

By Senator Posey

24-1285-05

1                                   A bill to be entitled

2           An act relating to the second primary election;

3           repealing s. 100.091, F.S.; eliminating the

4           second primary election; repealing s. 100.096,

5           F.S., relating to the holding of special

6           elections in conjunction with the second

7           primary election, to conform; amending s.

8           97.021, F.S., relating to the definition of

9           "primary election," to conform; amending ss.

10          97.055, 97.071, 97.1031, 98.081, F.S., relating

11          to restrictions on changing party affiliation

12          between primary elections, to conform; amending

13          ss. 99.061, 99.095, F.S., relating to

14          qualifying for nomination or election to

15          office, to conform; amending s. 99.063, F.S.;

16          adjusting the date to designate a Lieutenant

17          Governor running mate, to conform; amending ss.

18          99.103, 100.061, 100.081, 100.111, 100.141,

19          101.252, 101.62, 103.021, 103.022, 103.091,

20          105.031, 105.041, 105.051, 106.07, 106.08,

21          106.29, F.S., and repealing s. 102.014(4)(c),

22          F.S.; revising references, to conform to the

23          elimination of the second primary election;

24          providing an effective date.

25

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

27

28           Section 1. Sections 100.091 and 100.096, Florida

29 Statutes, are repealed.

30           Section 2. Subsection (25) of section 97.021, Florida

31 Statutes, is amended to read:

1           97.021 Definitions.--For the purposes of this code,  
2 except where the context clearly indicates otherwise, the  
3 term:

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

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

12           97.055 Registration books; when closed for an  
13 election.--

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

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

27           97.071 Registration identification card.--

28           (3) In the case of a change of name, address, or party  
29 affiliation, the supervisor must issue the voter a new  
30 registration identification card. ~~However, a registration~~  
31 ~~identification card indicating a party affiliation change made~~

1 ~~between the book closing date for the first primary election~~  
2 ~~and the date of the second primary election may not be issued~~  
3 ~~until after the second primary election.~~

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

6 97.1031 Notice of change of residence within the same  
7 county, change of name, or change of party.--

8 (3) When an elector seeks to change party affiliation,  
9 the elector must provide a signed, written notification of  
10 such intent to the supervisor and obtain a registration  
11 identification card reflecting the new party affiliation,  
12 ~~subject to the issuance restriction in s. 97.071(3).~~

13 Section 6. Section 98.081, Florida Statutes, is  
14 amended to read:

15 98.081 Names removed from registration books;  
16 restrictions on reregistering; recordkeeping; restoration of  
17 erroneously or illegally removed names.--

18 ~~(1) Any person who requested that his or her name be~~  
19 ~~removed from the registration books between the book closing~~  
20 ~~date of the first primary and the date of the second primary~~  
21 ~~may not register in a different political party until after~~  
22 ~~the date of the second primary election.~~

23 (1)(2) When the name of any elector is removed from  
24 the registration books pursuant to s. 98.065, s. 98.075, or s.  
25 98.093, the elector's original registration form shall be  
26 filed alphabetically in the office of the supervisor. As  
27 alternatives, registrations removed from the registration  
28 books may be microfilmed and such microfilms substituted for  
29 the original registration forms; or, when voter registration  
30 information, including the voter's signature, is maintained  
31 digitally or on electronic, magnetic, or optic media, such

1 | stored information may be substituted for the original  
2 | registration form. Such microfilms or stored information shall  
3 | be retained in the custody of the supervisor. In the event the  
4 | original registration forms are microfilmed or maintained  
5 | digitally or on electronic or other media, such originals may  
6 | be destroyed in accordance with the schedule approved by the  
7 | Bureau of Archives and Records Management of the Division of  
8 | Library and Information Services of the department.

9 |       ~~(2)(3)~~ When the name of any elector has been  
10 | erroneously or illegally removed from the registration books,  
11 | the name of the elector shall be restored by the supervisor  
12 | upon satisfactory proof, even though the registration period  
13 | for that election is closed.

