

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

313-1645-99

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; providing
 5 requirements and time for qualifying for such
 6 office; providing for ballot language on
 7 primary election ballots if the candidate for
 8 Lieutenant Governor has not been designated by
 9 a time certain; repealing s. 99.092(3), F.S.,
 10 and amending ss. 99.095, 99.0955 and 101.62,
 11 F.S.; conforming provisions; amending s.
 12 100.111, F.S.; allowing a candidate who has
 13 qualified for public office who has withdrawn
 14 or been eliminated to be designated as a
 15 candidate for Lieutenant Governor; amending s.
 16 102.112, F.S.; revising the time for submission
 17 of county returns to the Department of State;
 18 providing an effective date.

19
 20 Be It Enacted by the Legislature of the State of Florida:

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 22 Section 1. Section 99.063, Florida Statutes, is
 23 created to read:

24 99.063 Candidates for Governor and Lieutenant
 25 Governor.--

26 (1) No later than 5 p.m. of the 6th day following the
 27 second primary election, each candidate for Governor shall
 28 designate a Lieutenant Governor as a running mate. Such
 29 designation must be made in writing to the Department of
 30 State.

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1 (2) No later than 5 p.m. of the 6th day following the
2 second primary election, each designated candidate for
3 Lieutenant Governor shall file with the Department of State:

4 (a) 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; and the signature of the
7 candidate, duly acknowledged.

8 (b) The loyalty oath required by s. 876.05, signed by
9 the candidate and duly acknowledged.

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

13 (d) The full and public disclosure of financial
14 interests pursuant to s. 8, Art. II of the State Constitution.

15 (3) A designated candidate for Lieutenant Governor is
16 not required to pay a separate qualifying fee or obtain
17 signatures on petitions. Ballot position obtained by the
18 candidate for Governor entitles the designated candidate for
19 Lieutenant Governor, upon receipt by the Department of State
20 of the qualifying papers required by subsection (2), to have
21 his or her name placed on the ballot for the joint candidacy.

22 (4) In order to have the name of the candidate for
23 Lieutenant Governor printed on the first or second primary
24 election ballot, a candidate for Governor participating in the
25 primary must designate the candidate for Lieutenant Governor,
26 and the designated candidate must qualify no later than the
27 end of the qualifying period specified in s. 99.061. If the
28 candidate for Lieutenant Governor has not been designated and
29 has not qualified by the end of the qualifying period
30 specified in s. 99.061, the phrase "Not Yet Designated" must
31 be included in lieu of the candidate's name on primary

1 election ballots and on advance absentee ballots for the
2 general election.

3 (5) Failure of the Lieutenant Governor candidate to be
4 designated and qualified by the time specified in subsection
5 (2) shall result in forfeiture of ballot position for the
6 candidate for Governor for the general election.

7 Section 2. Subsection (3) of section 99.092, Florida
8 Statutes, is repealed.

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

11 99.095 Alternative method of qualifying.--

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

1 that are registered within the district, county, or other
2 geographical entity represented by the office sought, as shown
3 by the compilation by the Department of State for the last
4 preceding general election. A separate petition shall be
5 circulated for each candidate availing himself or herself of
6 the provisions of this section. ~~However, candidates for the~~
7 ~~offices of Governor and Lieutenant Governor forming joint~~
8 ~~candidacies shall use the same nominating petition for both~~
9 ~~candidates.~~

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

12 99.0955 Independent candidate for office; name on
13 general election ballot.--

