

STORAGE NAME: h1527a.er

DATE: March 14, 2000

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

BILL #: HB 1527

RELATING TO: Presidential Preference Primary

SPONSOR(S): Representative Logan

TIED BILL(S):

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

- (1) ELECTION REFORM (PRC) YEAS 9 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS (PRC)
 - (3)
 - (4)
 - (5)
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I. SUMMARY:

HB 1527 changes Florida's presidential preference primary from the second Tuesday in March to the fourth Tuesday in January. This bill also revises various dates tied to the presidential preference primary to conform.

This bill may have a positive fiscal impact on state and local governments.

This act shall take effect upon becoming a law and apply to the 2004 presidential primary elections.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- 1. Less Government Yes No N/A
- 2. Lower Taxes Yes No N/A
- 3. Individual Freedom Yes No N/A
- 4. Personal Responsibility Yes No N/A
- 5. Family Empowerment Yes No N/A

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Presently, Florida holds its presidential preference primary on the **second** Tuesday in March in each year the number of which is a multiple of 4. [s. 103.101(1), F.S.]. Florida's presidential preference primary is scheduled for Tuesday, March 14th, 2000. Once known as "Super Tuesday," primaries held on this date comprised a large percentage of the total number of delegates needed for nomination. In recent years, many states have moved their primary elections to take advantage of the national attention coveted by the early primary states. California and Ohio are two such states which have changed their primary elections to the first week in March in what has become the "New Super Tuesday." With other notable states such as New York, Missouri, and Georgia, these states comprise more than half of the delegates needed for nomination within each party. Because of this (and confirmed by the recent withdrawal of the remaining presidential challengers), Florida will play a less significant role than in years past since each party's nominating process was, for all intents and purposes, decided on March 7th.

The total number of delegates needed to nominate the Republican and Democratic candidate for president is 1034 and 2168, respectively. The total number of delegates cast prior to Florida's March 14th primary for the Republicans and Democrats was 871 and 1345, respectively. In percentage terms, this means that 84 percent of the total delegates needed to nominate the Republican candidate and 62 percent for the Democratic candidate had already been cast (see below). Moreover, the majority of delegates (66% and 59%) were cast on March 7th alone.

	Republican	Democrat
1. Total delegates needed to win nomination:	1034	2168
Total delegates cast through March 7:	871	1345
Total percent of delegates cast through March 7:	84%	62%
2. Number of delegates cast on March 7:	579	1290
Percent of delegates cast on March 7 compared to all delegates cast through March 7:	66%	59%
3. Florida delegate total:	80	186

Proponents of this measure argue that the earlier a state's primary, the less likely the nominations have been decided. This forces candidates to campaign vigorously, giving these states leverage in deciding the eventual nominee.

Opponents argue that "front-loading" primaries deprive upstart campaigns of the opportunity to win early and build some momentum against the better known and financed campaigns.

Arguably, states with early primaries are in the forefront of campaigns as candidates vie for "frontrunner" status and an early and decisive lead for their party's nomination. In situations where a close race ensues, however, those states holding later primaries may become the "tie-breaker" in deciding which candidate will become their party's nominee.

C. EFFECT OF PROPOSED CHANGES:

HB 1527 changes the date of the presidential preference primary beginning in 2004, to the **fourth** Tuesday in January in each year the number of which is a multiple of 4. All dates with respect to selection and certification of candidates or delegates whose names are to appear on the ballot are changed to conform. Additionally, the qualifying of delegates is changed.

In the year 2004, the presidential preference primary would be held on Tuesday, January 27th. Assuming no other state moves their primary, Florida would be the first presidential preference primary to be held.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Amends s. 103.101, F.S., changing the presidential preference primary from the second Tuesday in March to the fourth Tuesday in January.

Amends tied dates as follows:

- ▶ Political parties currently required to submit names of presidential candidates to the Secretary of State by December 31st will be required to submit the list by November 30th
- ▶ The Secretary of State must submit the list of presidential candidates to the Presidential Candidate Selection Committee on the **first Tuesday** after the first Monday in December.
- ▶ The Presidential Candidate Selection Committee is required to meet on the **first Tuesday** after the first Monday in December.
- ▶ Any presidential candidate whose name is not placed on the presidential candidate list and wishes to be placed on the ballot must submit a request in writing for consideration by the **second Tuesday** after the first Monday in December.
- ▶ The Presidential Candidate Selection Committee must reconvene no later than the **second Thursday** after the first Monday in December to consider the request by a candidate not placed on the presidential preference primary ballot.

- ▶ The deadline for a candidate to remove his or her name from the presidential preference primary ballot is the **second Tuesday** after the first Monday in December.
- ▶ The Secretary of State must certify to the Supervisors of Elections the names of candidates to be placed on the presidential preference primary ballot by the **third Tuesday** after the first Monday in December.
- ▶ Delegates are required to qualify by the **second Friday** in December.

Section 2. Provides an effective date.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

See "Fiscal Comments" below.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

See "Fiscal Comments" below.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

See "Fiscal Comments" below.

D. FISCAL COMMENTS:

National presidential campaigns bring campaign related dollars to local communities in terms of political advertisement and other related political expenditures, media spending, increased hotel room stays, restaurant visitation, rental cars, and other economic benefits. This is especially true early in the primary season as evidenced by the record \$211 million dollars spent by presidential campaigns through January 31, 2000.¹

¹ USA Today, Mar. 9, 2000, at 1, col. 3.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

None.

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

None.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

In an effort to control the recent trend to earlier primaries, the National Association of Secretaries of State (NASS) passed a measure proposing the creation of a rotating regional primary system. This system would create four regions - Eastern, Southern, Midwestern, and Western, which would rotate holding the first presidential preference primary.

The major parties have also attempted to curb this phenomenon through party rule. The Republican National Committee (RNC) offers additional delegates to states who hold primaries later in the process. The Democratic National Committee (DNC) provides a window in which the primaries are to be held. Except for Iowa and New Hampshire, no other primary may be held prior to the first Tuesday in March and no later than the second Tuesday in June. If the DNC continues to restrict primary dates by party rule, it is unclear if the DNC would seat Florida's democratic delegates should a democratic primary be held prior to the first week in March.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

STORAGE NAME: h1527a.er

DATE: March 14, 2000

PAGE 6

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

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