

By Senators Dawson and Miller

30-1499-02

See HB

1 A bill to be entitled
 2 An act relating to primary elections; amending
 3 s. 100.061, F.S.; providing for a single
 4 primary election, including the date for
 5 holding that election; providing for
 6 determination of nominees; creating s. 100.062,
 7 F.S.; providing for instant runoff voting at
 8 the primary election for each contest involving
 9 more than two candidates; providing
 10 requirements, procedures, and exceptions;
 11 providing rulemaking authority to the
 12 Department of State to implement and administer
 13 such provisions; repealing s. 100.091, F.S.,
 14 relating to the second primary election, to
 15 conform; repealing s. 100.096, F.S., relating
 16 to the holding of special elections in
 17 conjunction with the second primary election,
 18 to conform; amending ss. 97.055, 97.071,
 19 97.1031, and 98.081, F.S., relating to
 20 restrictions on changing party affiliation
 21 between primary elections, to conform; amending
 22 s. 101.62, F.S.; revising the dates for mailing
 23 absentee ballots to absent electors overseas
 24 and eliminating advance absentee ballots, to
 25 conform; amending s. 106.07, F.S.; revising
 26 filing dates for campaign finance reports, to
 27 conform; amending ss. 97.021, 99.061, 99.063,
 28 99.095, 99.103, 100.081, 100.111, 100.141,
 29 100.191, 101.021, 101.151, 101.252, 101.6952,
 30 102.112, 103.021, 103.022, 103.091, 105.031,
 31 105.041, 105.051, 106.08, 106.29, F.S.;

1 revising and conforming references; providing
2 an effective date.

3
4 Be It Enacted by the Legislature of the State of Florida:

5
6 Section 1. Section 100.061, Florida Statutes, is
7 amended to read:

8 100.061 ~~First~~ Primary election.--In each year in which
9 a general election is held, a ~~first~~ primary election for
10 nomination of candidates of political parties shall be held on
11 the second Tuesday following the first Monday in September ~~9~~
12 ~~weeks prior to the general election.~~ Each candidate receiving
13 a majority of the votes cast in each contest in the ~~first~~
14 primary election involving only two candidates shall be
15 declared nominated for such office. For each contest in the
16 primary election involving three or more candidates, the
17 nominee for such office shall be determined by instant runoff
18 voting pursuant to s. 100.062.~~A second primary election shall~~
19 ~~be held as provided by s. 100.091 in every contest in which a~~
20 ~~candidate does not receive a majority.~~

21 Section 2. Section 100.062, Florida Statutes, is
22 created to read:

23 100.062 Instant runoff voting.--

24 (1) DEFINITIONS.--As used in this section:

25 (a) "Instant runoff voting" means a system of voting
26 whereby voters may rank three or more candidates for the same
27 office in order of preference, so that voters may indicate a
28 first choice, a second choice, and so on for as many of the
29 candidates for the office as they wish, up to the maximum
30 number of choices allowed.

31

1 (b) "Choice" means an indication on a ballot of a
2 voter's ranking of candidates for a particular office
3 according to the voter's preference.

4 (c) "Vote" means a ballot choice that is counted
5 toward nomination of a candidate. All first choices are
6 votes; and lower ranked choices are potential votes that may
7 be credited to a candidate, and thus become votes for the
8 candidate, according to the procedures set forth in this
9 section.

10 (d) "Stage" or "stage in the counting" means a step in
11 counting votes where votes for all remaining candidates are
12 counted to determine whether a candidate has achieved a
13 majority and, if not, which candidate or candidates are
14 eliminated.

15 (e) "Next choice" means the highest ranked choice for
16 a remaining candidate that has not become a vote at the stage
17 referred to.

18 (f) "Last-place candidate" means a candidate who has
19 received the fewest votes among the candidates who remain at
20 any stage. Two or more candidates simultaneously become
21 last-place candidates when their combined votes add up to less
22 than all votes for the candidate with the next highest number
23 of votes.

24 (g) "Exhausted ballot" means a ballot on which all
25 available choices have been used; for example, all choices
26 made on the ballot have become votes for the various
27 candidates so indicated or contain choices for eliminated
28 candidates or both and no other choices remain.

29 (h) "Continuing ballot" means a ballot that is not
30 exhausted.

31

1 (i) "Remaining candidate" means a candidate who has
2 not been eliminated. Candidates who remain are all those who
3 have not been eliminated at the stage referred to.

4 (2) INSTANT RUNOFF VOTING.--The instant runoff system
5 of voting is adopted in this state in the manner specified in
6 this section for all primary and special primary elections in
7 which three or more candidates are running for the same
8 office.

9 (3) COUNTING OF BALLOTS.--

10 (a) In general, instant runoff counting proceeds by
11 first counting all votes. If a candidate receives a majority
12 of votes, he or she is elected. If no candidate receives a
13 majority of votes at the first or any subsequent stage, the
14 last-place candidate at each stage is eliminated. The next
15 choices on ballots for an eliminated candidate become votes
16 for the candidates indicated in those choices, and this
17 process continues until all but one candidate has been
18 eliminated.

19 (b) The following procedures, subject to the
20 conditions and limitations in subsection (4), govern how votes
21 must be counted for each office subject to instant runoff
22 voting:

23 1. All first choices are counted first, and if a
24 candidate has obtained a majority of those votes, that
25 candidate is nominated and counting ends.

26 2. If no candidate receives a majority of votes at the
27 first stage, second-stage counting begins by eliminating the
28 last-place candidate and the second choices made on ballots
29 for the eliminated candidate become votes for the
30 second-choice candidate indicated on those ballots. A
31

1 candidate who receives a majority of votes at that stage is
2 nominated.