14 (2) A candidate for an office elected on a statewide
15 basis shall obtain the signatures of a number of the qualified
16 electors equal to 3 percent of the registered electors of
17 Florida, as shown by the compilation by the Department of
18 State for the last preceding general election. ~~When joint~~
19 ~~candidacies for the offices of Governor and Lieutenant~~
20 ~~Governor are provided by law, independent candidates for the~~
21 ~~offices of Governor and Lieutenant Governor shall form a joint~~
22 ~~candidacy, and only one petition shall be used to place both~~
23 ~~names on the ballot as otherwise provided in this section.~~ A
24 candidate for any federal, state, county, or district office
25 to be elected on less than a statewide basis shall obtain the
26 signatures of a number of the qualified electors of the
27 district, county, or other geographical entity equal to at
28 least 3 percent of the total number of the registered voters
29 of the district, county, or other geographical entity
30 represented by the office sought, as shown by the compilation

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

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

5 100.111 Filling vacancy.--

6 (4)

7 (d) Any person who, at the close of qualifying as
8 prescribed in ss. 99.061 and 105.031, was qualified for
9 nomination or election to or retention in a public office to
10 be filled at the ensuing general election is prohibited from
11 qualifying as a candidate to fill a vacancy in nomination for
12 any other office to be filled at that general election, even
13 if such person has withdrawn or been eliminated as a candidate
14 for the original office sought. However, this paragraph does
15 not apply to a candidate for the office of Lieutenant Governor
16 who applies to fill a vacancy in nomination for the office of
17 Governor on the same ticket or to a person who has withdrawn
18 or been eliminated as a candidate and who is subsequently
19 designated as a candidate for Lieutenant Governor under s.
20 99.063.

21 Section 6. Paragraph (a) of subsection (4) of section
22 101.62, Florida Statutes, 1998 Supplement, is amended to read:

23 101.62 Request for absentee ballots.--

24 (4)(a) To each absent qualified elector overseas who
25 has requested an absentee ballot, the supervisor of elections
26 shall, not fewer than 35 days before the first primary
27 election, mail an absentee ballot. Not fewer than 45 days
28 before the second primary and general election, the supervisor
29 of elections shall mail an advance absentee ballot to those
30 persons requesting ballots for such elections. The advance
31 absentee ballot for the second primary shall be the same as

1 the first primary absentee ballot as to the names of
2 candidates, except that for any offices where there are only
3 two candidates, those offices and all political party
4 executive committee offices shall be omitted. Except as
5 provided in s. 99.063(4), the advance absentee ballot for the
6 general election shall be as specified in s. 101.151, except
7 that in the case of candidates of political parties where
8 nominations were not made in the first primary, the names of
9 the candidates placing first and second in the first primary
10 election shall be printed on the advance absentee ballot. The
11 advance absentee ballot or advance absentee ballot information
12 booklet shall be of a different color for each election and
13 also a different color from the absentee ballots for the first
14 primary, second primary, and general election. The supervisor
15 shall mail an advance absentee ballot for the second primary
16 and general election to each qualified absent elector for whom
17 a request is received until the absentee ballots are printed.
18 The supervisor shall enclose with the advance second primary
19 absentee ballot and advance general election absentee ballot
20 an explanation stating that the absentee ballot for the
21 election will be mailed as soon as it is printed; and, if both
22 the advance absentee ballot and the absentee ballot for the
23 election are returned in time to be counted, only the absentee
24 ballot will be counted.

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

27 102.112 Deadline for submission of county returns to
28 the Department of State; penalties.--

29 (1) The county canvassing board or a majority thereof
30 shall file the county returns for the election of a federal or
31 state officer with the Department of State immediately after

1 certification of the election results. Returns must be filed
2 by 5 p.m. on the 7th day following the first primary and
3 general election and by 3 p.m. on the 3rd day following the
4 second primary. If the returns are not received by the
5 department by the time specified ~~5 p.m. on the 7th day after~~
6 ~~an election~~, such returns may be ignored and the results on
7 file at that time may be certified by the department.

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

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10 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
11 COMMITTEE SUBSTITUTE FOR
12 SB 752

13 Changes the deadline for designating a Lieutenant Governor
14 candidate from the 3rd to the 6th day following the second
15 primary. Retains current deadline for submission of county
16 returns for the first primary and general election.
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