14 |       Section 7. Subsections (1), (2), and (8) of section  
15 | 99.061, Florida Statutes, are amended to read:

16 |       99.061 Method of qualifying for nomination or election  
17 | to federal, state, county, or district office.--

18 |       (1) The provisions of any special act to the contrary  
19 | notwithstanding, each person seeking to qualify for nomination  
20 | or election to a federal, state, or multicounty district  
21 | office, other than election to a judicial office as defined in  
22 | chapter 105 or the office of school board member, shall file  
23 | his or her qualification papers with, and pay the qualifying  
24 | fee, which shall consist of the filing fee and election  
25 | assessment, and party assessment, if any has been levied, to,  
26 | the Department of State, or qualify by the alternative method  
27 | with the Department of State, at any time after noon of the  
28 | 1st day for qualifying, which shall be as follows: the 120th  
29 | day prior to the ~~first~~ election, but not later than  
30 | noon of the 116th day prior to the date of the ~~first~~ primary  
31 | election, for persons seeking to qualify for nomination or

1 | election to federal office; and noon of the 50th day prior to  
2 | the ~~first~~ primary election, but not later than noon of the  
3 | 46th day prior to the date of the ~~first~~ primary election, for  
4 | persons seeking to qualify for nomination or election to a  
5 | state or multicounty district office.

6 |         (2) The provisions of any special act to the contrary  
7 | notwithstanding, each person seeking to qualify for nomination  
8 | or election to a county office, or district or special  
9 | district office not covered by subsection (1), shall file his  
10 | or her qualification papers with, and pay the qualifying fee,  
11 | which shall consist of the filing fee and election assessment,  
12 | and party assessment, if any has been levied, to, the  
13 | supervisor of elections of the county, or shall qualify by the  
14 | alternative method with the supervisor of elections, at any  
15 | time after noon of the 1st day for qualifying, which shall be  
16 | the 50th day prior to the ~~first~~ primary election or special  
17 | district election, but not later than noon of the 46th day  
18 | prior to the date of the ~~first~~ primary election or special  
19 | district election. However, if a special district election is  
20 | held at the same time as the ~~second primary or general~~  
21 | election, qualifying shall be the 50th day prior to the ~~first~~  
22 | primary election, but not later than noon of the 46th day  
23 | prior to the date of the ~~first~~ primary election. Within 30  
24 | days after the closing of qualifying time, the supervisor of  
25 | elections shall remit to the secretary of the state executive  
26 | committee of the political party to which the candidate  
27 | belongs the amount of the filing fee, two-thirds of which  
28 | shall be used to promote the candidacy of candidates for  
29 | county offices and the candidacy of members of the  
30 | Legislature.

31 |

1           (8) Notwithstanding the qualifying period prescribed  
2 by this section, in each year in which the Legislature  
3 apportsions the state, the qualifying period for persons  
4 seeking to qualify for nomination or election to federal  
5 office shall be between noon of the 57th day prior to the  
6 ~~first~~ primary election, but not later than noon of the 53rd  
7 day prior to the ~~first~~ primary election.

8           Section 8. Subsections (1), (2), and (4) of section  
9 99.063, Florida Statutes, are amended to read:

10           99.063 Candidates for Governor and Lieutenant  
11 Governor.--

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

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

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

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

26           (c) If the office sought is partisan, the written  
27 statement of political party affiliation required by s.  
28 99.021(1)(b).

29           (d) The full and public disclosure of financial  
30 interests pursuant to s. 8, Art. II of the State Constitution.  
31

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

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

15           99.095 Alternative method of qualifying.--

16           (1) A person seeking to qualify for nomination to any  
17 office may qualify to have his or her name placed on the  
18 ballot for the ~~first~~ primary election by means of the  
19 petitioning process prescribed in this section. A person  
20 qualifying by this alternative method shall not be required to  
21 pay the qualifying fee or party assessment required by this  
22 chapter. A person using this petitioning process shall file  
23 an oath with the officer before whom the candidate would  
24 qualify for the office stating that he or she intends to  
25 qualify by this alternative method for the office sought. If  
26 the person is running for an office which will be grouped on  
27 the ballot with two or more similar offices to be filled at  
28 the same election, the candidate must indicate in his or her  
29 oath for which group or district office he or she is running.  
30 The oath shall be filed at any time after the first Tuesday  
31 after the first Monday in January of the year in which the

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

13 Section 10. Section 99.103, Florida Statutes, is  
14 amended to read:

15 99.103 Department of State to remit part of filing  
16 fees and party assessments of candidates to state executive  
17 committee.--