3 3. If no candidate receives a majority of votes at a
4 previous stage, the last-place candidate among the remaining
5 candidates is eliminated and the next choices made on ballots
6 for an eliminated candidate become votes for the candidate
7 indicated on those ballots. A candidate who receives a
8 majority of votes at that stage is nominated.

9 4. If at any stage in the counting there are two or
10 more last-place candidates, these candidates are eliminated
11 simultaneously and the next choices made on ballots that had
12 votes for all such eliminated candidates become votes for any
13 candidates so indicated who remain.

14 5. The counting process continues in this manner with
15 successive last-place candidates being eliminated, and the
16 next choices made on continuing ballots on which votes were
17 cast for eliminated candidates are counted for the remaining
18 candidate or candidates indicated by those choices until all
19 but one candidate has been eliminated, and that candidate is
20 then nominated.

21 (4) VOTING CONDITIONS AND LIMITATIONS.--

22 (a)1. Once a ballot is exhausted, it is disregarded
23 and no longer counted.

24 2. A ballot assigning the same ranking to more than
25 one candidate for an office is exhausted when the duplicate
26 ranking is reached, and in that case no vote is recorded for
27 any of the duplicate candidates so chosen.

28 3. If a voter makes a choice for a candidate for a
29 particular office who is not a candidate of the party for
30 which the voter is entitled to vote, that ballot is exhausted
31 with respect to all subsequent choices for that office.

1 (b) If a ballot choice skips a ranking, the next
2 ranking below the skipped choice is moved up and counted as
3 though it were the rank of the skipped choice.

4 (c) Ties between candidates occurring at any stage
5 shall be resolved by the drawing of lots by those candidates.

6 (d) Only five choices for any one office may be
7 counted.

8 (e) Voters may write in one candidate for each office
9 and assign a ranking to the write-in candidate along with
10 candidates whose names are already on the ballot.

11 (f) If ballots do not contain sufficient effective
12 second and lower choices for a particular office so that at
13 the end of the counting no candidate achieves a majority of
14 votes, the candidate with the most votes credited to him or
15 her is nominated.

16 (g) No votes may be counted for a candidate who has
17 been eliminated no matter how many second and lower ranked
18 choices might otherwise have become votes for the candidate in
19 a later stage.

20 (5) EXCEPTIONS.--This section does not apply to the
21 following offices appearing on the primary election ballot:

22 (a) Member of a state or county executive committee of
23 a political party, election to which office is determined
24 pursuant to s. 103.091.

25 (b) Judge of a circuit court, judge of a county court,
26 or school board member, election to which office is determined
27 pursuant to s. 105.051.

28 (6) BALLOT SPECIFICATIONS AND DIRECTIONS TO
29 VOTERS.--Ballots should be simple and easy to understand.
30 Sample ballots illustrating voting procedures must be posted
31 in or near the voting booth and included in the instruction

1 packet of absentee ballots. Directions provided to voters
2 must conform substantially to the following specifications:

3
4 You may vote for candidates in order of
5 preference. Indicate your first choice by
6 marking the number "1" beside a candidate's
7 name (or by marking in the column labeled
8 "First Choice"), your second choice by marking
9 the number "2" (or by marking in the column
10 labeled "Second Choice"), your third choice by
11 marking the number "3" (or by marking in the
12 column labeled "Third Choice"), and so on, for
13 as many or as few choices as you wish from one
14 up to a total of five. You are under no
15 obligation to rank more than one candidate for
16 each office, but ranking additional candidates
17 will not affect your first-choice candidate.
18 Do not mark the same number beside more than
19 one candidate (or put more than one mark in
20 each column for the office for which you are
21 voting). Do not skip numbers.

22
23 (7) BALLOT FORMAT.--If the directions for complete
24 preparation of the ballot under this section are insufficient,
25 the Department of State shall determine and prescribe any
26 additional matter or form. The Department of State shall, not
27 less than 60 days prior to the primary election, mail to each
28 supervisor of elections the format of the ballot to be used
29 for the primary election.

1 (8) IMPLEMENTATION AND ADMINISTRATION.--The Department
2 of State may adopt rules pursuant to ss. 120.536(1) and 120.54
3 necessary to implement and administer this section.

4 Section 3. Sections 100.091 and 100.096, Florida
5 Statutes, are repealed.

6 Section 4. Subsection (24) of section 97.021, Florida
7 Statutes, is amended to read:

8 97.021 Definitions.--For the purposes of this code,
9 except where the context clearly indicates otherwise, the
10 term:

11 (24) "Primary election" means an election held
12 preceding the general election for the purpose of nominating a
13 party nominee to be voted for in the general election to fill
14 a national, state, county, or district office. The ~~first~~
15 primary election is a nomination or elimination election; ~~the~~
16 ~~second primary is a nominating election only.~~

17 Section 5. Subsection (1) of section 97.055, Florida
18 Statutes, is amended to read:

19 97.055 Registration books; when closed for an
20 election.--

21 (1) The registration books must be closed on the 29th
22 day before each election and must remain closed until after
23 that election. If an election is called and there are fewer
24 than 29 days before that election, the registration books must
25 be closed immediately. When the registration books are closed
26 for an election, voter registration and party changes must be
27 accepted but only for the purpose of subsequent elections.
28 ~~However, party changes received between the book-closing date~~
29 ~~of the first primary election and the date of the second~~
30 ~~primary election are not effective until after the second~~
31 ~~primary election.~~

