

By Senator Cowin

20-471B-03

1                                   A bill to be entitled  
2           An act relating to primary elections; repealing  
3           s. 100.091, F.S., eliminating the second  
4           primary election; repealing s. 100.096, F.S.,  
5           relating to the holding of special elections in  
6           conjunction with the second primary election,  
7           to conform; amending s. 97.021, F.S., relating  
8           to the definition of "primary election," to  
9           conform; amending ss. 97.055, 97.071, 97.1031,  
10          98.081, F.S., relating to restrictions on  
11          changing party affiliation between primary  
12          elections, to conform; amending ss. 99.061,  
13          99.095, F.S., relating to qualifying for  
14          nomination or election to office, to conform;  
15          amending s. 99.063, F.S.; adjusting the date to  
16          designate a Lieutenant Governor running mate,  
17          to conform; amending ss. 99.103, 100.081,  
18          100.111, 100.141, 101.252, 101.62, 103.021,  
19          103.022, 103.091, 105.031, 105.041, 105.051,  
20          106.07, 106.08, 106.29, F.S., and repealing s.  
21          102.014(4)(c), F.S.; revising references, to  
22          conform to the elimination of the second  
23          primary election; amending s. 100.061, F.S.;  
24          establishing a ranked choice or "instant  
25          runoff" voting process for the primary  
26          election; amending s. 101.151, F.S.; modifying  
27          the primary election ballot, to conform;  
28          granting the Division of Elections rulemaking  
29          authority to develop the primary ballot form;  
30          amending s. 101.5606, F.S.; modifying  
31          certification requirements for voting systems;

1 requiring previously certified voting systems  
2 to meet new certification requirements by a  
3 date certain; providing an effective date.  
4

5 Be It Enacted by the Legislature of the State of Florida:  
6

7 Section 1. Sections 100.091 and 100.096, Florida  
8 Statutes, are repealed.

9 Section 2. Subsection (25) of section 97.021, Florida  
10 Statutes, is amended to read:

11 97.021 Definitions.--For the purposes of this code,  
12 except where the context clearly indicates otherwise, the  
13 term:

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

20 Section 3. Subsection (1) of section 97.055, Florida  
21 Statutes, is amended to read:

22 97.055 Registration books; when closed for an  
23 election.--

24 (1) The registration books must be closed on the 29th  
25 day before each election and must remain closed until after  
26 that election. If an election is called and there are fewer  
27 than 29 days before that election, the registration books must  
28 be closed immediately. When the registration books are closed  
29 for an election, voter registration and party changes must be  
30 accepted but only for the purpose of subsequent elections.

31 ~~However, party changes received between the book-closing date~~

1 ~~of the first primary election and the date of the second~~  
2 ~~primary election are not effective until after the second~~  
3 ~~primary election.~~

4 Section 4. Subsection (3) of section 97.071, Florida  
5 Statutes, is amended to read:

6 97.071 Registration identification card.--

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

14 Section 5. Subsection (3) of section 97.1031, Florida  
15 Statutes, is amended to read:

16 97.1031 Notice of change of residence within the same  
17 county, change of name, or change of party.--

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

23 Section 6. Section 98.081, Florida Statutes, is  
24 amended to read:

25 98.081 Names removed from registration books;  
26 restrictions on reregistering; recordkeeping; restoration of  
27 erroneously or illegally removed names.--

28 ~~(1) Any person who requested that his or her name be~~  
29 ~~removed from the registration books between the book-closing~~  
30 ~~date of the first primary and the date of the second primary~~  
31

1 ~~may not register in a different political party until after~~  
2 ~~the date of the second primary election.~~

3       (1)~~(2)~~ When the name of any elector is removed from  
4 the registration books pursuant to s. 98.065, s. 98.075, or s.  
5 98.093, the elector's original registration form shall be  
6 filed alphabetically in the office of the supervisor. As  
7 alternatives, registrations removed from the registration  
8 books may be microfilmed and such microfilms substituted for  
9 the original registration forms; or, when voter registration  
10 information, including the voter's signature, is maintained  
11 digitally or on electronic, magnetic, or optic media, such  
12 stored information may be substituted for the original  
13 registration form. Such microfilms or stored information shall  
14 be retained in the custody of the supervisor. In the event the  
15 original registration forms are microfilmed or maintained  
16 digitally or on electronic or other media, such originals may  
17 be destroyed in accordance with the schedule approved by the  
18 Bureau of Archives and Records Management of the Division of  
19 Library and Information Services of the department.