18 (1) If more than three-fourths of the full authorized  
19 membership of the state executive committee of any party was  
20 elected at the last previous election for such members and if  
21 such party is declared by the Department of State to have  
22 recorded on the registration books of the counties, as of the  
23 first Tuesday after the first Monday in January prior to the  
24 ~~first~~ primary election in general election years, 5 percent of  
25 the total registration of such counties when added together,  
26 such committee shall receive, for the purpose of meeting its  
27 expenses, all filing fees collected by the Department of State  
28 from its candidates less an amount equal to 15 percent of the  
29 filing fees, which amount the Department of State shall  
30 deposit in the General Revenue Fund of the state.  
31



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

16           Section 11. Section 100.061, Florida Statutes, is  
17 amended to read:

18           100.061 ~~First~~ Primary election.--In each year in which  
19 a general election is held, a ~~first~~ primary election for  
20 nomination of candidates of political parties shall be held on  
21 the Tuesday 9 weeks prior to the general election. ~~The Each~~  
22 candidate receiving the highest number ~~a majority of the~~ votes  
23 cast in each contest in the ~~first~~ primary election shall be  
24 declared nominated for such office. If two or more candidates  
25 receive an equal and highest number of votes for the same  
26 office, such candidates shall draw lots to determine which  
27 candidate is nominated. ~~A second primary election shall be~~  
28 ~~held as provided by s. 100.091 in every contest in which a~~  
29 ~~candidate does not receive a majority.~~

30           Section 12. Section 100.081, Florida Statutes, is  
31 amended to read:

1           100.081 ~~Conducting primary elections~~; Nomination of  
2 county commissioners at primary election.--The primary  
3 election elections shall provide for the nomination of county  
4 commissioners by the qualified electors of such county at the  
5 time and place set for voting on other county officers.

6           Section 13. Paragraph (c) of subsection (1),  
7 subsection (3), and paragraph (a) of subsection (4) of section  
8 100.111, Florida Statutes, are amended to read:

9           100.111 Filling vacancy.--

10           (1)

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

23           (3) Whenever there is a vacancy for which a special  
24 election is required pursuant to s. 100.101(1)-(4), the  
25 Governor, after consultation with the Secretary of State,  
26 shall fix the ~~dates date~~ of a special ~~first~~ primary election,  
27 ~~a special second primary election~~, and a special election.  
28 Nominees of political parties other than minor political  
29 parties shall be chosen under the primary laws of this state  
30 in the special primary election elections to become candidates  
31 in the special election. Prior to setting the special

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

24 |         (a) The dates for candidates to qualify in such  
25 | special election or special primary election shall be fixed by  
26 | the Department of State, and candidates shall qualify not  
27 | later than noon of the last day so fixed. The dates fixed for  
28 | qualifying shall allow a minimum of 14 days between the last  
29 | day of qualifying and the special ~~first~~ primary election.

30 |         (b) The filing of campaign expense statements by  
31 | candidates in such special elections or special primaries and

1 | by committees making contributions or expenditures to  
2 | influence the results of such special primaries or special  
3 | elections shall be not later than such dates as shall be fixed  
4 | by the Department of State, and in fixing such dates the  
5 | Department of State shall take into consideration and be  
6 | governed by the practical time limitations.

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

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

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

27 |         (4)(a) In the event that death, resignation,  
28 | withdrawal, removal, or any other cause or event should cause  
29 | a party to have a vacancy in nomination which leaves no  
30 | candidate for an office from such party, the Governor shall,  
31 | after conferring with the Secretary of State, call a special

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

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

22 100.141 Notice of special election to fill any vacancy  
23 in office or nomination.--

24 (2) The Department of State shall prepare a notice  
25 stating what offices and vacancies are to be filled in the  
26 special election, the dates ~~date~~ set for the ~~each~~ special  
27 primary election and the special election, the dates fixed for  
28 qualifying for office, the dates fixed for qualifying by the  
29 alternative method, and the dates fixed for filing campaign  
30 expense statements.  
31

1           Section 15. Subsection (2) of section 101.252, Florida  
2 Statutes, is amended to read:

3           101.252 Candidates entitled to have names printed on  
4 certain ballots; exception.--

