

STORAGE NAME: h1527z.er

DATE: May 23, 2000

****FAILED TO PASS THE LEGISLATURE****

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
ELECTION REFORM
FINAL 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 YEAS 9 NAYS 0
 - (2) GOVERNMENTAL OPERATIONS YEAS 5 NAYS 0
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

This bill amends s.103.101, F.S., changing Florida's presidential preference primary from the second Tuesday in March to the fourth Tuesday in January. This bill also conforms various dates associated with the presidential preference primary.

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

This act shall take effect upon becoming a law and will 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 pursuant to s. 103.101(1), F.S. Florida's recent presidential preference primary was 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 party nomination. In recent years, many states have moved their primary elections to earlier dates to take advantage of the national attention seen in states with early primary dates. California and Ohio are two such states which have changed their primary elections to the first week in March to what has become the "New Super Tuesday." Along with other notable states such as New York, Missouri, and Georgia, these states comprise more than half of the delegates needed for party nominations. These revisions in the scheduling of presidential primary elections, and the recent withdrawal of the remaining presidential challengers caused Florida to play a less significant role in the presidential primary than previously as 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 prior to Florida's presidential primary (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 in states with early primaries and gives those states with earlier presidential primaries more leverage to decide 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 well 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:

This bill 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 of political parties whose names are to appear on the ballot are changed to conform. Additionally, the qualifying of delegates are changed to conform. Please see "D. Section-By-Section Analysis" for a more in-depth analysis of the relevant date changes.

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 in the year preceding the presidential preference primary.
- The Presidential Candidate Selection Committee is required to meet in Tallahassee on the **first Tuesday** after the first Monday in December.
- Any presidential candidate whose name is not placed on the presidential candidate list and who wishes to be placed on the ballot must submit a request in writing by registered mail to the Secretary of State 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 a request by a candidate who was not placed on the presidential preference primary ballot.
- The deadline for a candidate to remove his or her name by written affidavit from the presidential preference primary ballot is the **second Tuesday** after the first Monday in December.
- The Secretary of State must certify to each supervisor 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 upon becoming law and shall first apply to the presidential preference primary held in 2004.

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 advertisements and other related political expenditures including 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

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 move to earlier primary dates, 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.

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

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VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

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