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1 A bill to be entitled

2 An act relating to primary elections; repealing s.
3 100.091, F.S.; eliminating the second primary election;
4 repealing s. 100.096, F.S., relating to the holding of
5 special elections in conjunction with the second primary
6 election, to conform; amending s. 97.021, F.S., relating
7 to the definition of "primary election," to conform;
8 amending ss. 97.055, 97.071, 97.1031, and 98.081, F.S.,
9 relating to restrictions on changing party affiliation
10 between primary elections, to conform; amending ss.
11 99.061 and 99.095, F.S., relating to qualifying for
12 nomination or election to office, to conform; amending s.
13 99.063, F.S.; adjusting the date to designate a
14 Lieutenant Governor running mate, to conform; amending
15 ss. 99.103, 100.081, 100.111, 100.141, 101.252, 101.62,
16 102.041, 103.021, 103.022, 103.091, 105.031, 105.041,
17 105.051, 106.07, 106.08, and 106.29, F.S.; revising
18 references, to conform to the elimination of the second
19 primary election; amending s. 100.061, F.S.; establishing
20 a ranked-choice or "instant runoff" voting process for
21 the primary election; amending s. 101.151, F.S.;
22 modifying the primary election ballot, to conform;
23 amending s. 101.5606, F.S.; modifying certification
24 requirements for voting systems; requiring previously
25 certified voting systems to meet new certification
26 requirements by a date certain; providing for
27 construction of the act in pari materia with laws enacted
28 during the 2003 Regular Session or the 2003 Special
29 Session A of the Legislature; providing an effective
30 date.



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

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are repealed.

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

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

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

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

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

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

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



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61 97.071 Registration identification card.--

62 (3) In the case of a change of name, address, or party
63 affiliation, the supervisor must issue the voter a new
64 registration identification card. ~~However, a registration~~
65 ~~identification card indicating a party affiliation change made~~
66 ~~between the book-closing date for the first primary election and~~
67 ~~the date of the second primary election may not be issued until~~
68 ~~after the second primary election.~~

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

71 97.1031 Notice of change of residence within the same
72 county, change of name, or change of party.--

73 (3) When an elector seeks to change party affiliation, the
74 elector must provide a signed, written notification of such
75 intent to the supervisor and obtain a registration
76 identification card reflecting the new party affiliation,
77 ~~subject to the issuance restriction in s. 97.071(3).~~

78 Section 6. Section 98.081, Florida Statutes, is amended to
79 read:

80 98.081 Names removed from registration books; restrictions
81 on reregistering; recordkeeping; restoration of erroneously or
82 illegally removed names.--

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

88 (1)(2) When the name of any elector is removed from the
89 registration books pursuant to s. 98.065, s. 98.075, or s.
90 98.093, the elector's original registration form shall be filed



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91 alphabetically in the office of the supervisor. As alternatives,
92 registrations removed from the registration books may be
93 microfilmed and such microfilms substituted for the original
94 registration forms; or, when voter registration information,
95 including the voter's signature, is maintained digitally or on
96 electronic, magnetic, or optic media, such stored information
97 may be substituted for the original registration form. Such
98 microfilms or stored information shall be retained in the
99 custody of the supervisor. In the event the original
100 registration forms are microfilmed or maintained digitally or on
101 electronic or other media, such originals may be destroyed in
102 accordance with the schedule approved by the Bureau of Archives
103 and Records Management of the Division of Library and
104 Information Services of the department.

105 (2)~~(3)~~ When the name of any elector has been erroneously
106 or illegally removed from the registration books, the name of
107 the elector shall be restored by the supervisor upon
108 satisfactory proof, even though the registration period for that
109 election is closed.

110 Section 7. Subsections (1), (2), and (8) of section
111 99.061, Florida Statutes, are amended to read:

112 99.061 Method of qualifying for nomination or election to
113 federal, state, county, or district office.--

114 (1) The provisions of any special act to the contrary
115 notwithstanding, each person seeking to qualify for nomination
116 or election to a federal, state, or multicounty district office,
117 other than election to a judicial office as defined in chapter
118 105 or the office of school board member, shall file his or her
119 qualification papers with, and pay the qualifying fee, which
120 shall consist of the filing fee and election assessment, and



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121 party assessment, if any has been levied, to, the Department of
122 State, or qualify by the alternative method with the Department
123 of State, at any time after noon of the 1st day for qualifying,
124 which shall be as follows: the 120th day prior to the ~~first~~
125 primary election, but not later than noon of the 116th day prior
126 to the date of the ~~first~~ primary election, for persons seeking
127 to qualify for nomination or election to federal office; and
128 noon of the 50th day prior to the ~~first~~ primary election, but
129 not later than noon of the 46th day prior to the date of the
130 ~~first~~ primary election, for persons seeking to qualify for
131 nomination or election to a state or multicounty district
132 office.