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

25       Section 7. Subsections (1), (2), and (8) of section  
26 99.061, Florida Statutes, are amended to read:

27       99.061 Method of qualifying for nomination or election  
28 to federal, state, county, or district office.--

29       (1) The provisions of any special act to the contrary  
30 notwithstanding, each person seeking to qualify for nomination  
31 or election to a federal, state, or multicounty district

1 office, other than election to a judicial office as defined in  
2 chapter 105 or the office of school board member, shall file  
3 his or her qualification papers with, and pay the qualifying  
4 fee, which shall consist of the filing fee and election  
5 assessment, and party assessment, if any has been levied, to,  
6 the Department of State, or qualify by the alternative method  
7 with the Department of State, at any time after noon of the  
8 1st day for qualifying, which shall be as follows: the 120th  
9 day prior to the ~~first~~ primary election, but not later than  
10 noon of the 116th day prior to the date of the ~~first~~ primary  
11 election, for persons seeking to qualify for nomination or  
12 election to federal office; and noon of the 50th day prior to  
13 the ~~first~~ primary election, but not later than noon of the  
14 46th day prior to the date of the ~~first~~ primary election, for  
15 persons seeking to qualify for nomination or election to a  
16 state or multicounty district office.

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

1 election, qualifying shall be the 50th day prior to the ~~first~~  
2 primary election, but not later than noon of the 46th day  
3 prior to the date of the ~~first~~ primary election. Within 30  
4 days after the closing of qualifying time, the supervisor of  
5 elections shall remit to the secretary of the state executive  
6 committee of the political party to which the candidate  
7 belongs the amount of the filing fee, two-thirds of which  
8 shall be used to promote the candidacy of candidates for  
9 county offices and the candidacy of members of the  
10 Legislature.

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

18 Section 8. Subsections (1), (2), and (4) of section  
19 99.063, Florida Statutes, are amended to read:

20 99.063 Candidates for Governor and Lieutenant  
21 Governor.--

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

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

30 (a) The candidate's oath required by s. 99.021, which  
31 must contain the name of the candidate as it is to appear on

1 the ballot; the office sought; and the signature of the  
2 candidate, duly acknowledged.

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

5 (c) If the office sought is partisan, the written  
6 statement of political party affiliation required by s.  
7 99.021(1)(b).

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

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

22 Section 9. Subsection (1) of section 99.095, Florida  
23 Statutes, is amended to read:

24 99.095 Alternative method of qualifying.--

25 (1) A person seeking to qualify for nomination to any  
26 office may qualify to have his or her name placed on the  
27 ballot for the ~~first~~ primary election by means of the  
28 petitioning process prescribed in this section. A person  
29 qualifying by this alternative method shall not be required to  
30 pay the qualifying fee or party assessment required by this  
31 chapter. A person using this petitioning process shall file

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

22 Section 10. Section 99.103, Florida Statutes, is  
23 amended to read:

24 99.103 Department of State to remit part of filing  
25 fees and party assessments of candidates to state executive  
26 committee.--

27 (1) If more than three-fourths of the full authorized  
28 membership of the state executive committee of any party was  
29 elected at the last previous election for such members and if  
30 such party is declared by the Department of State to have  
31 recorded on the registration books of the counties, as of the



1 first Tuesday after the first Monday in January prior to the  
2 ~~first~~ primary election in general election years, 5 percent of  
3 the total registration of such counties when added together,  
4 such committee shall receive, for the purpose of meeting its  
5 expenses, all filing fees collected by the Department of State  
6 from its candidates less an amount equal to 15 percent of the  
7 filing fees, which amount the Department of State shall  
8 deposit in the General Revenue Fund of the state.

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

24 Section 11. Section 100.061, Florida Statutes, is  
25 amended to read:

26 100.061 First primary election.--

27 (1) In each year in which a general election is held,  
28 a first primary election for nomination of candidates of  
29 political parties shall be held on the Tuesday 9 weeks prior  
30 to the general election using a ranked-choice, or "instant  
31 runoff," ballot prepared pursuant to s. 101.151. ~~Each~~

1 ~~candidate receiving a majority of the votes cast in each~~  
2 ~~contest in the first primary election shall be declared~~  
3 ~~nominated for such office. A second primary election shall be~~  
4 ~~held as provided by s. 100.091 in every contest in which a~~  
5 ~~candidate does not receive a majority.~~

6 (2) For purposes of this section:

7 (a) A candidate shall be deemed "continuing" if the  
8 candidate has not been eliminated;

9 (b) A ballot shall be deemed "continuing" if it is not  
10 exhausted;

11 (c) A ballot shall be deemed "exhausted," and not  
12 counted in further stages of the tabulation, if all the  
13 choices have been eliminated or if there are no more choices  
14 indicated on the ballot;

15 (d) If a ranked-choice ballot gives equal weight to  
16 two or more candidates, the ballot shall be deemed "exhausted"  
17 when such multiple rankings are reached; and

18 (e) If a voter casts a ranked-choice ballot but skips  
19 one or more ranks, the voter's vote shall be transferred to  
20 that voter's next ranked choice.