1 Section 6. Subsection (3) of section 97.071, Florida
2 Statutes, is amended to read:

3 97.071 Registration identification card.--

4 (3) In the case of a change of name, address, or party
5 affiliation, the supervisor must issue the voter a new
6 registration identification card. ~~However, a registration~~
7 ~~identification card indicating a party affiliation change made~~
8 ~~between the book-closing date for the first primary election~~
9 ~~and the date of the second primary election may not be issued~~
10 ~~until after the second primary election.~~

11 Section 7. Subsection (3) of section 97.1031, Florida
12 Statutes, is amended to read:

13 97.1031 Notice of change of residence within the same
14 county, change of name, or change of party.--

15 (3) When an elector seeks to change party affiliation,
16 the elector must provide a signed, written notification of
17 such intent to the supervisor and obtain a registration
18 identification card reflecting the new party affiliation;
19 ~~subject to the issuance restriction in s. 97.071(3).~~

20 Section 8. Section 98.081, Florida Statutes, is
21 amended to read:

22 98.081 Names removed from registration books;
23 ~~restrictions on reregistering; recordkeeping; restoration of~~
24 ~~erroneously or illegally removed names.--~~

25 ~~(1) Any person who requested that his or her name be~~
26 ~~removed from the registration books between the book-closing~~
27 ~~date of the first primary and the date of the second primary~~
28 ~~may not register in a different political party until after~~
29 ~~the date of the second primary election.~~

30 (1)(2) When the name of any elector is removed from
31 the registration books pursuant to s. 98.065, s. 98.075, or s.

1 98.093, the elector's original registration form shall be
2 filed alphabetically in the office of the supervisor. As
3 alternatives, registrations removed from the registration
4 books may be microfilmed and such microfilms substituted for
5 the original registration forms; or, when voter registration
6 information, including the voter's signature, is maintained
7 digitally or on electronic, magnetic, or optic media, such
8 stored information may be substituted for the original
9 registration form. Such microfilms or stored information shall
10 be retained in the custody of the supervisor. In the event the
11 original registration forms are microfilmed or maintained
12 digitally or on electronic or other media, such originals may
13 be destroyed in accordance with the schedule approved by the
14 Bureau of Archives and Records Management of the Division of
15 Library and Information Services of the department.

16 (2)~~(3)~~ When the name of any elector has been
17 erroneously or illegally removed from the registration books,
18 the name of the elector shall be restored by the supervisor
19 upon satisfactory proof, even though the registration period
20 for that election is closed.

21 Section 9. Subsections (1), (2), and (8) of section
22 99.061, Florida Statutes, are amended to read:

23 99.061 Method of qualifying for nomination or election
24 to federal, state, county, or district office.--

25 (1) The provisions of any special act to the contrary
26 notwithstanding, each person seeking to qualify for nomination
27 or election to a federal, state, or multicounty district
28 office, other than election to a judicial office as defined in
29 chapter 105 or the office of school board member, shall file
30 his or her qualification papers with, and pay the qualifying
31 fee, which shall consist of the filing fee and election

1 assessment, and party assessment, if any has been levied, to,
2 the Department of State, or qualify by the alternative method
3 with the Department of State, at any time after noon of the
4 1st day for qualifying, which shall be as follows: the 120th
5 day prior to the ~~first~~ primary election, but not later than
6 noon of the 116th day prior to the date of the ~~first~~ primary
7 election, for persons seeking to qualify for nomination or
8 election to federal office; and noon of the 50th day prior to
9 the ~~first~~ primary election, but not later than noon of the
10 46th day prior to the date of the ~~first~~ primary election, for
11 persons seeking to qualify for nomination or election to a
12 state or multicounty district office.

13 (2) The provisions of any special act to the contrary
14 notwithstanding, each person seeking to qualify for nomination
15 or election to a county office, or district or special
16 district office not covered by subsection (1), shall file his
17 or her qualification papers with, and pay the qualifying fee,
18 which shall consist of the filing fee and election assessment,
19 and party assessment, if any has been levied, to, the
20 supervisor of elections of the county, or shall qualify by the
21 alternative method with the supervisor of elections, at any
22 time after noon of the 1st day for qualifying, which shall be
23 the 50th day prior to the ~~first~~ primary election or special
24 district election, but not later than noon of the 46th day
25 prior to the date of the ~~first~~ primary election or special
26 district election. However, if a special district election is
27 held at the same time as the ~~second primary or~~ general
28 election, qualifying shall be the 50th day prior to the ~~first~~
29 primary election, but not later than noon of the 46th day
30 prior to the date of the ~~first~~ primary election. Within 30
31 days after the closing of qualifying time, the supervisor of

1 elections shall remit to the secretary of the state executive
2 committee of the political party to which the candidate
3 belongs the amount of the filing fee, two-thirds of which
4 shall be used to promote the candidacy of candidates for
5 county offices and the candidacy of members of the
6 Legislature.

7 (8) Notwithstanding the qualifying period prescribed
8 by this section, in each year in which the Legislature
9 apportions the state, the qualifying period for persons
10 seeking to qualify for nomination or election to federal
11 office shall be between noon of the 57th day prior to the
12 ~~first~~ primary election, but not later than noon of the 53rd
13 day prior to the ~~first~~ primary election.

14 Section 10. Subsections (1), (2), and (4) of section
15 99.063, Florida Statutes, are amended to read:

16 99.063 Candidates for Governor and Lieutenant
17 Governor.--

18 (1) No later than 5 p.m. of the 9th day following the
19 ~~second~~ primary election, each candidate for Governor shall
20 designate a Lieutenant Governor as a running mate. Such
21 designation must be made in writing to the Department of
22 State.