133 (2) The provisions of any special act to the contrary
134 notwithstanding, each person seeking to qualify for nomination
135 or election to a county office, or district or special district
136 office not covered by subsection (1), shall file his or her
137 qualification papers with, and pay the qualifying fee, which
138 shall consist of the filing fee and election assessment, and
139 party assessment, if any has been levied, to, the supervisor of
140 elections of the county, or shall qualify by the alternative
141 method with the supervisor of elections, at any time after noon
142 of the 1st day for qualifying, which shall be the 50th day prior
143 to the ~~first~~ primary election or special district election, but
144 not later than noon of the 46th day prior to the date of the
145 ~~first~~ primary election or special district election. However, if
146 a special district election is held at the same time as the
147 ~~second primary or~~ general election, qualifying shall be the 50th
148 day prior to the ~~first~~ primary election, but not later than noon
149 of the 46th day prior to the date of the ~~first~~ primary election.
150 Within 30 days after the closing of qualifying time, the



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151 supervisor of elections shall remit to the secretary of the
152 state executive committee of the political party to which the
153 candidate belongs the amount of the filing fee, two-thirds of
154 which shall be used to promote the candidacy of candidates for
155 county offices and the candidacy of members of the Legislature.

156 (8) Notwithstanding the qualifying period prescribed by
157 this section, in each year in which the Legislature apportions
158 the state, the qualifying period for persons seeking to qualify
159 for nomination or election to federal office shall be between
160 noon of the 57th day prior to the ~~first~~ primary election, but
161 not later than noon of the 53rd day prior to the ~~first~~ primary
162 election.

163 Section 8. Subsections (1), (2), and (4) of section
164 99.063, Florida Statutes, are amended to read:

165 99.063 Candidates for Governor and Lieutenant Governor.--

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

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

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

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



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179 (c) If the office sought is partisan, the written
180 statement of political party affiliation required by s.
181 99.021(1)(b).

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

184 (4) In order to have the name of the candidate for
185 Lieutenant Governor printed on the ~~first or second~~ primary
186 election ballot, a candidate for Governor participating in the
187 primary must designate the candidate for Lieutenant Governor,
188 and the designated candidate must qualify no later than the end
189 of the qualifying period specified in s. 99.061. If the
190 candidate for Lieutenant Governor has not been designated and
191 has not qualified by the end of the qualifying period specified
192 in s. 99.061, the phrase "Not Yet Designated" must be included
193 in lieu of the candidate's name on the primary election ballot
194 ~~ballots and on advance absentee ballots for the general~~
195 ~~election.~~

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

198 99.095 Alternative method of qualifying.--

199 (1) A person seeking to qualify for nomination to any
200 office may qualify to have his or her name placed on the ballot
201 for the ~~first~~ primary election by means of the petitioning
202 process prescribed in this section. A person qualifying by this
203 alternative method shall not be required to pay the qualifying
204 fee or party assessment required by this chapter. A person using
205 this petitioning process shall file an oath with the officer
206 before whom the candidate would qualify for the office stating
207 that he or she intends to qualify by this alternative method for
208 the office sought. If the person is running for an office which



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209 will be grouped on the ballot with two or more similar offices
 210 to be filled at the same election, the candidate must indicate
 211 in his or her oath for which group or district office he or she
 212 is running. The oath shall be filed at any time after the first
 213 Tuesday after the first Monday in January of the year in which
 214 the ~~first~~ primary election is held, but prior to the 21st day
 215 preceding the first day of the qualifying period for the office
 216 sought. The Department of State shall prescribe the form to be
 217 used in administering and filing such oath. No signatures shall
 218 be obtained by a candidate on any nominating petition until the
 219 candidate has filed the oath required in this section. If the
 220 person is running for an office which will be grouped on the
 221 ballot with two or more similar offices to be filled at the same
 222 election and the petition does not indicate the group or
 223 district office for which the person is running, the signatures
 224 obtained on such petition will not be counted.

225 Section 10. Section 99.103, Florida Statutes, is amended
 226 to read:

227 99.103 Department of State to remit part of filing fees
 228 and party assessments of candidates to state executive
 229 committee.--

230 (1) If more than three-fourths of the full authorized
 231 membership of the state executive committee of any party was
 232 elected at the last previous election for such members and if
 233 such party is declared by the Department of State to have
 234 recorded on the registration books of the counties, as of the
 235 first Tuesday after the first Monday in January prior to the
 236 ~~first~~ primary election in general election years, 5 percent of
 237 the total registration of such counties when added together,
 238 such committee shall receive, for the purpose of meeting its



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239 expenses, all filing fees collected by the Department of State
240 from its candidates less an amount equal to 15 percent of the
241 filing fees, which amount the Department of State shall deposit
242 in the General Revenue Fund of the state.