21 (3) If a candidate receives a majority of the first  
22 choices, that candidate shall be nominated. If no candidate  
23 receives a majority, the candidate who received the fewest  
24 first choices shall be eliminated and each vote cast for that  
25 candidate shall be transferred to the next-ranked candidate on  
26 that voter's ballot. If, after this transfer of votes, any  
27 candidate has a majority of the votes from the continuing  
28 ballots, that candidate shall be declared nominated.

29 (4) If no candidate receives a majority of votes from  
30 the continuing ballots after a candidate has been eliminated  
31 and his or her votes have been transferred to the next-ranked

1 candidate, the continuing candidate with the fewest votes from  
2 the continuing ballots shall be eliminated. All votes cast for  
3 that candidate shall be transferred to the next-ranked  
4 continuing candidate on each voter's ballot. This process of  
5 eliminating candidates and transferring their votes to the  
6 next-ranked continuing candidates shall be repeated until a  
7 candidate receives a majority of the votes from the continuing  
8 ballots or until there are only two candidates that have not  
9 been eliminated at which point the candidate with the most  
10 votes shall be nominated.

11 (5) To facilitate ballot counting in each round, if  
12 the total number of votes of the two or more candidates  
13 credited with the lowest number of votes is less than the  
14 number of votes credited to the candidate with the next  
15 highest number of votes, those candidates with the lowest  
16 number of votes shall be eliminated simultaneously and their  
17 votes transferred to the next-ranked continuing candidate on  
18 each ballot in a single counting operation.

19 (6) If the final two continuing candidates receive an  
20 equal number of votes for the same office, such candidates  
21 shall draw lots to determine which candidate is nominated.

22 (7) The Division of Elections and the supervisors of  
23 elections shall make ranked-choice or "instant runoff" voting  
24 a component of their voter education programs.

25 Section 12. Section 100.081, Florida Statutes, is  
26 amended to read:

27 100.081 ~~Conducting primary elections;~~ Nomination of  
28 county commissioners at primary election.--The primary  
29 election ~~elections~~ shall provide for the nomination of county  
30 commissioners by the qualified electors of such county at the  
31 time and place set for voting on other county officers.

1           Section 13. Paragraph (c) of subsection (1),  
2 subsection (3), and paragraph (a) of subsection (4) of section  
3 100.111, Florida Statutes, are amended to read:

4           100.111 Filling vacancy.--

5           (1)

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

18           (3) Whenever there is a vacancy for which a special  
19 election is required pursuant to s. 100.101(1)-(4), the  
20 Governor, after consultation with the Secretary of State,  
21 shall fix the dates ~~date~~ of a special ~~first~~ primary election,  
22 ~~a special second primary election~~, and a special election.  
23 Nominees of political parties other than minor political  
24 parties shall be chosen under the primary laws of this state  
25 in the special primary election ~~elections~~ to become candidates  
26 in the special election. Prior to setting the special  
27 election dates, the Governor shall consider any upcoming  
28 elections in the jurisdiction where the special election will  
29 be held. The dates fixed by the Governor shall be specific  
30 days certain and shall not be established by the happening of  
31 a condition or stated in the alternative. The dates fixed

1 shall provide a minimum of 2 weeks between each election. In  
2 the event a vacancy occurs in the office of state senator or  
3 member of the House of Representatives when the Legislature is  
4 in regular legislative session, the minimum times prescribed  
5 by this subsection may be waived upon concurrence of the  
6 Governor, the Speaker of the House of Representatives, and the  
7 President of the Senate. If a vacancy occurs in the office of  
8 state senator and no session of the Legislature is scheduled  
9 to be held prior to the next general election, the Governor  
10 may fix the dates for the any special primary election and for  
11 the special election to coincide with the dates of the ~~first~~  
12 ~~and second~~ primary election and general election. If a  
13 vacancy in office occurs in any district in the state Senate  
14 or House of Representatives or in any congressional district,  
15 and no session of the Legislature, or session of Congress if  
16 the vacancy is in a congressional district, is scheduled to be  
17 held during the unexpired portion of the term, the Governor is  
18 not required to call a special election to fill such vacancy.

