

Amendment No. \_\_\_\_ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Representative(s) Flanagan offered the following:

**Amendment (with title amendment)**

Remove from the bill: Everything after the enacting clause  
and insert in lieu thereof:

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

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1 general election, the names of such candidates shall be placed  
2 on the first primary election ballot of each political party  
3 holding a primary election and on a ballot for voters  
4 registered with no party affiliation or registered in a party  
5 that is not holding a primary election. The names of the  
6 candidates for each such office shall be grouped on a separate  
7 portion of the ballot or on a separate ballot. Such offices  
8 shall be placed under the heading of "Universal Primary" in  
9 the order determined by the Department of State. Following  
10 each candidate's name shall be the appropriate abbreviation of  
11 party name.

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

30 Section 2. Section 101.021, Florida Statutes, is  
31 amended to read:

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1           101.021 Elector to vote the primary ballot of the  
2 political party in which he or she is registered;  
3 ~~exception.--In a primary election a qualified elector is~~  
4 ~~entitled to vote the official primary election ballot of the~~  
5 ~~political party designated in the elector's registration, and~~  
6 ~~no other.~~ Except as provided in s. 100.065, it is unlawful for  
7 any elector to vote in a primary for any candidate running for  
8 nomination from a party other than that in which such elector  
9 is registered.

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

12           101.251 Information which supervisor of elections must  
13 print on ballots.--

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

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

26           101.5606 Requirements for approval of systems.--No  
27 electronic or electromechanical voting system shall be  
28 approved by the Department of State unless it is so  
29 constructed that:

30           (5) It permits each voter at a primary election to  
31 vote only for the candidates seeking nomination by the

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1 political party in which such voter is registered, except as  
2 provided in s. 100.065; for any candidate for nonpartisan  
3 office; and for any question upon which the voter is entitled  
4 to vote.

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

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9 ===== T I T L E A M E N D M E N T =====

10 And the title is amended as follows:

11 On page 1, lines 2 through 6  
12 remove from the title of the bill: all of said lines

13  
14 and insert in lieu thereof:

15 An act relating to elections; creating s.  
16 100.065, F.S.; allowing all voters to vote in  
17 certain primary election contests; providing  
18 for runoffs at the general election; specifying  
19 procedures for placing the candidates' names on  
20 the ballots required; amending ss. 101.021,  
21 101.251, and 101.5606, F.S., to conform;  
22 providing an effective date.

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