243 (2) Not later than 20 days after the close of qualifying
244 in even-numbered years, the Department of State shall remit 95
245 percent of all filing fees, less the amount deposited in general
246 revenue pursuant to subsection (1), or party assessments that
247 may have been collected by the department to the respective
248 state executive committees of the parties complying with
249 subsection(1). Party assessments collected by the Department of
250 State shall be remitted to the appropriate state executive
251 committee, irrespective of other requirements of this section,
252 provided such committee is duly organized under the provisions
253 of chapter 103. The remainder of filing fees or party
254 assessments collected by the Department of State shall be
255 remitted to the appropriate state executive committees not later
256 than the date of the ~~first~~ primary election.

257 Section 11. Section 100.061, Florida Statutes, is amended
258 to read:

259 100.061 First primary election.--

260 (1) In each year in which a general election is held, a
261 first primary election for nomination of candidates of political
262 parties shall be held on the Tuesday 9 weeks prior to the
263 general election using a ranked-choice or "instant runoff"
264 ballot prepared pursuant to s. 101.151. ~~Each candidate receiving~~
265 ~~a majority of the votes cast in each contest in the first~~
266 ~~primary election shall be declared nominated for such office. A~~
267 ~~second primary election shall be held as provided by s. 100.091~~



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268 ~~in every contest in which a candidate does not receive a~~
269 ~~majority.~~

270 (2) For purposes of this section:

271 (a) A candidate shall be deemed "continuing" if the
272 candidate has not been eliminated.

273 (b) A ballot shall be deemed "continuing" if it is not
274 exhausted.

275 (c) A ballot shall be deemed "exhausted," and not counted
276 in further stages of the tabulation, if all the choices have
277 been eliminated or if there are no more choices indicated on the
278 ballot.

279 (d) If a ranked-choice ballot gives equal weight to two or
280 more candidates, the ballot shall be deemed "exhausted" when
281 such multiple rankings are reached.

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

285 (3) If a candidate receives a majority of the first
286 choices, that candidate shall be nominated. If no candidate
287 receives a majority, the candidate who received the fewest first
288 choices shall be eliminated and each vote cast for that
289 candidate shall be transferred to the next-ranked candidate on
290 that voter's ballot. If, after this transfer of votes, any
291 candidate has a majority of the votes from the continuing
292 ballots, that candidate shall be declared nominated.

293 (4) If no candidate receives a majority of votes from the
294 continuing ballots after a candidate has been eliminated and his
295 or her votes have been transferred to the next-ranked candidate,
296 the continuing candidate with the fewest votes from the
297 continuing ballots shall be eliminated. All votes cast for that



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298 candidate shall be transferred to the next-ranked continuing
299 candidate on each voter's ballot. This process of eliminating
300 candidates and transferring their votes to the next-ranked
301 continuing candidates shall be repeated until a candidate
302 receives a majority of the votes from the continuing ballots or
303 until there are only two candidates that have not been
304 eliminated, at which point the candidate with the most votes
305 shall be nominated.

306 (5) To facilitate ballot counting in each round, if the
307 total number of votes of the two or more candidates credited
308 with the lowest number of votes is less than the number of votes
309 credited to the candidate with the next highest number of votes,
310 those candidates with the lowest number of votes shall be
311 eliminated simultaneously and their votes transferred to the
312 next-ranked continuing candidate on each ballot in a single
313 counting operation.

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

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

320 Section 12. Section 100.081, Florida Statutes, is amended
321 to read:

322 100.081 ~~Conducting primary elections;~~ Nomination of county
323 commissioners at primary election.--The primary election
324 ~~elections~~ shall provide for the nomination of county
325 commissioners by the qualified electors of such county at the
326 time and place set for voting on other county officers.



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

330 100.111 Filling vacancy.--

331 (1)

332 (c) If such a vacancy occurs prior to the ~~first~~ primary
 333 election but on or after the first day set by law for
 334 qualifying, the Secretary of State shall set dates for
 335 qualifying for the unexpired portion of the term of such office.
 336 Any person seeking nomination or election to the unexpired
 337 portion of the term shall qualify within the time set by the
 338 Secretary of State. If time does not permit party nominations to
 339 be made in conjunction with the ~~first and second~~ primary
 340 election elections, the Governor may call a special primary
 341 ~~election, and, if necessary, a second special primary election,~~
 342 to select party nominees for the unexpired portion of such term.