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

25 (b) The filing of campaign expense statements by  
26 candidates in such special elections or special primaries and  
27 by committees making contributions or expenditures to  
28 influence the results of such special primaries or special  
29 elections shall be not later than such dates as shall be fixed  
30 by the Department of State, and in fixing such dates the

31

1 Department of State shall take into consideration and be  
2 governed by the practical time limitations.

3 (c) The dates for a candidate to qualify by the  
4 alternative method in such special primary or special election  
5 shall be fixed by the Department of State. In fixing such  
6 dates the Department of State shall take into consideration  
7 and be governed by the practical time limitations. Any  
8 candidate seeking to qualify by the alternative method in a  
9 special primary election shall obtain 25 percent of the  
10 signatures required by s. 99.095, s. 99.0955, or s. 99.096, as  
11 applicable.

12 (d) The qualifying fees and party assessments of such  
13 candidates as may qualify shall be the same as collected for  
14 the same office at the last previous primary for that office.  
15 The party assessment shall be paid to the appropriate  
16 executive committee of the political party to which the  
17 candidate belongs.

18 (e) Each county canvassing board shall make as speedy  
19 a return of the result of such special primary elections and  
20 special elections ~~and primaries~~ as time will permit, and the  
21 Elections Canvassing Commission likewise shall make as speedy  
22 a canvass and declaration of the nominees as time will permit.

23 (4)(a) In the event that death, resignation,  
24 withdrawal, removal, or any other cause or event should cause  
25 a party to have a vacancy in nomination which leaves no  
26 candidate for an office from such party, the Governor shall,  
27 after conferring with the Secretary of State, call a special  
28 primary election ~~and, if necessary, a second special primary~~  
29 ~~election~~ to select for such office a nominee of such political  
30 party. The dates on which candidates may qualify for such  
31 special primary election shall be fixed by the Department of

1 State, and the candidates shall qualify no later than noon of  
2 the last day so fixed. The filing of campaign expense  
3 statements by candidates in special primary elections  
4 ~~primaries~~ shall not be later than such dates as shall be fixed  
5 by the Department of State. In fixing such dates, the  
6 Department of State shall take into consideration and be  
7 governed by the practical time limitations. The qualifying  
8 fees and party assessment of such candidates as may qualify  
9 shall be the same as collected for the same office at the last  
10 previous primary for that office. Each county canvassing  
11 board shall make as speedy a return of the results of such  
12 special primary elections ~~primaries~~ as time will permit, and  
13 the Elections Canvassing Commission shall likewise make as  
14 speedy a canvass and declaration of the nominees as time will  
15 permit.

16 Section 14. Subsection (2) of section 100.141, Florida  
17 Statutes, is amended to read:

18 100.141 Notice of special election to fill any vacancy  
19 in office or nomination.--

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

27 Section 15. Subsection (5) is amended, and subsection  
28 (8) of section 101.151, Florida Statutes, is re-enacted to  
29 read:

30 101.151 Specifications for ballots.--

31

1           (5)(a) The primary election ballot shall allow voters  
2 to rank a number of choices in order of preference equal to  
3 the total number of candidates for each office; however, if  
4 five or more candidates are participating in the election, the  
5 total number of allowable rankings shall be limited to four.  
6 The ballot shall in no way impede a voter's ability to cast a  
7 vote for a write-in candidate.

8           (b) The primary election ballot shall also be arranged  
9 so that the offices of Governor and Lieutenant Governor are  
10 joined in a single voting space to allow each elector to cast  
11 a single vote for the joint candidacies for Governor and  
12 Lieutenant Governor, if applicable.

13           (8)(a) The Department of State shall adopt rules  
14 prescribing a uniform primary and general election ballot for  
15 each certified voting system. The rules shall incorporate the  
16 requirements set forth in this section and shall prescribe  
17 additional matters and forms that include, without limitation:

- 18           1. Clear and unambiguous ballot instructions and  
19 directions;  
20           2. Individual race layout; and  
21           3. Overall ballot layout.

22           (b) The department rules shall graphically depict a  
23 sample uniform primary and general election ballot form for  
24 each certified voting system.

25           Section 16. Present subsections (6) through (15) of  
26 section 101.5606, Florida Statutes, are redesignated as  
27 subsections (7) through (16), and a new subsection (6) is  
28 added to that section, to read:

29           101.5606 Requirements for approval of systems.--No  
30 electronic or electromechanical voting system shall be  
31



1 approved by the Department of State unless it is so  
2 constructed that:

3 (6) It is capable of accommodating the system of  
4 ranked-choice or "instant runoff" primary balloting.