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

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

13           Section 16. Subsection (4) of section 101.62, Florida  
14 Statutes, is amended to read:

15           101.62 Request for absentee ballots.--

16           (4)(a) To each absent qualified elector overseas who  
17 has requested an absentee ballot, the supervisor of elections  
18 shall, ~~not fewer than 35 days before the first primary~~  
19 election, mail an absentee ballot not fewer than 35 days  
20 before the primary or general election. ~~Not fewer than 45 days~~  
21 ~~before the second primary and general election, the supervisor~~  
22 ~~of elections shall mail an advance absentee ballot to those~~  
23 ~~persons requesting ballots for such elections. The advance~~  
24 ~~absentee ballot for the second primary shall be the same as~~  
25 ~~the first primary absentee ballot as to the names of~~  
26 ~~candidates, except that for any offices where there are only~~  
27 ~~two candidates, those offices and all political party~~  
28 ~~executive committee offices shall be omitted. Except as~~  
29 ~~provided in ss. 99.063(4) and 100.371(6), the advance absentee~~  
30 ~~ballot for the general election shall be as specified in s.~~  
31 ~~101.151, except that in the case of candidates of political~~

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

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

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

28 a. The elector is absent from the county and does not  
29 plan to return before the day of the election;  
30  
31

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

4           c. The elector is in a hospital, assisted-living  
5 facility, nursing home, short-term medical or rehabilitation  
6 facility, or correctional facility,

7  
8 in which case the supervisor shall mail the ballot by  
9 nonforwardable, return-if-undeliverable mail to any other  
10 address the elector specifies in the request.

11           2. By forwardable mail to voters who are entitled to  
12 vote by absentee ballot under the Uniformed and Overseas  
13 Citizens Voting Act.

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

16           4. By delivery to a designee on election day or up to  
17 4 days prior to the day of an election. Any elector may  
18 designate in writing a person to pick up the ballot for the  
19 elector; however, the person designated may not pick up more  
20 than two absentee ballots per election, other than the  
21 designee's own ballot, except that additional ballots may be  
22 picked up for members of the designee's immediate family. For  
23 purposes of this section, "immediate family" means the  
24 designee's spouse or the parent, child, grandparent, or  
25 sibling of the designee or of the designee's spouse. The  
26 designee shall provide to the supervisor the written  
27 authorization by the elector and a picture identification of  
28 the designee and must complete an affidavit. The designee  
29 shall state in the affidavit that the designee is authorized  
30 by the elector to pick up that ballot and shall indicate if  
31 the elector is a member of the designee's immediate family



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

7 Section 17. Paragraph (c) of subsection (4) of section  
8 102.014, Florida Statutes, is repealed.

9 Section 18. Subsection (3) and paragraph (b) of  
10 subsection (4) of section 103.021, Florida Statutes, are  
11 amended to read:

12 103.021 Nomination for presidential  
13 electors.--Candidates for presidential electors shall be  
14 nominated in the following manner:

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

1 required in this section has been met, the Department of State  
2 shall order the names of the candidates for whom the petition  
3 was circulated to be included on the ballot and shall permit  
4 the required number of persons to be certified as electors in  
5 the same manner as party candidates.

6 (4)

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

1           Section 19. Section 103.022, Florida Statutes, is  
2 amended to read:

3           103.022 Write-in candidates for President and Vice  
4 President.--Persons seeking to qualify for election as  
5 write-in candidates for President and Vice President of the  
6 United States may have a blank space provided on the general  
7 election ballot for their names to be written in by filing an  
8 oath with the Department of State at any time after the 57th  
9 day, but before noon of the 49th day, prior to the date of the  
10 ~~first~~ primary election in the year in which a presidential  
11 election is held. The Department of State shall prescribe the  
12 form to be used in administering the oath. The candidates  
13 shall file with the department a certificate naming the  
14 required number of persons to serve as electors. Such  
15 write-in candidates shall not be entitled to have their names  
16 on the ballot.