343 (3) Whenever there is a vacancy for which a special
 344 election is required pursuant to s. 100.101(1)-(4), the
 345 Governor, after consultation with the Secretary of State, shall
 346 fix the dates ~~date~~ of a special ~~first~~ primary election, ~~a~~
 347 ~~special second primary election,~~ and a special election.
 348 Nominees of political parties other than minor political parties
 349 shall be chosen under the primary laws of this state in the
 350 special primary election elections to become candidates in the
 351 special election. Prior to setting the special election dates,
 352 the Governor shall consider any upcoming elections in the
 353 jurisdiction where the special election will be held. The dates
 354 fixed by the Governor shall be specific days certain and shall
 355 not be established by the happening of a condition or stated in
 356 the alternative. The dates fixed shall provide a minimum of 2



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357 weeks between each election. In the event a vacancy occurs in
358 the office of state senator or member of the House of
359 Representatives when the Legislature is in regular legislative
360 session, the minimum times prescribed by this subsection may be
361 waived upon concurrence of the Governor, the Speaker of the
362 House of Representatives, and the President of the Senate. If a
363 vacancy occurs in the office of state senator and no session of
364 the Legislature is scheduled to be held prior to the next
365 general election, the Governor may fix the dates for the any
366 special primary election and for the special election to
367 coincide with the dates of the ~~first and second~~ primary election
368 and general election. If a vacancy in office occurs in any
369 district in the state Senate or House of Representatives or in
370 any congressional district, and no session of the Legislature,
371 or session of Congress if the vacancy is in a congressional
372 district, is scheduled to be held during the unexpired portion
373 of the term, the Governor is not required to call a special
374 election to fill such vacancy.

375 (a) The dates for candidates to qualify in such special
376 election or special primary election shall be fixed by the
377 Department of State, and candidates shall qualify not later than
378 noon of the last day so fixed. The dates fixed for qualifying
379 shall allow a minimum of 14 days between the last day of
380 qualifying and the special ~~first~~ primary election.

381 (b) The filing of campaign expense statements by
382 candidates in such special elections or special primaries and by
383 committees making contributions or expenditures to influence the
384 results of such special primaries or special elections shall be
385 not later than such dates as shall be fixed by the Department of
386 State, and in fixing such dates the Department of State shall



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387 take into consideration and be governed by the practical time
388 limitations.

389 (c) The dates for a candidate to qualify by the
390 alternative method in such special primary or special election
391 shall be fixed by the Department of State. In fixing such dates
392 the Department of State shall take into consideration and be
393 governed by the practical time limitations. Any candidate
394 seeking to qualify by the alternative method in a special
395 primary election shall obtain 25 percent of the signatures
396 required by s. 99.095, s. 99.0955, or s. 99.096, as applicable.

397 (d) The qualifying fees and party assessments of such
398 candidates as may qualify shall be the same as collected for the
399 same office at the last previous primary for that office. The
400 party assessment shall be paid to the appropriate executive
401 committee of the political party to which the candidate belongs.

402 (e) Each county canvassing board shall make as speedy a
403 return of the result of such special primary elections and
404 special elections ~~and primaries~~ as time will permit, and the
405 Elections Canvassing Commission likewise shall make as speedy a
406 canvass and declaration of the nominees as time will permit.

407 (4)(a) In the event that death, resignation, withdrawal,
408 removal, or any other cause or event should cause a party to
409 have a vacancy in nomination which leaves no candidate for an
410 office from such party, the Governor shall, after conferring
411 with the Secretary of State, call a special primary election
412 ~~and, if necessary, a second special primary election~~ to select
413 for such office a nominee of such political party. The dates on
414 which candidates may qualify for such special primary election
415 shall be fixed by the Department of State, and the candidates
416 shall qualify no later than noon of the last day so fixed. The



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417 filing of campaign expense statements by candidates in special
 418 primary elections ~~primaries~~ shall not be later than such dates
 419 as shall be fixed by the Department of State. In fixing such
 420 dates, the Department of State shall take into consideration and
 421 be governed by the practical time limitations. The qualifying
 422 fees and party assessment of such candidates as may qualify
 423 shall be the same as collected for the same office at the last
 424 previous primary for that office. Each county canvassing board
 425 shall make as speedy a return of the results of such special
 426 primary elections ~~primaries~~ as time will permit, and the
 427 Elections Canvassing Commission shall likewise make as speedy a
 428 canvass and declaration of the nominees as time will permit.

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

431 100.141 Notice of special election to fill any vacancy in
 432 office or nomination.--

433 (2) The Department of State shall prepare a notice stating
 434 what offices and vacancies are to be filled in the special
 435 election, the dates ~~date~~ set for the ~~each~~ special primary
 436 election and the special election, the dates fixed for
 437 qualifying for office, the dates fixed for qualifying by the
 438 alternative method, and the dates fixed for filing campaign
 439 expense statements.