5 Section 17. Subsection (2) of section 101.252, Florida  
6 Statutes, is amended to read:

7 101.252 Candidates entitled to have names printed on  
8 certain ballots; exception.--

9 (2) Any candidate for party executive committee member  
10 who has qualified as prescribed by law is entitled to have his  
11 or her name printed on the ~~first~~ primary election ballot.  
12 However, when there is only one candidate of any political  
13 party qualified for such an office, the name of the candidate  
14 shall not be printed on the ~~first~~ primary election ballot, and  
15 such candidate shall be declared elected to the state or  
16 county executive committee.

17 Section 18. Subsection (4) of section 101.62, Florida  
18 Statutes, is amended to read:

19 101.62 Request for absentee ballots.--

20 (4)(a) To each absent qualified elector overseas who  
21 has requested an absentee ballot, the supervisor of elections  
22 shall, ~~not fewer than 35 days before the first primary~~  
23 ~~election,~~ mail an absentee ballot not fewer than 35 days  
24 before the primary or general election. ~~Not fewer than 45 days~~  
25 ~~before the second primary and general election, the supervisor~~  
26 ~~of elections shall mail an advance absentee ballot to those~~  
27 ~~persons requesting ballots for such elections. The advance~~  
28 ~~absentee ballot for the second primary shall be the same as~~  
29 ~~the first primary absentee ballot as to the names of~~  
30 ~~candidates, except that for any offices where there are only~~  
31 ~~two candidates, those offices and all political party~~

1 ~~executive committee offices shall be omitted. Except as~~  
2 ~~provided in s. 99.063(4), the advance absentee ballot for the~~  
3 ~~general election shall be as specified in s. 101.151, except~~  
4 ~~that in the case of candidates of political parties where~~  
5 ~~nominations were not made in the first primary, the names of~~  
6 ~~the candidates placing first and second in the first primary~~  
7 ~~election shall be printed on the advance absentee ballot. The~~  
8 ~~advance absentee ballot or advance absentee ballot information~~  
9 ~~booklet shall be of a different color for each election and~~  
10 ~~also a different color from the absentee ballots for the first~~  
11 ~~primary, second primary, and general election. The supervisor~~  
12 ~~shall mail an advance absentee ballot for the second primary~~  
13 ~~and general election to each qualified absent elector for whom~~  
14 ~~a request is received until the absentee ballots are printed.~~  
15 ~~The supervisor shall enclose with the advance second primary~~  
16 ~~absentee ballot and advance general election absentee ballot~~  
17 ~~an explanation stating that the absentee ballot for the~~  
18 ~~election will be mailed as soon as it is printed; and, if both~~  
19 ~~the advance absentee ballot and the absentee ballot for the~~  
20 ~~election are returned in time to be counted, only the absentee~~  
21 ~~ballot will be counted. The Department of State may prescribe~~  
22 ~~by rule the requirements for preparing and mailing absentee~~  
23 ~~ballots to absent qualified electors overseas.~~

24 (b) ~~As soon as the remainder of the absentee ballots~~  
25 ~~are printed,~~The supervisor shall provide an absentee ballot  
26 to each elector by whom a request for that ballot has been  
27 made by one of the following means:

28 1. By nonforwardable, return-if-undeliverable mail to  
29 the elector's current mailing address on file with the  
30 supervisor, unless the elector specifies in the request that:  
31

1           a. The elector is absent from the county and does not  
2 plan to return before the day of the election;  
3           b. The elector is temporarily unable to occupy the  
4 residence because of hurricane, tornado, flood, fire, or other  
5 emergency or natural disaster; or  
6           c. The elector is in a hospital, assisted-living  
7 facility, nursing home, short-term medical or rehabilitation  
8 facility, or correctional facility,  
9  
10 in which case the supervisor shall mail the ballot by  
11 nonforwardable, return-if-undeliverable mail to any other  
12 address the elector specifies in the request.  
13           2. By forwardable mail to voters who are entitled to  
14 vote by absentee ballot under the Uniformed and Overseas  
15 Citizens Voting Act.  
16           3. By personal delivery to the elector, upon  
17 presentation of the identification required in s. 101.657.  
18           4. By delivery to a designee on election day or up to  
19 4 days prior to the day of an election. Any elector may  
20 designate in writing a person to pick up the ballot for the  
21 elector; however, the person designated may not pick up more  
22 than two absentee ballots per election, other than the  
23 designee's own ballot, except that additional ballots may be  
24 picked up for members of the designee's immediate family. For  
25 purposes of this section, "immediate family" means the  
26 designee's spouse or the parent, child, grandparent, or  
27 sibling of the designee or of the designee's spouse. The  
28 designee shall provide to the supervisor the written  
29 authorization by the elector and a picture identification of  
30 the designee and must complete an affidavit. The designee  
31 shall state in the affidavit that the designee is authorized