23 (2) No later than 5 p.m. of the 9th day following the
24 ~~second~~ primary election, each designated candidate for
25 Lieutenant Governor shall file with the Department of State:

26 (a) The candidate's oath required by s. 99.021, which
27 must contain the name of the candidate as it is to appear on
28 the ballot; the office sought; and the signature of the
29 candidate, duly acknowledged.

30 (b) The loyalty oath required by s. 876.05, signed by
31 the candidate and duly acknowledged.

1 (c) If the office sought is partisan, the written
2 statement of political party affiliation required by s.
3 99.021(1)(b).

4 (d) The full and public disclosure of financial
5 interests pursuant to s. 8, Art. II of the State Constitution.

6 (4) In order to have the name of the candidate for
7 Lieutenant Governor printed on the ~~first or second~~ primary
8 election ballot, a candidate for Governor participating in the
9 primary election must designate the candidate for Lieutenant
10 Governor, and the designated candidate must qualify no later
11 than the end of the qualifying period specified in s. 99.061.
12 If the candidate for Lieutenant Governor has not been
13 designated and has not qualified by the end of the qualifying
14 period specified in s. 99.061, the phrase "Not Yet Designated"
15 must be included in lieu of the candidate's name on the
16 primary election ballot ~~ballots and on advance absentee~~
17 ~~ballots for the general election.~~

18 Section 11. Subsection (1) of section 99.095, Florida
19 Statutes, is amended to read:

20 99.095 Alternative method of qualifying.--

21 (1) A person seeking to qualify for nomination to any
22 office may qualify to have his or her name placed on the
23 ballot for the ~~first~~ primary election by means of the
24 petitioning process prescribed in this section. A person
25 qualifying by this alternative method shall not be required to
26 pay the qualifying fee or party assessment required by this
27 chapter. A person using this petitioning process shall file
28 an oath with the officer before whom the candidate would
29 qualify for the office stating that he or she intends to
30 qualify by this alternative method for the office sought. If
31 the person is running for an office which will be grouped on

1 the ballot with two or more similar offices to be filled at
2 the same election, the candidate must indicate in his or her
3 oath for which group or district office he or she is running.
4 The oath shall be filed at any time after the first Tuesday
5 after the first Monday in January of the year in which the
6 ~~first~~ primary election is held, but prior to the 21st day
7 preceding the first day of the qualifying period for the
8 office sought. The Department of State shall prescribe the
9 form to be used in administering and filing such oath. No
10 signatures shall be obtained by a candidate on any nominating
11 petition until the candidate has filed the oath required in
12 this section. If the person is running for an office which
13 will be grouped on the ballot with two or more similar offices
14 to be filled at the same election and the petition does not
15 indicate the group or district office for which the person is
16 running, the signatures obtained on such petition will not be
17 counted.

18 Section 12. Section 99.103, Florida Statutes, is
19 amended to read:

20 99.103 Department of State to remit part of filing
21 fees and party assessments of candidates to state executive
22 committee.--

23 (1) If more than three-fourths of the full authorized
24 membership of the state executive committee of any party was
25 elected at the last previous election for such members and if
26 such party is declared by the Department of State to have
27 recorded on the registration books of the counties, as of the
28 first Tuesday after the first Monday in January prior to the
29 ~~first~~ primary election in general election years, 5 percent of
30 the total registration of such counties when added together,
31 such committee shall receive, for the purpose of meeting its

1 expenses, all filing fees collected by the Department of State
2 from its candidates less an amount equal to 15 percent of the
3 filing fees, which amount the Department of State shall
4 deposit in the General Revenue Fund of the state.

5 (2) Not later than 20 days after the close of
6 qualifying in even-numbered years, the Department of State
7 shall remit 95 percent of all filing fees, less the amount
8 deposited in general revenue pursuant to subsection (1), or
9 party assessments that may have been collected by the
10 department to the respective state executive committees of the
11 parties complying with subsection (1). Party assessments
12 collected by the Department of State shall be remitted to the
13 appropriate state executive committee, irrespective of other
14 requirements of this section, provided such committee is duly
15 organized under the provisions of chapter 103. The remainder
16 of filing fees or party assessments collected by the
17 Department of State shall be remitted to the appropriate state
18 executive committees not later than the date of the first
19 primary election.

20 Section 13. Section 100.081, Florida Statutes, is
21 amended to read:

22 100.081 ~~Conducting primary elections;~~ Nomination of
23 county commissioners at primary election.--The primary
24 election ~~elections~~ shall provide for the nomination of county
25 commissioners by the qualified electors of such county at the
26 time and place set for voting on other county officers.

27 Section 14. Paragraph (c) of subsection (1),
28 subsection (3), and paragraph (a) of subsection (4) of section
29 100.111, Florida Statutes, are amended to read:

30 100.111 Filling vacancy.--

31 (1)

1 (c) If such a vacancy occurs prior to the ~~first~~
2 primary election but on or after the first day set by law for
3 qualifying, the Secretary of State shall set dates for
4 qualifying for the unexpired portion of the term of such
5 office. Any person seeking nomination or election to the
6 unexpired portion of the term shall qualify within the time
7 set by the Secretary of State. If time does not permit party
8 nominations to be made in conjunction with the ~~first and~~
9 ~~second primary election elections~~, the Governor may call a
10 special primary election, ~~and, if necessary, a second special~~
11 ~~primary election~~, to select party nominees for the unexpired
12 portion of such term.