440 Section 15. Subsection (5) of section 101.151, Florida
 441 Statutes, is amended and subsection (8) of said section is
 442 reenacted, to read:

443 101.151 Specifications for ballots.--

444 (5)(a) The primary election ballot shall allow voters to
 445 rank a number of choices in order of preference equal to the
 446 total number of candidates for each office; however, if five or



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447 more candidates are participating in the election, the total
448 number of allowable rankings shall be limited to four. The
449 ballot shall in no way impede a voter's ability to cast a vote
450 for a write-in candidate.

451 (b) The primary election ballot shall also be arranged so
452 that the offices of Governor and Lieutenant Governor are joined
453 in a single voting space to allow each elector to cast a single
454 vote for the joint candidacies for Governor and Lieutenant
455 Governor, if applicable.

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

461 1. Clear and unambiguous ballot instructions and
462 directions;

463 2. Individual race layout; and

464 3. Overall ballot layout.

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

468 Section 16. Present subsections (6) through (15) of
469 section 101.5606, Florida Statutes, are renumbered as
470 subsections (7) through (16), respectively, and a new subsection
471 (6) is added to said section, to read:

472 101.5606 Requirements for approval of systems.--No
473 electronic or electromechanical voting system shall be approved
474 by the Department of State unless it is so constructed that:

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



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

479 101.252 Candidates entitled to have names printed on
480 certain ballots; exception.--

481 (2) Any candidate for party executive committee member who
482 has qualified as prescribed by law is entitled to have his or
483 her name printed on the ~~first~~ primary election ballot. However,
484 when there is only one candidate of any political party
485 qualified for such an office, the name of the candidate shall
486 not be printed on the ~~first~~ primary election ballot, and such
487 candidate shall be declared elected to the state or county
488 executive committee.

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

491 101.62 Request for absentee ballots.--

492 (4)(a) To each absent qualified elector overseas who has
493 requested an absentee ballot, the supervisor of elections shall,
494 ~~not fewer than 35 days before the first primary election,~~ mail
495 an absentee ballot not fewer than 35 days before the primary or
496 general election. ~~Not fewer than 45 days before the second~~
497 ~~primary and general election, the supervisor of elections shall~~
498 ~~mail an advance absentee ballot to those persons requesting~~
499 ~~ballots for such elections. The advance absentee ballot for the~~
500 ~~second primary shall be the same as the first primary absentee~~
501 ~~ballot as to the names of candidates, except that for any~~
502 ~~offices where there are only two candidates, those offices and~~
503 ~~all political party executive committee offices shall be~~
504 ~~omitted. Except as provided in s. 99.063(4), the advance~~
505 ~~absentee ballot for the general election shall be as specified~~
506 ~~in s. 101.151, except that in the case of candidates of~~



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507 ~~political parties where nominations were not made in the first~~
508 ~~primary, the names of the candidates placing first and second in~~
509 ~~the first primary election shall be printed on the advance~~
510 ~~absentee ballot. The advance absentee ballot or advance absentee~~
511 ~~ballot information booklet shall be of a different color for~~
512 ~~each election and also a different color from the absentee~~
513 ~~ballots for the first primary, second primary, and general~~
514 ~~election. The supervisor shall mail an advance absentee ballot~~
515 ~~for the second primary and general election to each qualified~~
516 ~~absent elector for whom a request is received until the absentee~~
517 ~~ballots are printed. The supervisor shall enclose with the~~
518 ~~advance second primary absentee ballot and advance general~~
519 ~~election absentee ballot an explanation stating that the~~
520 ~~absentee ballot for the election will be mailed as soon as it is~~
521 ~~printed; and, if both the advance absentee ballot and the~~
522 ~~absentee ballot for the election are returned in time to be~~
523 ~~counted, only the absentee ballot will be counted. The~~
524 ~~Department of State may prescribe by rule the requirements for~~
525 ~~preparing and mailing absentee ballots to absent qualified~~
526 ~~electors overseas.~~

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

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

534 a. The elector is absent from the county and does not plan
535 to return before the day of the election;



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536 b. The elector is temporarily unable to occupy the
537 residence because of hurricane, tornado, flood, fire, or other
538 emergency or natural disaster; or

539 c. The elector is in a hospital, assisted-living facility,
540 nursing home, short-term medical or rehabilitation facility, or
541 correctional facility,

542

543 in which case the supervisor shall mail the ballot by
544 nonforwardable, return-if-undeliverable mail to any other
545 address the elector specifies in the request.

546 2. By forwardable mail to voters who are entitled to vote
547 by absentee ballot under the Uniformed and Overseas Citizens
548 Voting Act.

549 3. By personal delivery to the elector, upon presentation
550 of the identification required in s. 101.657.