1 by the elector to pick up that ballot and shall indicate if  
2 the elector is a member of the designee's immediate family  
3 and, if so, the relationship. The department shall prescribe  
4 the form of the affidavit. If the supervisor is satisfied that  
5 the designee is authorized to pick up the ballot and that the  
6 signature of the elector on the written authorization matches  
7 the signature of the elector on file, the supervisor shall  
8 give the ballot to that designee for delivery to the elector.

9       Section 19. Paragraph (c) of subsection (4) of section  
10 102.014, Florida Statutes, is repealed.

11       Section 20. Subsection (3) and paragraph (b) of  
12 subsection (4) of section 103.021, Florida Statutes, are  
13 amended to read:

14       103.021 Nomination for presidential  
15 electors.--Candidates for presidential electors shall be  
16 nominated in the following manner:

17       (3) Candidates for President and Vice President with  
18 no party affiliation may have their names printed on the  
19 general election ballots if a petition is signed by 1 percent  
20 of the registered electors of this state, as shown by the  
21 compilation by the Department of State for the last preceding  
22 general election. A separate petition from each county for  
23 which signatures are solicited shall be submitted to the  
24 supervisor of elections of the respective county no later than  
25 July 15 of each presidential election year. The supervisor  
26 shall check the names and, on or before the date of the ~~first~~  
27 primary election, shall certify the number shown as registered  
28 electors of the county. The supervisor shall be paid by the  
29 person requesting the certification the cost of checking the  
30 petitions as prescribed in s. 99.097. The supervisor shall  
31 then forward the certificate to the Department of State which

1 shall determine whether or not the percentage factor required  
2 in this section has been met. When the percentage factor  
3 required in this section has been met, the Department of State  
4 shall order the names of the candidates for whom the petition  
5 was circulated to be included on the ballot and shall permit  
6 the required number of persons to be certified as electors in  
7 the same manner as party candidates.

8 (4)

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

1 number of persons to be certified as electors in the same  
2 manner as other party candidates.

3 Section 21. Section 103.022, Florida Statutes, is  
4 amended to read:

5 103.022 Write-in candidates for President and Vice  
6 President.--Persons seeking to qualify for election as  
7 write-in candidates for President and Vice President of the  
8 United States may have a blank space provided on the general  
9 election ballot for their names to be written in by filing an  
10 oath with the Department of State at any time after the 57th  
11 day, but before noon of the 49th day, prior to the date of the  
12 ~~first~~ primary election in the year in which a presidential  
13 election is held. The Department of State shall prescribe the  
14 form to be used in administering the oath. The candidates  
15 shall file with the department a certificate naming the  
16 required number of persons to serve as electors. Such  
17 write-in candidates shall not be entitled to have their names  
18 on the ballot.

19 Section 22. Subsection (4) of section 103.091, Florida  
20 Statutes, is amended to read:

21 103.091 Political parties.--

22 (4) Any political party other than a minor political  
23 party may by rule provide for the membership of its state or  
24 county executive committee to be elected for 4-year terms at  
25 the ~~first~~ primary election in each year a presidential  
26 election is held. The terms shall commence on the first day of  
27 the month following each presidential general election; but  
28 the names of candidates for political party offices shall not  
29 be placed on the ballot at any other election. The results of  
30 such election shall be determined by a plurality of the votes  
31 cast. In such event, electors seeking to qualify for such

1 office shall do so with the Department of State or supervisor  
2 of elections not earlier than noon of the 57th day, or later  
3 than noon of the 53rd day, preceding the ~~first~~ primary  
4 election. The outgoing chair of each county executive  
5 committee shall, within 30 days after the committee members  
6 take office, hold an organizational meeting of all newly  
7 elected members for the purpose of electing officers. The  
8 chair of each state executive committee shall, within 60 days  
9 after the committee members take office, hold an  
10 organizational meeting of all newly elected members for the  
11 purpose of electing officers.