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

19           103.091 Political parties.--

20           (4) Any political party other than a minor political  
21 party may by rule provide for the membership of its state or  
22 county executive committee to be elected for 4-year terms at  
23 the ~~first~~ primary election in each year a presidential  
24 election is held. The terms shall commence on the first day of  
25 the month following each presidential general election; but  
26 the names of candidates for political party offices shall not  
27 be placed on the ballot at any other election. The results of  
28 such election shall be determined by a plurality of the votes  
29 cast. In such event, electors seeking to qualify for such  
30 office shall do so with the Department of State or supervisor  
31 of elections not earlier than noon of the 57th day, or later

1 | than noon of the 53rd day, preceding the ~~first~~ primary  
2 | election. The outgoing chair of each county executive  
3 | committee shall, within 30 days after the committee members  
4 | take office, hold an organizational meeting of all newly  
5 | elected members for the purpose of electing officers. The  
6 | chair of each state executive committee shall, within 60 days  
7 | after the committee members take office, hold an  
8 | organizational meeting of all newly elected members for the  
9 | purpose of electing officers.

10 |         Section 21. Subsection (1) of section 105.031, Florida  
11 | Statutes, is amended to read:

12 |             105.031 Qualification; filing fee; candidate's oath;  
13 | items required to be filed.--

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

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

12 |         Section 22. Subsections (1) and (2) of section  
13 | 105.041, Florida Statutes, are amended to read:

14 |             105.041 Form of ballot.--

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

26 |             (2) LISTING OF CANDIDATES.--

27 |             (a) Except as provided in paragraph (b), the order of  
28 | nonpartisan offices appearing on the ballot shall be  
29 | determined by the Department of State. The names of candidates  
30 | for election to each nonpartisan office shall be listed in  
31 | alphabetical order. With respect to retention of justices and

1 judges, the question "Shall Justice (or Judge) (name of  
2 justice or judge) of the (name of the court) be retained in  
3 office?" shall appear on the ballot in alphabetical order and  
4 thereafter the words "Yes" and "No."

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

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

16 Section 23. Paragraph (b) of subsection (1) of section  
17 105.051, Florida Statutes, is amended to read:

18 105.051 Determination of election or retention to  
19 office.--

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

22 (b) If two or more candidates, neither of whom is a  
23 write-in candidate, qualify for such an office, the names of  
24 those candidates shall be placed on the ballot at the ~~first~~  
25 primary election. If any candidate for such office receives a  
26 majority of the votes cast for such office in the ~~first~~  
27 primary election, the name of the candidate who receives such  
28 majority shall not appear on any other ballot unless a  
29 write-in candidate has qualified for such office. An unopposed  
30 candidate shall be deemed to have voted for himself or herself  
31 at the general election. If no candidate for such office

1 receives a majority of the votes cast for such office in the  
2 ~~first~~ primary election, the names of the two candidates  
3 receiving the highest number of votes for such office shall be  
4 placed on the general election ballot. If more than two  
5 candidates receive an equal and highest number of votes, the  
6 name of each candidate receiving an equal and highest number  
7 of votes shall be placed on the general election ballot. In  
8 any contest in which there is a tie for second place and the  
9 candidate placing first did not receive a majority of the  
10 votes cast for such office, the name of the candidate placing  
11 first and the name of each candidate tying for second shall be  
12 placed on the general election ballot.

13 Section 24. Paragraphs (a) and (b) of subsection (1)  
14 of section 106.07, Florida Statutes, are amended to read:

15 106.07 Reports; certification and filing.--

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

30 (a) Except as provided in paragraph (b), following the  
31 last day of qualifying for office, the reports shall be filed

1 on the 32nd, 18th, and 4th days immediately preceding the  
2 ~~first~~ primary and on the 46th, 32nd, 18th, and 4th days  
3 immediately preceding the ~~second primary and general~~ election,  
4 for a candidate who is opposed in seeking nomination or  
5 election to any office, for a political committee, or for a  
6 committee of continuous existence.

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

16 Section 25. Paragraph (c) of subsection (1) of section  
17 106.08, Florida Statutes, is amended to read:

18 106.08 Contributions; limitations on.--

19 (1)

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



1           Section 26. Subsection (1) of section 106.29, Florida  
2 Statutes, is amended to read:

3           106.29 Reports by political parties; restrictions on  
4 contributions and expenditures; penalties.--

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

25           Section 27. This act shall take effect January 1,  
26 2006.

27  
28 \*\*\*\*\*

29 SENATE SUMMARY

30 Eliminates the second primary election and revises  
31 provisions to conform to its elimination.