551 4. By delivery to a designee on election day or up to 4
552 days prior to the day of an election. Any elector may designate
553 in writing a person to pick up the ballot for the elector;
554 however, the person designated may not pick up more than two
555 absentee ballots per election, other than the designee's own
556 ballot, except that additional ballots may be picked up for
557 members of the designee's immediate family. For purposes of this
558 section, "immediate family" means the designee's spouse or the
559 parent, child, grandparent, or sibling of the designee or of the
560 designee's spouse. The designee shall provide to the supervisor
561 the written authorization by the elector and a picture
562 identification of the designee and must complete an affidavit.
563 The designee shall state in the affidavit that the designee is
564 authorized by the elector to pick up that ballot and shall
565 indicate if the elector is a member of the designee's immediate



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566 family and, if so, the relationship. The department shall
567 prescribe the form of the affidavit. If the supervisor is
568 satisfied that the designee is authorized to pick up the ballot
569 and that the signature of the elector on the written
570 authorization matches the signature of the elector on file, the
571 supervisor shall give the ballot to that designee for delivery
572 to the elector.

573 Section 19. Paragraph (c) of subsection (4) of section
574 102.014, Florida Statutes, is amended to read:

575 102.014 Poll worker recruitment and training.--

576 (4) Each supervisor of elections shall be responsible for
577 training inspectors and clerks, subject to the following minimum
578 requirements:

579 ~~(c) For the purposes of this subsection, the first and~~
580 ~~second primary elections shall be considered one election.~~

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

583 103.021 Nomination for presidential electors.--Candidates
584 for presidential electors shall be nominated in the following
585 manner:

586 (3) Candidates for President and Vice President with no
587 party affiliation may have their names printed on the general
588 election ballots if a petition is signed by 1 percent of the
589 registered electors of this state, as shown by the compilation
590 by the Department of State for the last preceding general
591 election. A separate petition from each county for which
592 signatures are solicited shall be submitted to the supervisor of
593 elections of the respective county no later than July 15 of each
594 presidential election year. The supervisor shall check the names
595 and, on or before the date of the ~~first~~ primary election, shall



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596 certify the number shown as registered electors of the county.
 597 The supervisor shall be paid by the person requesting the
 598 certification the cost of checking the petitions as prescribed
 599 in s. 99.097. The supervisor shall then forward the certificate
 600 to the Department of State which shall determine whether or not
 601 the percentage factor required in this section has been met.
 602 When the percentage factor required in this section has been
 603 met, the Department of State shall order the names of the
 604 candidates for whom the petition was circulated to be included
 605 on the ballot and shall permit the required number of persons to
 606 be certified as electors in the same manner as party candidates.

607 (4)

608 (b) A minor party that is not affiliated with a national
 609 party holding a national convention to nominate candidates for
 610 President and Vice President of the United States may have the
 611 names of its candidates for President and Vice President printed
 612 on the general election ballot if a petition is signed by 1
 613 percent of the registered electors of this state, as shown by
 614 the compilation by the Department of State for the preceding
 615 general election. A separate petition from each county for which
 616 signatures are solicited shall be submitted to the supervisors
 617 of elections of the respective county no later than July 15 of
 618 each presidential election year. The supervisor shall check the
 619 names and, on or before the date of the ~~first~~ primary election,
 620 shall certify the number shown as registered electors of the
 621 county. The supervisor shall be paid by the person requesting
 622 the certification the cost of checking the petitions as
 623 prescribed in s. 99.097. The supervisor shall then forward the
 624 certificate to the Department of State, which shall determine
 625 whether or not the percentage factor required in this section



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626 has been met. When the percentage factor required in this
627 section has been met, the Department of State shall order the
628 names of the candidates for whom the petition was circulated to
629 be included on the ballot and shall permit the required number
630 of persons to be certified as electors in the same manner as
631 other party candidates.

632 Section 21. Section 103.022, Florida Statutes, is amended
633 to read:

634 103.022 Write-in candidates for President and Vice
635 President.--Persons seeking to qualify for election as write-in
636 candidates for President and Vice President of the United States
637 may have a blank space provided on the general election ballot
638 for their names to be written in by filing an oath with the
639 Department of State at any time after the 57th day, but before
640 noon of the 49th day, prior to the date of the ~~first~~ primary
641 election in the year in which a presidential election is held.
642 The Department of State shall prescribe the form to be used in
643 administering the oath. The candidates shall file with the
644 department a certificate naming the required number of persons
645 to serve as electors. Such write-in candidates shall not be
646 entitled to have their names on the ballot.