12 Section 23. Subsection (1) of section 105.031, Florida  
13 Statutes, is amended to read:

14 105.031 Qualification; filing fee; candidate's oath;  
15 items required to be filed.--

16 (1) TIME OF QUALIFYING.--Except for candidates for  
17 judicial office, nonpartisan candidates for multicounty office  
18 shall qualify with the Division of Elections of the Department  
19 of State and nonpartisan candidates for countywide or less  
20 than countywide office shall qualify with the supervisor of  
21 elections. Candidates for judicial office other than the  
22 office of county court judge shall qualify with the Division  
23 of Elections of the Department of State, and candidates for  
24 the office of county court judge shall qualify with the  
25 supervisor of elections of the county. Candidates for  
26 judicial office shall qualify no earlier than noon of the  
27 120th day, and no later than noon of the 116th day, before the  
28 ~~first~~ primary election. Candidates for the office of school  
29 board member shall qualify no earlier than noon of the 50th  
30 day, and no later than noon of the 46th day, before the ~~first~~  
31 primary election. Filing shall be on forms provided for that

1 purpose by the Division of Elections and furnished by the  
2 appropriate qualifying officer. Any person seeking to qualify  
3 by the alternative method, as set forth in s. 105.035, if the  
4 person has submitted the necessary petitions by the required  
5 deadline and is notified after the fifth day prior to the last  
6 day for qualifying that the required number of signatures has  
7 been obtained, shall be entitled to subscribe to the  
8 candidate's oath and file the qualifying papers at any time  
9 within 5 days from the date he or she is notified that the  
10 necessary number of signatures has been obtained. Any person  
11 other than a write-in candidate who qualifies within the time  
12 prescribed in this subsection shall be entitled to have his or  
13 her name printed on the ballot.

14 Section 24. Subsections (1) and (2) of section  
15 105.041, Florida Statutes, are amended to read:

16 105.041 Form of ballot.--

17 (1) BALLOTS.--The names of candidates for nonpartisan  
18 ~~judicial office and candidates for the office of school board~~  
19 ~~member~~ which appear on the ballot at the first primary  
20 election must ~~shall either~~ be grouped together on a separate  
21 portion of the ballot or on a separate ballot. The names of  
22 candidates for election to nonpartisan ~~judicial~~ office ~~and~~  
23 ~~candidates for the office of school board member~~ which appear  
24 on the ballot at the general election and the names of  
25 justices and judges seeking retention to office must ~~shall~~ be  
26 grouped together on a separate portion of the general election  
27 ballot.

28 (2) LISTING OF CANDIDATES.--

29 (a) Except as provided in paragraph (b), the order of  
30 nonpartisan offices appearing on the ballot shall be  
31 determined by the Department of State. The names of candidates



1 for election to each nonpartisan office shall be listed in  
2 alphabetical order. With respect to retention of justices and  
3 judges, the question "Shall Justice (or Judge) (name of  
4 justice or judge) of the (name of the court) be retained in  
5 office?" shall appear on the ballot in alphabetical order and  
6 thereafter the words "Yes" and "No."

7 (b)1. The names of candidates for the office of  
8 circuit judge shall be listed on the ~~first~~ primary election  
9 ballot in the order determined by lot conducted by the  
10 director of the Division of Elections of the Department of  
11 State after the close of the qualifying period.

12 2. Candidates who have secured a position on the  
13 general election ballot, after having survived elimination at  
14 the ~~first~~ primary election, shall have their names listed in  
15 the same order as on the ~~first~~ primary election ballot,  
16 notwithstanding the elimination of any intervening names as a  
17 result of the ~~first~~ primary election.

18 Section 25. Paragraph (b) of subsection (1) of section  
19 105.051, Florida Statutes, is amended to read:

20 105.051 Determination of election or retention to  
21 office.--

22 (1) ELECTION.--In circuits and counties holding  
23 elections:

24 (b) If two or more candidates, neither of whom is a  
25 write-in candidate, qualify for such an office, the names of  
26 those candidates shall be placed on the ballot at the ~~first~~  
27 primary election. If any candidate for such office receives a  
28 majority of the votes cast for such office in the ~~first~~  
29 primary election, the name of the candidate who receives such  
30 majority shall not appear on any other ballot unless a  
31 write-in candidate has qualified for such office. An unopposed

1 candidate shall be deemed to have voted for himself or herself  
2 at the general election. If no candidate for such office  
3 receives a majority of the votes cast for such office in the  
4 ~~first~~ primary election, the names of the two candidates  
5 receiving the highest number of votes for such office shall be  
6 placed on the general election ballot. If more than two  
7 candidates receive an equal and highest number of votes, the  
8 name of each candidate receiving an equal and highest number  
9 of votes shall be placed on the general election ballot. In  
10 any contest in which there is a tie for second place and the  
11 candidate placing first did not receive a majority of the  
12 votes cast for such office, the name of the candidate placing  
13 first and the name of each candidate tying for second shall be  
14 placed on the general election ballot.