13 (3) Whenever there is a vacancy for which a special
14 election is required pursuant to s. 100.101(1)-(4), the
15 Governor, after consultation with the Secretary of State,
16 shall fix the dates ~~date~~ of a special ~~first~~ primary election,
17 ~~a special second primary election~~, and a special election.
18 Nominees of political parties other than minor political
19 parties shall be chosen under the primary laws of this state
20 in the special primary election ~~elections~~ to become candidates
21 in the special election. Prior to setting the special
22 election dates, the Governor shall consider any upcoming
23 elections in the jurisdiction where the special election will
24 be held. The dates fixed by the Governor shall be specific
25 days certain and shall not be established by the happening of
26 a condition or stated in the alternative. The dates fixed
27 shall provide a minimum of 2 weeks between each election. In
28 the event a vacancy occurs in the office of state senator or
29 member of the House of Representatives when the Legislature is
30 in regular legislative session, the minimum times prescribed
31 by this subsection may be waived upon concurrence of the

1 Governor, the Speaker of the House of Representatives, and the
2 President of the Senate. If a vacancy occurs in the office of
3 state senator and no session of the Legislature is scheduled
4 to be held prior to the next general election, the Governor
5 may fix the dates for the any special primary election and for
6 the special election to coincide with the dates of the ~~first~~
7 ~~and second~~ primary election and the general election. If a
8 vacancy in office occurs in any district in the state Senate
9 or House of Representatives or in any congressional district,
10 and no session of the Legislature, or session of Congress if
11 the vacancy is in a congressional district, is scheduled to be
12 held during the unexpired portion of the term, the Governor is
13 not required to call a special election to fill such vacancy.

14 (a) The dates for candidates to qualify in such
15 special election or special primary election shall be fixed by
16 the Department of State, and candidates shall qualify not
17 later than noon of the last day so fixed. The dates fixed for
18 qualifying shall allow a minimum of 14 days between the last
19 day of qualifying and the special ~~first~~ primary election.

20 (b) The filing of campaign expense statements by
21 candidates in such special primary elections or special
22 elections ~~primaries~~ and by committees making contributions or
23 expenditures to influence the results of such special primary
24 elections ~~primaries~~ or special elections shall be not later
25 than such dates as shall be fixed by the Department of State,
26 and in fixing such dates the Department of State shall take
27 into consideration and be governed by the practical time
28 limitations.

29 (c) The dates for a candidate to qualify by the
30 alternative method in such special primary election or special
31 election shall be fixed by the Department of State. In fixing

1 such dates the Department of State shall take into
2 consideration and be governed by the practical time
3 limitations. Any candidate seeking to qualify by the
4 alternative method in a special primary election shall obtain
5 25 percent of the signatures required by s. 99.095, s.
6 99.0955, or s. 99.096, as applicable.

7 (d) The qualifying fees and party assessments of such
8 candidates as may qualify shall be the same as collected for
9 the same office at the last previous primary election for that
10 office. The party assessment shall be paid to the appropriate
11 executive committee of the political party to which the
12 candidate belongs.

13 (e) Each county canvassing board shall make as speedy
14 a return of the result of such special primary elections and
15 special elections ~~and primaries~~ as time will permit, and the
16 Elections Canvassing Commission likewise shall make as speedy
17 a canvass and declaration of the nominees as time will permit.

18 (4)(a) In the event that death, resignation,
19 withdrawal, removal, or any other cause or event should cause
20 a party to have a vacancy in nomination which leaves no
21 candidate for an office from such party, the Governor shall,
22 after conferring with the Secretary of State, call a special
23 primary election ~~and, if necessary, a second special primary~~
24 ~~election~~ to select for such office a nominee of such political
25 party. The dates on which candidates may qualify for such
26 special primary election shall be fixed by the Department of
27 State, and the candidates shall qualify no later than noon of
28 the last day so fixed. The filing of campaign expense
29 statements by candidates in special primary elections
30 ~~primaries~~ shall not be later than such dates as shall be fixed
31 by the Department of State. In fixing such dates, the

1 Department of State shall take into consideration and be
2 governed by the practical time limitations. The qualifying
3 fees and party assessment of such candidates as may qualify
4 shall be the same as collected for the same office at the last
5 previous primary election for that office. Each county
6 canvassing board shall make as speedy a return of the results
7 of such special primary elections ~~primaries~~ as time will
8 permit, and the Elections Canvassing Commission shall likewise
9 make as speedy a canvass and declaration of the nominees as
10 time will permit.

11 Section 15. Subsection (2) of section 100.141, Florida
12 Statutes, is amended to read:

13 100.141 Notice of special election to fill any vacancy
14 in office or nomination.--

15 (2) The Department of State shall prepare a notice
16 stating what offices and vacancies are to be filled in the
17 special election, the dates ~~date~~ set for the ~~each~~ special
18 primary election and the special election, the dates fixed for
19 qualifying for office, the dates fixed for qualifying by the
20 alternative method, and the dates fixed for filing campaign
21 expense statements.

22 Section 16. Section 100.191, Florida Statutes, is
23 amended to read:

24 100.191 General election laws applicable to special
25 elections; returns.--All laws that are applicable to general
26 elections are applicable to special elections ~~or special~~
27 ~~primary elections~~ to fill a vacancy in office and all laws
28 that are applicable to primary elections are applicable to
29 special primary elections to fill a vacancy in ~~or~~ nomination,
30 except that the canvass of returns by the county canvassing
31 board of each county in which a special election or special

1 primary election is held shall be made on the day following
2 the election, and the certificate of the result of the canvass
3 shall be immediately forwarded to the Department of State.
4 The Elections Canvassing Commission shall immediately, upon
5 receipt of returns from the county in which a special election
6 or special primary election is held, proceed to canvass the
7 returns and determine and declare the result thereof.

