By the Committee on Ethics and Elections; and Senators
Saunders, Carlton, Meek, Hargrett, Sebesta, Kirkpatrick and
Rossin

313-698A-99

1   A bill to be entitled

2   An act relating to elections; creating s.

3   100.065, F.S.; allowing all voters to vote in

4   certain primary election contests; amending ss.

5   101.021, 101.251, 101.5606, F.S.; conforming

6   provisions; providing an effective date.

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

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10   Section 1. Section 100.065, Florida Statutes, is

11 created to read:

12   100.065 Other candidates on primary and general

13 election ballots.--

14   (1) Notwithstanding any other provision of law, if all

15 candidates for an office are seeking the nomination of the

16 same political party and there is no opposition in the general

17 election except from a write-in candidate, all registered

18 electors, regardless of party affiliation, may vote for that

19 office in the first primary election and, if necessary, in the

20 general election.

21   (2) If two or more candidates have qualified and only

22 one political party is represented and there is no opposition

23 in the general election except from a write-in candidate, the

24 names of such candidates shall be placed on the first primary

25 election ballot of each political party holding a primary

26 election and on a ballot for voters registered without party

27 affiliation or registered in a party that is not holding a

28 primary election. The office or offices shall be grouped on a

29 separate portion of the ballot or on a separate ballot. The

30 offices shall be placed under the heading of "Universal

31 Primary" in the order determined by the Department of State.

 1 Following each candidate's name shall be the appropriate

 2 party-name abbreviation.

 3   (3)(a) If any candidate for such office receives a

 4 majority of the votes cast for such office in the first

 5 primary election and there is no write-in opposition, the name

 6 of the candidate who receives such majority shall not appear

 7 on any other ballot. Such candidate shall be deemed to have

 8 voted for himself at the general election. If a write-in

 9 candidate has qualified, the name of the candidate receiving a

10 majority of the votes in the first primary election shall be

11 placed on the general election ballot, along with a space for

12 writing in the name of a write-in candidate.

13   (b) 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, along with a space for writing in

18 the name of a write-in candidate, if one has qualified. If

19 more than two candidates receive an equal and highest number

20 of votes, the name of each candidate receiving an equal and

21 highest number of votes shall be placed on the general

22 election ballot. In any contest in which there is a tie for

23 second place and the candidate placing first did not receive a

24 majority of the votes cast for such office, the name of the

25 candidate placing first and the name of each candidate tying

26 for second shall be placed on the general election ballot.

27   Section 2. Section 101.021, Florida Statutes, is

28 amended to read:

29   101.021 Elector to vote the primary ballot of the

30 political party in which he or she is registered.--Except as

31 provided in s. 100.065,~~In a primary election a qualified~~

 1 elector is entitled to vote the official primary election
 2 ballot of the political party designated in the elector's
 3 registration, and no other.it is unlawful for any elector to
 4 vote in a primary for any candidate running for nomination
 5 from a party other than that in which such elector is
 6 registered.
 7   Section 3. Subsection (2) of section 101.251, Florida
 8 Statutes, is amended to read:
 9   101.251 Information which supervisor of elections must
10 print on ballots.--
11   (2) In addition to the names printed on the ballot as
12 provided in subsection (1), the supervisor of elections of
13 each county shall have printed on the general election ballot
14 to be used in the county the names of candidates who are
15 entitled to have their names printed on the ballot under s.
16 100.065, the names of the judicial officers, as defined in
17 chapter 105, who are entitled to have their names printed on
18 the ballot, and minor party and independent candidates who
19 have obtained a position on the general election ballot in
20 compliance with the requirements of this code.
21   Section 4. Subsection (5) of section 101.5606, Florida
22 Statutes, is amended to read:
23   101.5606 Requirements for approval of systems.--No
24 electronic or electromechanical voting system shall be
25 approved by the Department of State unless it is so
26 constructed that:
27   (5) It permits each voter at a primary election to
28 vote only for the candidates seeking nomination by the
29 political party in which such voter is registered, except as
30 provided in s. 100.065,for any candidate for nonpartisan
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1   office, and for any question upon which the voter is entitled

2   to vote.

3   Section 5.   This act shall take effect upon becoming a

4   law.

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7   SENATE SUMMARY

8   Provides that if all candidates for an office are seeking
     the nomination of the same political party and there is
9   no opposition in the general election except from a
     write-in candidate, all registered electors, regardless
10   of party affiliation, may vote for that office in the
     first primary election and, if necessary, in the general
11   election. Specifies procedures for placing the
     candidates' names on the ballot.

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