

HB 0389

2004

House Joint Resolution

A joint resolution proposing an amendment to Section 5 of Article VI of the State Constitution to prescribe additional circumstances in which electors may vote in a primary election regardless of party affiliation.

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

That the amendment to Section 5 of Article VI of the State Constitution set forth below is agreed to and shall be submitted to the electors of Florida for approval or rejection at the general election to be held in November 2004:

ARTICLE VI

SUFFRAGE AND ELECTIONS

SECTION 5. Primary, general, and special elections.--

(a) A general election shall be held in each county on the first Tuesday after the first Monday in November of each even-numbered year to choose a successor to each elective state and county officer whose term will expire before the next general election and, except as provided herein, to fill each vacancy in elective office for the unexpired portion of the term. A general election may be suspended or delayed due to a state of emergency or impending emergency pursuant to general law. Special elections and referenda shall be held as provided by law.

(b) If all candidates for an office have the same party affiliation and the winner will have either no opposition in the general election or opposition only from a write-in candidate, then all qualified electors, regardless of party affiliation, may vote in the primary elections for that office.

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30 BE IT FURTHER RESOLVED that the title and substance of the
31 amendment proposed herein shall appear on the ballot as follows:

32 OPEN PRIMARY ELECTIONS; ADDITIONAL CIRCUMSTANCES

33 Proposes an amendment to Section 5 of Article VI of the
34 State Constitution to permit all electors, regardless of party
35 affiliation, to vote in the primary elections for an office, in
36 the same manner as is currently permitted when the winner of the
37 primary will be unopposed in the general election, if the winner
38 of the primary will be opposed in the general election by a
39 write-in candidate only.