8 Section 17. Section 101.021, Florida Statutes, is
9 amended to read:

10 101.021 Elector to vote the primary ballot of the
11 political party in which he or she is registered.--In a
12 primary election a qualified elector is entitled to vote the
13 official primary election ballot of the political party
14 designated in the elector's registration, and no other. It is
15 unlawful for any elector to vote in a primary election for any
16 candidate running for nomination from a party other than that
17 in which such elector is registered.

18 Section 18. Paragraph (b) of subsection (2) of section
19 101.151, Florida Statutes, is amended to read:

20 101.151 Specifications for ballots.--

21 (2)

22 (b) When more than one candidate is nominated for
23 office, the candidates for such office shall qualify and run
24 in a group or district, and the group or district number shall
25 be printed beneath the name of the office. Each nominee of a
26 political party chosen in a primary election shall appear on
27 the general election ballot in the same numbered group or
28 district as on the primary election ballot.

29 Section 19. Subsection (2) of section 101.252, Florida
30 Statutes, is amended to read:

31

1 101.252 Candidates entitled to have names printed on
2 certain ballots; exception.--

3 (2) Any candidate for party executive committee member
4 who has qualified as prescribed by law is entitled to have his
5 or her name printed on the ~~first~~ primary election ballot.

6 However, when there is only one candidate of any political
7 party qualified for such an office, the name of the candidate
8 shall not be printed on the ~~first~~ primary election ballot, and
9 such candidate shall be declared elected to the state or
10 county executive committee.

11 Section 20. Paragraph (a) of subsection (4) of section
12 101.62, Florida Statutes, is amended to read:

13 101.62 Request for absentee ballots.--

14 (4)(a) To each absent qualified elector overseas who
15 has requested an absentee ballot, the supervisor of elections
16 shall, not fewer than 35 days before the ~~first~~ primary
17 election and not fewer than 45 days before the general
18 election, mail an absentee ballot. ~~Not fewer than 45 days~~
19 ~~before the second primary and general election, the supervisor~~
20 ~~of elections shall mail an advance absentee ballot to those~~
21 ~~persons requesting ballots for such elections. The advance~~
22 ~~absentee ballot for the second primary shall be the same as~~
23 ~~the first primary absentee ballot as to the names of~~
24 ~~candidates, except that for any offices where there are only~~
25 ~~two candidates, those offices and all political party~~
26 ~~executive committee offices shall be omitted. Except as~~
27 ~~provided in s. 99.063(4), the advance absentee ballot for the~~
28 ~~general election shall be as specified in s. 101.151, except~~
29 ~~that in the case of candidates of political parties where~~
30 ~~nominations were not made in the first primary, the names of~~
31 ~~the candidates placing first and second in the first primary~~

1 ~~election shall be printed on the advance absentee ballot. The~~
2 ~~advance absentee ballot or advance absentee ballot information~~
3 ~~booklet shall be of a different color for each election and~~
4 ~~also a different color from the absentee ballots for the first~~
5 ~~primary, second primary, and general election. The supervisor~~
6 ~~shall mail an advance absentee ballot for the second primary~~
7 ~~and general election to each qualified absent elector for whom~~
8 ~~a request is received until the absentee ballots are printed.~~
9 ~~The supervisor shall enclose with the advance second primary~~
10 ~~absentee ballot and advance general election absentee ballot~~
11 ~~an explanation stating that the absentee ballot for the~~
12 ~~election will be mailed as soon as it is printed; and, if both~~
13 ~~the advance absentee ballot and the absentee ballot for the~~
14 ~~election are returned in time to be counted, only the absentee~~
15 ~~ballot will be counted. The Department of State may prescribe~~
16 ~~by rule the requirements for preparing and mailing absentee~~
17 ~~ballots to absent qualified electors overseas.~~

18 Section 21. Subsection (1) of section 101.6952,
19 Florida Statutes, is amended to read:

20 101.6952 Absentee ballots for overseas voters.--

21 (1) If an overseas voter's request for an absentee
22 ballot includes an e-mail address, the supervisor of elections
23 shall inform the voter of the names of candidates who will be
24 on the ballots via electronic transmission. The supervisor of
25 elections shall e-mail to the voter the list of candidates for
26 the primary and general elections ~~election~~ not later than 30
27 days before each election.

28 Section 22. Subsection (2) of section 102.112, Florida
29 Statutes, is amended to read:

30 102.112 Deadline for submission of county returns to
31 the Department of State.--

1 (2) Returns must be filed by 5 p.m. on the 7th day
2 following the ~~a~~ primary election and by 5 p.m. on the 11th day
3 following the general election.

4 Section 23. Subsection (3) and paragraph (b) of
5 subsection (4) of section 103.021, Florida Statutes, are
6 amended to read:

7 103.021 Nomination for presidential
8 electors.--Candidates for presidential electors shall be
9 nominated in the following manner:

10 (3) Candidates for President and Vice President with
11 no party affiliation may have their names printed on the
12 general election ballots if a petition is signed by 1 percent
13 of the registered electors of this state, as shown by the
14 compilation by the Department of State for the last preceding
15 general election. A separate petition from each county for
16 which signatures are solicited shall be submitted to the
17 supervisor of elections of the respective county no later than
18 July 15 of each presidential election year. The supervisor
19 shall check the names and, on or before the date of the ~~first~~
20 primary election, shall certify the number shown as registered
21 electors of the county. The supervisor shall be paid by the
22 person requesting the certification the cost of checking the
23 petitions as prescribed in s. 99.097. The supervisor shall
24 then forward the certificate to the Department of State which
25 shall determine whether or not the percentage factor required
26 in this section has been met. When the percentage factor
27 required in this section has been met, the Department of State
28 shall order the names of the candidates for whom the petition
29 was circulated to be included on the ballot and shall permit
30 the required number of persons to be certified as electors in
31 the same manner as party candidates.

