

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

313-133A-00

1                                   A bill to be entitled  
2           An act relating to elections; creating s.  
3           100.065, F.S.; allowing all electors 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 Universal primary.--

13           (1) Notwithstanding any other provision of law, if all  
14 candidates for an office are seeking the nomination of the  
15 same political party and there is no opposition in the general  
16 election except from a write-in candidate, all registered  
17 electors, regardless of party affiliation, may vote for a  
18 candidate for that office in the first primary election and,  
19 if necessary, in the general election.

20           (2) If two or more candidates have qualified for an  
21 office and only one political party is represented and there  
22 is no opposition in the general election except from a  
23 write-in candidate, a universal primary shall be held. In the  
24 universal primary, the names of candidates for offices shall  
25 be placed on the first primary election ballot of each  
26 political party holding a primary election and on a ballot for  
27 electors registered without party affiliation or registered in  
28 a party that is not holding a primary election. The offices  
29 shall be grouped on a separate portion of the ballot. The  
30 offices shall be placed under the heading "Universal Primary"  
31 in the order determined by the Department of State. The

1 appropriate party-name abbreviation must follow each  
2 candidate's name.

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 if there is no write-in candidate in the  
6 general election, the name of the candidate who receives such  
7 majority shall not be printed on any other ballot. Such  
8 candidate is considered to have voted for himself at the  
9 general election. If a write-in candidate has qualified for  
10 the general election, the name of the candidate receiving a  
11 majority of the votes in the first primary election shall be  
12 placed on the general election ballot, along with a space for  
13 writing in the name of a write-in candidate.

14 (b) If no candidate for such office receives a  
15 majority of the votes cast for such office in the first  
16 primary election, the names of the two candidates receiving  
17 the highest number of votes for such office shall be placed on  
18 the general election ballot, along with a space for writing in  
19 the name of a write-in candidate, if one has qualified. If  
20 more than two candidates receive an equal and highest number  
21 of votes, the name of each candidate receiving an equal and  
22 highest number of votes shall be placed on the general  
23 election ballot. In a first-primary election in which there is  
24 a tie for second place and the candidate placing first did not  
25 receive a majority of the votes cast for such office, the name  
26 of the candidate placing first and the name of each candidate  
27 tying for second shall be placed on the general election  
28 ballot.

29 Section 2. Section 101.021, Florida Statutes, is  
30 amended to read:

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1           101.021 Elector to vote the primary ballot of the  
2 political party in which he or she is registered.--Except as  
3 provided in s. 100.065,~~in a primary election a qualified~~  
4 ~~elector is entitled to vote the official primary election~~  
5 ~~ballot of the political party designated in the elector's~~  
6 ~~registration, and no other.~~it is unlawful for any elector to  
7 vote in a primary for any candidate running for nomination  
8 from a party other than that in which such elector is  
9 registered.

10           Section 3. Subsection (2) of section 101.251, Florida  
11 Statutes, is amended to read:

12           101.251 Information which supervisor of elections must  
13 print on ballots.--

14           (2) In addition to the names printed on the ballot as  
15 provided in subsection (1), the supervisor of elections of  
16 each county shall have printed on the general election ballot  
17 to be used in the county the names of candidates who are  
18 entitled to have their names printed on the ballot under s.  
19 100.065, the names of the nonpartisan candidates who are  
20 entitled to have their names printed on the ballot, and minor  
21 party and candidates with no party affiliation who have  
22 obtained a position on the general election ballot in  
23 compliance with the requirements of this code.

24           Section 4. Subsection (5) of section 101.5606, Florida  
25 Statutes, is amended to read:

26           101.5606 Requirements for approval of systems.--No  
27 electronic or electromechanical voting system shall be  
28 approved by the Department of State unless it is so  
29 constructed that:

30           (5) It permits each voter at a primary election to  
31 vote only for the candidates seeking nomination by the

1 political party in which such voter is registered, except as  
2 provided in s. 100.065, for any candidate for nonpartisan  
3 office, and for any question upon which the voter is entitled  
4 to vote.

5 Section 5. This act shall take effect upon becoming a  
6 law.

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9 SENATE SUMMARY

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