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

649 103.091 Political parties.--

650 (4) Any political party other than a minor political party
651 may by rule provide for the membership of its state or county
652 executive committee to be elected for 4-year terms at the ~~first~~
653 primary election in each year a presidential election is held.
654 The terms shall commence on the first day of the month following
655 each presidential general election; but the names of candidates



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656 for political party offices shall not be placed on the ballot at
 657 any other election. The results of such election shall be
 658 determined by a plurality of the votes cast. In such event,
 659 electors seeking to qualify for such office shall do so with the
 660 Department of State or supervisor of elections not earlier than
 661 noon of the 57th day, or later than noon of the 53rd day,
 662 preceding the ~~first~~ primary election. The outgoing chair of each
 663 county executive committee shall, within 30 days after the
 664 committee members take office, hold an organizational meeting of
 665 all newly elected members for the purpose of electing officers.
 666 The chair of each state executive committee shall, within 60
 667 days after the committee members take office, hold an
 668 organizational meeting of all newly elected members for the
 669 purpose of electing officers.

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

672 105.031 Qualification; filing fee; candidate's oath; items
 673 required to be filed.--

674 (1) TIME OF QUALIFYING.--Except for candidates for
 675 judicial office, nonpartisan candidates for multicounty office
 676 shall qualify with the Division of Elections of the Department
 677 of State and nonpartisan candidates for countywide or less than
 678 countywide office shall qualify with the supervisor of
 679 elections. Candidates for judicial office other than the office
 680 of county court judge shall qualify with the Division of
 681 Elections of the Department of State, and candidates for the
 682 office of county court judge shall qualify with the supervisor
 683 of elections of the county. Candidates for judicial office shall
 684 qualify no earlier than noon of the 120th day, and no later than
 685 noon of the 116th day, before the ~~first~~ primary election.



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686 Candidates for the office of school board member shall qualify
687 no earlier than noon of the 50th day, and no later than noon of
688 the 46th day, before the ~~first~~ primary election. Filing shall be
689 on forms provided for that purpose by the Division of Elections
690 and furnished by the appropriate qualifying officer. Any person
691 seeking to qualify by the alternative method, as set forth in s.
692 105.035, if the person has submitted the necessary petitions by
693 the required deadline and is notified after the fifth day prior
694 to the last day for qualifying that the required number of
695 signatures has been obtained, shall be entitled to subscribe to
696 the candidate's oath and file the qualifying papers at any time
697 within 5 days from the date he or she is notified that the
698 necessary number of signatures has been obtained. Any person
699 other than a write-in candidate who qualifies within the time
700 prescribed in this subsection shall be entitled to have his or
701 her name printed on the ballot.

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

704 105.041 Form of ballot.--

705 (1) BALLOTS.--The names of candidates for nonpartisan
706 ~~judicial office and candidates for the office of school board~~
707 ~~member~~ which appear on the ballot at the ~~first~~ primary election
708 must ~~shall either~~ be grouped together on a separate portion of
709 the ballot or on a separate ballot. The names of candidates for
710 election to nonpartisan ~~judicial office and candidates for the~~
711 ~~office of school board member~~ which appear on the ballot at the
712 general election and the names of justices and judges seeking
713 retention to office must ~~shall~~ be grouped together on a separate
714 portion of the general election ballot.

715 (2) LISTING OF CANDIDATES.--



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716 (a) Except as provided in paragraph (b), the order of
717 nonpartisan offices appearing on the ballot shall be determined
718 by the Department of State. The names of candidates for election
719 to each nonpartisan office shall be listed in alphabetical
720 order. With respect to retention of justices and judges, the
721 question "Shall Justice (or Judge) (name of justice or judge) of
722 the (name of the court) be retained in office?" shall appear on
723 the ballot in alphabetical order and thereafter the words "Yes"
724 and "No."

725 (b)1. The names of candidates for the office of circuit
726 judge shall be listed on the ~~first~~ primary election ballot in
727 the order determined by lot conducted by the director of the
728 Division of Elections of the Department of State after the close
729 of the qualifying period.

730 2. Candidates who have secured a position on the general
731 election ballot, after having survived elimination at the ~~first~~
732 primary election, shall have their names listed in the same
733 order as on the ~~first~~ primary election ballot, notwithstanding
734 the elimination of any intervening names as a result of the
735 ~~first~~ primary election.