1 (4)

2 (b) A minor party that is not affiliated with a
3 national party holding a national convention to nominate
4 candidates for President and Vice President of the United
5 States may have the names of its candidates for President and
6 Vice President printed on the general election ballot if a
7 petition is signed by 1 percent of the registered electors of
8 this state, as shown by the compilation by the Department of
9 State for the preceding general election. A separate petition
10 from each county for which signatures are solicited shall be
11 submitted to the supervisors of elections of the respective
12 county no later than July 15 of each presidential election
13 year. The supervisor shall check the names and, on or before
14 the date of the ~~first~~ primary election, shall certify the
15 number shown as registered electors of the county. The
16 supervisor shall be paid by the person requesting the
17 certification the cost of checking the petitions as prescribed
18 in s. 99.097. The supervisor shall then forward the
19 certificate to the Department of State, which shall determine
20 whether or not the percentage factor required in this section
21 has been met. When the percentage factor required in this
22 section has been met, the Department of State shall order the
23 names of the candidates for whom the petition was circulated
24 to be included on the ballot and shall permit the required
25 number of persons to be certified as electors in the same
26 manner as other party candidates.

27 Section 24. Section 103.022, Florida Statutes, is
28 amended to read:

29 103.022 Write-in candidates for President and Vice
30 President.--Persons seeking to qualify for election as
31 write-in candidates for President and Vice President of the

1 United States may have a blank space provided on the general
2 election ballot for their names to be written in by filing an
3 oath with the Department of State at any time after the 57th
4 day, but before noon of the 49th day, prior to the date of the
5 ~~first~~ primary election in the year in which a presidential
6 election is held. The Department of State shall prescribe the
7 form to be used in administering the oath. The candidates
8 shall file with the department a certificate naming the
9 required number of persons to serve as electors. Such
10 write-in candidates shall not be entitled to have their names
11 on the ballot.

12 Section 25. Subsection (4) of section 103.091, Florida
13 Statutes, is amended to read:

14 103.091 Political parties.--

15 (4) Any political party other than a minor political
16 party may by rule provide for the membership of its state or
17 county executive committee to be elected for 4-year terms at
18 the ~~first~~ primary election in each year a presidential
19 election is held. The terms shall commence on the first day
20 of the month following each presidential general election; but
21 the names of candidates for political party offices shall not
22 be placed on the ballot at any other election. The results of
23 such election shall be determined by a plurality of the votes
24 cast. In such event, electors seeking to qualify for such
25 office shall do so with the Department of State or supervisor
26 of elections not earlier than noon of the 57th day, or later
27 than noon of the 53rd day, preceding the ~~first~~ primary
28 election. The outgoing chair of each county executive
29 committee shall, within 30 days after the committee members
30 take office, hold an organizational meeting of all newly
31 elected members for the purpose of electing officers. The

1 chair of each state executive committee shall, within 60 days
2 after the committee members take office, hold an
3 organizational meeting of all newly elected members for the
4 purpose of electing officers.

5 Section 26. Subsection (1) of section 105.031, Florida
6 Statutes, is amended to read:

7 105.031 Qualification; filing fee; candidate's oath;
8 items required to be filed.--

9 (1) TIME OF QUALIFYING.--Except for candidates for
10 judicial office, nonpartisan candidates for multicounty office
11 shall qualify with the Division of Elections of the Department
12 of State and nonpartisan candidates for countywide or less
13 than countywide office shall qualify with the supervisor of
14 elections. Candidates for judicial office other than the
15 office of county court judge shall qualify with the Division
16 of Elections of the Department of State, and candidates for
17 the office of county court judge shall qualify with the
18 supervisor of elections of the county. Candidates shall
19 qualify no earlier than noon of the 50th day, and no later
20 than noon of the 46th day, before the ~~first~~ primary election.
21 Filing shall be on forms provided for that purpose by the
22 Division of Elections and furnished by the appropriate
23 qualifying officer. Any person seeking to qualify by the
24 alternative method, as set forth in s. 105.035, if the person
25 has submitted the necessary petitions by the required deadline
26 and is notified after the fifth day prior to the last day for
27 qualifying that the required number of signatures has been
28 obtained, shall be entitled to subscribe to the candidate's
29 oath and file the qualifying papers at any time within 5 days
30 from the date he or she is notified that the necessary number
31 of signatures has been obtained. Any person other than a

1 write-in candidate who qualifies within the time prescribed in
2 this subsection shall be entitled to have his or her name
3 printed on the ballot.

4 Section 27. Subsection (1) and paragraph (b) of
5 subsection (2) of section 105.041, Florida Statutes, are
6 amended to read:

7 105.041 Form of ballot.--

8 (1) BALLOTS.--The names of candidates for judicial
9 office and candidates for the office of school board member
10 which appear on the ballot at the ~~first~~ primary election shall
11 either be grouped together on a separate portion of the ballot
12 or on a separate ballot. The names of candidates for election
13 to judicial office and candidates for the office of school
14 board member which appear on the ballot at the general
15 election and the names of justices and judges seeking
16 retention to office shall be grouped together on a separate
17 portion of the general election ballot.

18 (2) LISTING OF CANDIDATES.--

19 (b)1. The names of candidates for the office of
20 circuit judge shall be listed on the ~~first~~ primary election
21 ballot in the order determined by lot conducted by the
22 director of the Division of Elections of the Department of
23 State after the close of the qualifying period.

