

By Representative Flanagan

1 A bill to be entitled
2 An act relating to elections; creating s.
3 100.065, F.S.; allowing all voters to vote in
4 certain primary election contests; specifying
5 procedures for placing the candidates' names on
6 the ballots required; providing for runoffs at
7 the general election; amending ss. 101.021,
8 101.251, and 101.5606, F.S., to conform;
9 providing an effective date.

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11 Be It Enacted by the Legislature of the State of Florida:

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13 Section 1. Section 100.065, Florida Statutes, is
14 created to read:

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

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primary election. The office or offices shall be grouped on a

1 separate portion of the ballot or on a separate ballot. The
2 offices shall be placed under the heading of "Universal
3 Primary" in the order determined by the Department of State.
4 Following each candidate's name shall be the appropriate
5 abbreviation of the party name.

6 (3)(a) If any candidate for such office receives a
7 majority of the votes cast for such office in the first
8 primary election and there is no write-in opposition, the name
9 of the candidate who receives such majority shall not appear
10 on any other ballot. Such candidate shall be deemed to have
11 voted for himself or herself at the general election. If a
12 write-in candidate has qualified, the name of the candidate
13 receiving a majority of the votes in the first primary
14 election shall be placed on the general election ballot, along
15 with a space for writing in the name of a write-in candidate.

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

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

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