736 Section 25. Paragraph (b) of subsection (1) of section
737 105.051, Florida Statutes, is amended to read:

738 105.051 Determination of election or retention to
739 office.--

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

741 (b) If two or more candidates, neither of whom is a write-
742 in candidate, qualify for such an office, the names of those
743 candidates shall be placed on the ballot at the ~~first~~ primary
744 election. If any candidate for such office receives a majority
745 of the votes cast for such office in the ~~first~~ primary election,



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746 the name of the candidate who receives such majority shall not
747 appear on any other ballot unless a write-in candidate has
748 qualified for such office. An unopposed candidate shall be
749 deemed to have voted for himself or herself at the general
750 election. If no candidate for such office receives a majority of
751 the votes cast for such office in the ~~first~~ primary election,
752 the names of the two candidates receiving the highest number of
753 votes for such office shall be placed on the general election
754 ballot. If more than two candidates receive an equal and highest
755 number of votes, the name of each candidate receiving an equal
756 and highest number of votes shall be placed on the general
757 election ballot. In any contest in which there is a tie for
758 second place and the candidate placing first did not receive a
759 majority of the votes cast for such office, the name of the
760 candidate placing first and the name of each candidate tying for
761 second shall be placed on the general election ballot.

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

764 106.07 Reports; certification and filing.--

765 (1) Each campaign treasurer designated by a candidate or
766 political committee pursuant to s. 106.021 shall file regular
767 reports of all contributions received, and all expenditures
768 made, by or on behalf of such candidate or political committee.
769 Reports shall be filed on the 10th day following the end of each
770 calendar quarter from the time the campaign treasurer is
771 appointed, except that, if the 10th day following the end of a
772 calendar quarter occurs on a Saturday, Sunday, or legal holiday,
773 the report shall be filed on the next following day which is not
774 a Saturday, Sunday, or legal holiday. Quarterly reports shall
775 include all contributions received and expenditures made during



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776 the calendar quarter which have not otherwise been reported
777 pursuant to this section.

778 (a) Except as provided in paragraph (b), following the
779 last day of qualifying for office, the reports shall be filed on
780 the 32nd, 18th, and 4th days immediately preceding the ~~first~~
781 primary and on the 46th, 32nd, 18th, and 4th days immediately
782 preceding the ~~second primary and~~ general election, for a
783 candidate who is opposed in seeking nomination or election to
784 any office, for a political committee, or for a committee of
785 continuous existence.

786 (b) Following the last day of qualifying for office, any
787 statewide candidate who has requested to receive contributions
788 from the Election Campaign Financing Trust Fund or any statewide
789 candidate in a race with a candidate who has requested to
790 receive contributions from the trust fund shall file reports on
791 the 4th, 11th, 18th, 25th, and 32nd days prior to the ~~first~~
792 primary election ~~and general elections~~, and on the 4th, 11th,
793 18th, ~~and 25th, 32nd, 39th, 46th, and 53rd~~ days prior to the
794 general election ~~second primary~~.

795 Section 27. Paragraph (c) of subsection (1) of section
796 106.08, Florida Statutes, is amended to read:

797 106.08 Contributions; limitations on.--

798 (1)

799 (c) The contribution limits of this subsection apply to
800 each election. For purposes of this subsection, the ~~first~~
801 primary election, ~~second primary~~, and general election are
802 separate elections so long as the candidate is not an unopposed
803 candidate as defined in s. 106.011(15). However, for the purpose
804 of contribution limits with respect to candidates for retention
805 as a justice or judge, there is only one election, which is the



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806 general election. ~~With respect to candidates in a circuit~~
807 ~~holding an election for circuit judge or in a county holding an~~
808 ~~election for county court judge, there are only two elections,~~
809 ~~which are the first primary election and general election.~~

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

812 106.29 Reports by political parties; restrictions on
813 contributions and expenditures; penalties.--

814 (1) The state executive committee and each county
815 executive committee of each political party regulated by chapter
816 103 shall file regular reports of all contributions received and
817 all expenditures made by such committee. Such reports shall
818 contain the same information as do reports required of
819 candidates by s. 106.07 and shall be filed on the 10th day
820 following the end of each calendar quarter, except that, during
821 the period from the last day for candidate qualifying until the
822 general election, such reports shall be filed on the Friday
823 immediately preceding both the ~~first~~ primary election, ~~the~~
824 ~~second primary election~~, and the general election. Each state
825 executive committee shall file the original and one copy of its
826 reports with the Division of Elections. Each county executive
827 committee shall file its reports with the supervisor of
828 elections in the county in which such committee exists. Any
829 state or county executive committee failing to file a report on
830 the designated due date shall be subject to a fine as provided
831 in subsection (3). No separate fine shall be assessed for
832 failure to file a copy of any report required by this section.

833 Section 29. Any voting system certified for use in the
834 state on January 2, 2004, must meet the new certification



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835 requirements of s. 101.5606, Florida Statutes, as amended by
836 this act, by July 1, 2004.

837 Section 30. If any law amended by this act was also
838 amended by a law enacted at the 2003 Regular Session of the
839 Legislature or at the 2003 Special Session A of the Legislature,
840 such laws shall be construed as if they had been enacted at the
841 same session of the Legislature, and full effect shall be given
842 to each if possible.

843 Section 31. This act shall take effect January 2, 2004.