24 2. Candidates who have secured a position on the
25 general election ballot, after having survived elimination at
26 the ~~first~~ primary election, shall have their names listed in
27 the same order as on the ~~first~~ primary election ballot,
28 notwithstanding the elimination of any intervening names as a
29 result of the ~~first~~ primary election.

30 Section 28. Paragraph (b) of subsection (1) of section
31 105.051, Florida Statutes, is amended to read:

1 105.051 Determination of election or retention to
2 office.--

3 (1) ELECTION.--In circuits and counties holding
4 elections:

5 (b) If two or more candidates, neither of whom is a
6 write-in candidate, qualify for such an office, the names of
7 those candidates shall be placed on the ballot at the ~~first~~
8 primary election. If any candidate for such office receives a
9 majority of the votes cast for such office in the ~~first~~
10 primary election, the name of the candidate who receives such
11 majority shall not appear on any other ballot unless a
12 write-in candidate has qualified for such office. An
13 unopposed candidate shall be deemed to have voted for himself
14 or herself at the general election. If no candidate for such
15 office receives a majority of the votes cast for such office
16 in the ~~first~~ primary election, the names of the two candidates
17 receiving the highest number of votes for such office shall be
18 placed on the general election ballot. If more than two
19 candidates receive an equal and highest number of votes, the
20 name of each candidate receiving an equal and highest number
21 of votes shall be placed on the general election ballot. In
22 any contest in which there is a tie for second place and the
23 candidate placing first did not receive a majority of the
24 votes cast for such office, the name of the candidate placing
25 first and the name of each candidate tying for second shall be
26 placed on the general election ballot.

27 Section 29. Paragraphs (a) and (b) of subsection (1)
28 of section 106.07, Florida Statutes, are amended to read:

29 106.07 Reports; certification and filing.--

30 (1) Each campaign treasurer designated by a candidate
31 or political committee pursuant to s. 106.021 shall file

1 regular reports of all contributions received, and all
2 expenditures made, by or on behalf of such candidate or
3 political committee. Reports shall be filed on the 10th day
4 following the end of each calendar quarter from the time the
5 campaign treasurer is appointed, except that, if the 10th day
6 following the end of a calendar quarter occurs on a Saturday,
7 Sunday, or legal holiday, the report shall be filed on the
8 next following day which is not a Saturday, Sunday, or legal
9 holiday. Quarterly reports shall include all contributions
10 received and expenditures made during the calendar quarter
11 which have not otherwise been reported pursuant to this
12 section.

13 (a) Except as provided in paragraph (b), following the
14 last day of qualifying for office, the reports shall be filed
15 on the 32nd, 18th, and 4th days immediately preceding the
16 ~~first~~ primary election and on the 46th, 32nd, 18th, and 4th
17 days immediately preceding the ~~second primary and~~ general
18 election, for a candidate who is opposed in seeking nomination
19 or election to any office, for a political committee, or for a
20 committee of continuous existence.

21 (b) Following the last day of qualifying for office,
22 any statewide candidate who has requested to receive
23 contributions from the Election Campaign Financing Trust Fund
24 or any statewide candidate in a race with a candidate who has
25 requested to receive contributions from the trust fund shall
26 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior
27 to the ~~first primary election and general elections,~~ and on
28 the 4th, 11th, 18th, ~~and 25th,~~ 32nd, 39th, 46th, and 53rd days
29 prior to the general election ~~second primary~~.

30 Section 30. Paragraph (c) of subsection (1) of section
31 106.08, Florida Statutes, is amended to read:

1 106.08 Contributions; limitations on.--

2 (1)

3 (c) The contribution limits of this subsection apply
4 to each election. For purposes of this subsection, the ~~first~~
5 primary election, ~~second primary~~, and the general election are
6 separate elections so long as the candidate is not an
7 unopposed candidate as defined in s. 106.011(15). However,
8 for the purpose of contribution limits with respect to
9 candidates for retention as a justice or judge, there is only
10 one election, which is the general election. ~~With respect to~~
11 ~~candidates in a circuit holding an election for circuit judge~~
12 ~~or in a county holding an election for county court judge,~~
13 ~~there are only two elections, which are the first primary~~
14 ~~election and general election.~~

15 Section 31. Subsection (1) of section 106.29, Florida
16 Statutes, is amended to read:

17 106.29 Reports by political parties; restrictions on
18 contributions and expenditures; penalties.--

19 (1) The state executive committee and each county
20 executive committee of each political party regulated by
21 chapter 103 shall file regular reports of all contributions
22 received and all expenditures made by such committee. Such
23 reports shall contain the same information as do reports
24 required of candidates by s. 106.07 and shall be filed on the
25 10th day following the end of each calendar quarter, except
26 that, during the period from the last day for candidate
27 qualifying until the general election, such reports shall be
28 filed on the Friday immediately preceding both the ~~first~~
29 ~~primary election, the second primary election,~~ and the general
30 election. Each state executive committee shall file the
31 original and one copy of its reports with the Division of

1 Elections. Each county executive committee shall file its
2 reports with the supervisor of elections in the county in
3 which such committee exists. Any state or county executive
4 committee failing to file a report on the designated due date
5 shall be subject to a fine as provided in subsection (3). No
6 separate fine shall be assessed for failure to file a copy of
7 any report required by this section.

8 Section 32. This act shall take effect January 1,
9 2003.

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LEGISLATIVE SUMMARY

Provides for a single primary election to be held on the second Tuesday following the first Monday in September and conducted by means of instant runoff voting. Repeals the second primary election and amends various provisions of law to conform. (See bill for details.)