15 Section 26. Paragraphs (a) and (b) of subsection (1)  
16 of section 106.07, Florida Statutes, are amended to read:

17 106.07 Reports; certification and filing.--

18 (1) Each campaign treasurer designated by a candidate  
19 or political committee pursuant to s. 106.021 shall file  
20 regular reports of all contributions received, and all  
21 expenditures made, by or on behalf of such candidate or  
22 political committee. Reports shall be filed on the 10th day  
23 following the end of each calendar quarter from the time the  
24 campaign treasurer is appointed, except that, if the 10th day  
25 following the end of a calendar quarter occurs on a Saturday,  
26 Sunday, or legal holiday, the report shall be filed on the  
27 next following day which is not a Saturday, Sunday, or legal  
28 holiday. Quarterly reports shall include all contributions  
29 received and expenditures made during the calendar quarter  
30 which have not otherwise been reported pursuant to this  
31 section.

1           (a) Except as provided in paragraph (b), following the  
2 last day of qualifying for office, the reports shall be filed  
3 on the 32nd, 18th, and 4th days immediately preceding the  
4 ~~first~~ primary and on the 46th, 32nd, 18th, and 4th days  
5 immediately preceding the ~~primary and~~ general election, for a  
6 candidate who is opposed in seeking nomination or election to  
7 any office, for a political committee, or for a committee of  
8 continuous existence.

9           (b) Following the last day of qualifying for office,  
10 any statewide candidate who has requested to receive  
11 contributions from the Election Campaign Financing Trust Fund  
12 or any statewide candidate in a race with a candidate who has  
13 requested to receive contributions from the trust fund shall  
14 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior  
15 to the ~~first~~ primary election and general elections, and on  
16 the 4th, 11th, 18th, ~~and~~ 25th, 32nd, 39th, 46th, and 53rd days  
17 prior to the general election ~~second primary~~.

18           Section 27. Paragraph (c) of subsection (1) of section  
19 106.08, Florida Statutes, is amended to read:

20           106.08 Contributions; limitations on.--

21           (1)

22           (c) The contribution limits of this subsection apply  
23 to each election. For purposes of this subsection, the ~~first~~  
24 primary election, ~~second primary~~, and general election are  
25 separate elections so long as the candidate is not an  
26 unopposed candidate as defined in s. 106.011(15). However,  
27 for the purpose of contribution limits with respect to  
28 candidates for retention as a justice or judge, there is only  
29 one election, which is the general election. ~~With respect to~~  
30 ~~candidates in a circuit holding an election for circuit judge~~  
31 ~~or in a county holding an election for county court judge,~~

1 ~~there are only two elections, which are the first primary~~  
2 ~~election and general election.~~

3 Section 28. Subsection (1) of section 106.29, Florida  
4 Statutes, is amended to read:

5 106.29 Reports by political parties; restrictions on  
6 contributions and expenditures; penalties.--

7 (1) The state executive committee and each county  
8 executive committee of each political party regulated by  
9 chapter 103 shall file regular reports of all contributions  
10 received and all expenditures made by such committee. Such  
11 reports shall contain the same information as do reports  
12 required of candidates by s. 106.07 and shall be filed on the  
13 10th day following the end of each calendar quarter, except  
14 that, during the period from the last day for candidate  
15 qualifying until the general election, such reports shall be  
16 filed on the Friday immediately preceding both the ~~first~~  
17 ~~primary election, the second primary election,~~and the general  
18 election. Each state executive committee shall file the  
19 original and one copy of its reports with the Division of  
20 Elections. Each county executive committee shall file its  
21 reports with the supervisor of elections in the county in  
22 which such committee exists. Any state or county executive  
23 committee failing to file a report on the designated due date  
24 shall be subject to a fine as provided in subsection (3). No  
25 separate fine shall be assessed for failure to file a copy of  
26 any report required by this section.

27 Section 29. Any voting system certified for use in the  
28 state on January 2, 2004, must meet the new certification  
29 requirements of section 101.5606, Florida Statutes, by July 1,  
30 2004.

31

1           Section 30. This act shall take effect January 2,  
2 2004.

3  
4           \*\*\*\*\*

5                           SENATE SUMMARY

6           Eliminates the second primary election and revises  
7           provisions to conform to the elimination of the second  
8           primary election. Provides for a ranked choice or  
9           "instant" runoff voting process for the primary election.  
10          Provides certification requirements for voting systems.

11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31