

1 A bill to be entitled
 2 An act relating to vacancies in nomination; amending ss.
 3 100.101, 100.111, 100.141, F.S.; providing for special
 4 primary elections to fill vacancies in nomination;
 5 prescribing procedures with respect thereto; providing a
 6 procedure for filling a vacancy in nomination when one
 7 occurs later than a specified date or with respect to a
 8 candidate of a minor political party; providing for
 9 notice; amending s. 101.657, F.S.; correcting a cross-
 10 reference; providing an effective date.

11
 12 Be It Enacted by the Legislature of the State of Florida:

13
 14 Section 1. Subsection (5) is added to section 100.101,
 15 Florida Statutes, to read:

16 100.101 Special elections and special primary
 17 elections.--Except as provided in s. 100.111(2), a special
 18 election or special primary election shall be held in the
 19 following cases:

20 (5) If a vacancy occurs in nomination.

21 Section 2. Section 100.111, Florida Statutes, is amended
 22 to read:

23 100.111 Filling vacancy.--

24 (1)(a) If any vacancy occurs in any office which is
 25 required to be filled pursuant to s. 1(f), Art. IV of the State
 26 Constitution and the remainder of the term of such office is 28
 27 months or longer, then at the next general election a person
 28 shall be elected to fill the unexpired portion of such term,

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29 | commencing on the first Tuesday after the first Monday following
30 | such general election.

31 | (b) If such a vacancy occurs prior to the first day set by
32 | law for qualifying for election to office at such general
33 | election, any person seeking nomination or election to the
34 | unexpired portion of the term shall qualify within the time
35 | prescribed by law for qualifying for other offices to be filled
36 | by election at such general election.

37 | (c) If such a vacancy occurs prior to the primary election
38 | but on or after the first day set by law for qualifying, the
39 | Secretary of State shall set dates for qualifying for the
40 | unexpired portion of the term of such office. Any person seeking
41 | nomination or election to the unexpired portion of the term
42 | shall qualify within the time set by the Secretary of State. If
43 | time does not permit party nominations to be made in conjunction
44 | with the primary election, the Governor may call a special
45 | primary election to select party nominees for the unexpired
46 | portion of such term.

47 | (2)(a) If, in any state or county office required to be
48 | filled by election, a vacancy occurs during an election year by
49 | reason of the incumbent having qualified as a candidate for
50 | federal office pursuant to s. 99.061, no special election is
51 | required. Any person seeking nomination or election to the
52 | office so vacated shall qualify within the time prescribed by s.
53 | 99.061 for qualifying for state or county offices to be filled
54 | by election.

55 | (b) If such a vacancy occurs in an election year other
56 | than the one immediately preceding expiration of the present

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57 | term, the Secretary of State shall notify the supervisor of
58 | elections in each county served by the office that a vacancy has
59 | been created. Such notice shall be provided to the supervisor of
60 | elections not later than the close of the first day set for
61 | qualifying for state or county office. The supervisor shall
62 | provide public notice of the vacancy in any manner the Secretary
63 | of State deems appropriate.

64 | (3) Whenever there is a vacancy for which a special
65 | election is required pursuant to s. 100.101(1)-(4) ~~s. 100.101~~,
66 | the Governor, after consultation with the Secretary of State,
67 | shall fix the dates of a special primary election and a special
68 | election. Nominees of political parties other than minor
69 | political parties shall be chosen under the primary laws of this
70 | state in the special primary election to become candidates in
71 | the special election. Prior to setting the special election
72 | dates, the Governor shall consider any upcoming elections in the
73 | jurisdiction where the special election will be held. The dates
74 | fixed by the Governor shall be specific days certain and shall
75 | not be established by the happening of a condition or stated in
76 | the alternative. The dates fixed shall provide a minimum of 2
77 | weeks between each election. If ~~In the event~~ a vacancy occurs in
78 | the office of state senator or member of the House of
79 | Representatives when the Legislature is in regular legislative
80 | session, the minimum times prescribed by this subsection may be
81 | waived upon concurrence of the Governor, the Speaker of the
82 | House of Representatives, and the President of the Senate. If a
83 | vacancy occurs in the office of state senator and no session of
84 | the Legislature is scheduled to be held prior to the next

85 | general election, the Governor may fix the dates for the special
86 | primary election and for the special election to coincide with
87 | the dates of the primary election and general election. If a
88 | vacancy in office occurs in any district in the state Senate or
89 | House of Representatives or in any congressional district, and
90 | no session of the Legislature, or session of Congress if the
91 | vacancy is in a congressional district, is scheduled to be held
92 | during the unexpired portion of the term, the Governor is not
93 | required to call a special election to fill such vacancy.

94 | (a) The dates for candidates to qualify in such special
95 | election or special primary election shall be fixed by the
96 | Department of State, and candidates shall qualify not later than
97 | noon of the last day so fixed. The dates fixed for qualifying
98 | shall allow a minimum of 14 days between the last day of
99 | qualifying and the special primary election.

100 | (b) The filing of campaign expense statements by
101 | candidates in such special elections or special primaries and by
102 | committees making contributions or expenditures to influence the
103 | results of such special primaries or special elections shall be
104 | not later than such dates as shall be fixed by the Department of
105 | State, and in fixing such dates the Department of State shall
106 | take into consideration and be governed by the practical time
107 | limitations.

108 | (c) The dates for a candidate to qualify by the petition
109 | process pursuant to s. 99.095 in such special primary or special
110 | election shall be fixed by the Department of State. In fixing
111 | such dates the Department of State shall take into consideration
112 | and be governed by the practical time limitations. Any candidate

113 seeking to qualify by the petition process in a special primary
114 election shall obtain 25 percent of the signatures required by
115 s. 99.095.

