

STORAGE NAME: h0819a.er

DATE: March 9, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ELECTION REFORM
ANALYSIS**

BILL #: HB 819

RELATING TO: The Presidential Preference Primary

SPONSOR(S): Representative(s) Maygarden and Others

COMPANION BILL(S): SB 1782(c)

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

(1) ELECTION REFORM (PRC) YEAS 7 NAYS 1

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I. SUMMARY:

HB 819 changes the date of the presidential preference primary from the second Tuesday in March to the first Tuesday in March, in each year the number of which is a multiple of 4.

This bill does not appear to have a significant fiscal impact on state or local governments.

This act shall take effect upon becoming a law.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Under current law, the presidential preference primary is held on the **second** Tuesday in March in each year the number of which is a multiple of 4. [s. 103.101(1), F.S.]. In the year 2000, Florida's presidential preference primary would be held on Tuesday, March 14th.

All states must have their presidential primary election date set by July 1, 1999, for the 2000 Presidential election.

B. EFFECT OF PROPOSED CHANGES:

HB 819 changes the date of the presidential preference primary to the **first** Tuesday in March in each year the number of which is a multiple of 4. In the year 2000, the presidential preference primary would be held on Tuesday, March 7th, joining such states as California and New York.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

No.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

Not applicable.

(2) what is the cost of such responsibility at the new level/agency?

Not applicable.

(3) how is the new agency accountable to the people governed?

Not applicable.

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

Not applicable.

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

Not applicable.

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

Not applicable.

(2) Who makes the decisions?

Not applicable.

(3) Are private alternatives permitted?

Not applicable.

(4) Are families required to participate in a program?

Not applicable.

(5) Are families penalized for not participating in a program?

Not applicable.

b. Does the bill directly affect the legal rights and obligations between family members?

Not applicable.

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

Not applicable.

(2) service providers?

Not applicable.

(3) government employees/agencies?

Not applicable.

D. STATUTE(S) AFFECTED:

Section 103.101, F.S.

E. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

N/A

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

4. Total Revenues and Expenditures:

N/A

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

The local supervisors of elections may incur expenses updating any documents which reference the date of the presidential preference primary.

2. Recurring Effects:

N/A

3. Long Run Effects Other Than Normal Growth:

N/A

C. **DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:**

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. **FISCAL COMMENTS:**

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. **APPLICABILITY OF THE MANDATES PROVISION:**

Election laws are exempt from the requirements of Article VII, Section 18, Florida Constitution.

B. **REDUCTION OF REVENUE RAISING AUTHORITY:**

N/A

C. **REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:**

N/A

V. COMMENTS:

Currently, Florida is one of a group of Southern states holding the presidential preference primary on "Super Tuesday" - the second Tuesday in March. Proponents of this bill cite California's decision to opt for an early presidential primary [California passed legislation last year moving its state's primary date to March 7th] as effectively precluding Florida from playing a key role in the selection of Presidential candidates. By moving Florida's presidential preference primary to the first Tuesday in March, proponents contend that Florida would be assured a strong voice in choosing the next President of the United States.

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

Amendment No. 1: This amendment clarifies that any election currently scheduled to be held concurrent with the presidential preference primary in March of 2000 is to be held on the first Tuesday in March.

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

Staff Director:

Dawn Roberts

Dawn Roberts