to receive the same percentage of the filing fees as major political parties. Amends various other provisions of the Florida Election Code to conform. See bill for details.