116 (d) The qualifying fees and party assessments of such
117 candidates as may qualify shall be the same as collected for the
118 same office at the last previous primary for that office. The
119 party assessment shall be paid to the appropriate executive
120 committee of the political party to which the candidate belongs.

121 (e) Each county canvassing board shall make as speedy a
122 return of the result of such special primary elections and
123 special elections as time will permit, and the Elections
124 Canvassing Commission likewise shall make as speedy a canvass
125 and declaration of the nominees as time will permit.

126 (4) (a) In the event that death, resignation, withdrawal,
127 removal, or any other cause or event should cause a party to
128 have a vacancy in nomination which leaves no candidate for an
129 office from such party, the Governor shall, after conferring
130 with the Secretary of State, call a special primary election to
131 select for such office a nominee of such political party. The
132 dates on which candidates may qualify for such special primary
133 election shall be fixed by the Department of State, and the
134 candidates must qualify no later than noon of the last day so
135 fixed. The filing of campaign expense statements by candidates
136 in special primaries shall be not later than such dates as are
137 fixed by the Department of State. In fixing such dates, the
138 Department of State shall take into consideration and be
139 governed by the practical time limitations. The qualifying fees
140 and party assessment of such candidates to qualify shall be the

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141 same as collected for the same office at the last previous
142 primary for that office. Each county canvassing board shall make
143 as speedy a return of the results of such primary as time
144 permits, and the Elections Canvassing Commission shall likewise
145 make as speedy a canvass and declaration of the nominees as time
146 permits.

147 (b) If the vacancy in nomination occurs later than
148 September 15, or if the vacancy in nomination occurs with
149 respect to a candidate of a minor political party that has
150 obtained a position on the ballot, a special election will not
151 be held and the Department of State shall notify the chair of
152 the appropriate state, district, or county political party
153 executive committee of such party; and, within 5 days, the chair
154 shall call a meeting of his or her executive committee to
155 consider designation of a nominee to fill the vacancy. The name
156 of any person so designated shall be submitted to the Department
157 of State within 7 days after notice to the chair in order that
158 the person designated may have his or her name on the ballot of
159 the ensuing general election. If the vacancy occurs less than 21
160 days prior to the election, the person designated by the
161 political party will replace the former party nominee even
162 though name of the new nominee is submitted after the
163 ~~certification of results of the preceding primary election,~~
164 ~~however, the ballots shall not be changed and~~ the former party
165 nominee's name will appear on the ballot. Any ballots cast for
166 the former party nominee will be counted for the person
167 designated by the political party to replace the former party
168 nominee. If there is no opposition to the party nominee, the

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169 person designated by the political party to replace the former
170 party nominee will be elected to office at the general election.
171 For purposes of this paragraph, the term "district political
172 party executive committee" means the members of the state
173 executive committee of a political party from those counties
174 comprising the area involving a district office.

175 (c)~~(b)~~ When, under the circumstances set forth in the
176 preceding paragraph, vacancies in nomination are required to be
177 filled by committee nominations, such vacancies shall be filled
178 by party rule. In any instance in which a nominee is selected by
179 a committee to fill a vacancy in nomination, such nominee shall
180 pay the same filing fee and take the same oath as the nominee
181 would have taken had he or she regularly qualified for election
182 to such office.

183 (d)~~(e)~~ Any person who, at the close of qualifying as
184 prescribed in ss. 99.061 and 105.031, was qualified for
185 nomination or election to or retention in a public office to be
186 filled at the ensuing general election is prohibited from
187 qualifying as a candidate to fill a vacancy in nomination for
188 any other office to be filled at that general election, even if
189 such person has withdrawn or been eliminated as a candidate for
190 the original office sought. However, this paragraph does not
191 apply to a candidate for the office of Lieutenant Governor who
192 applies to fill a vacancy in nomination for the office of
193 Governor on the same ticket or to a person who has withdrawn or
194 been eliminated as a candidate and who is subsequently
195 designated as a candidate for Lieutenant Governor under s.
196 99.063.

197 (5) In the event of unforeseeable circumstances not
 198 contemplated in these general election laws concerning the
 199 calling and holding of special primary elections and special
 200 elections resulting from court order or other unpredictable
 201 circumstances, the Department of State shall have the authority
 202 to provide for the conduct of orderly elections.

203 (6) If a vacancy occurs that leaves fewer than 4 weeks for
 204 a candidate seeking to qualify by the petition process pursuant
 205 to s. 99.095 to gather signatures for ballot position, the
 206 number of signatures required for ballot placement shall be 25
 207 percent of the number of signatures required by s. 99.095.

208 Section 3. Section 100.141, Florida Statutes, is amended
 209 to read:

210 100.141 Notice of special election to fill any vacancy in
 211 office or nomination.--

212 (1) Whenever a special election is required to fill any
 213 vacancy in office or nomination, the Governor, after
 214 consultation with the Secretary of State, shall issue an order
 215 declaring on what day the election shall be held and deliver the
 216 order to the Department of State.

217 (2) The Department of State shall prepare a notice stating
 218 what offices and vacancies are to be filled in the special
 219 election, the dates set for the special primary election and the
 220 special election, the dates fixed for qualifying for office, the
 221 dates fixed for qualifying by the petition process pursuant to
 222 s. 99.095, and the dates fixed for filing campaign expense
 223 statements.

224 (3) The department shall deliver a copy of such notice to

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225 the supervisor of elections of each county in which the special
226 election is to be held. The supervisor shall have the notice
227 published two times in a newspaper of general circulation in the
228 county at least 10 days prior to the first day set for
229 qualifying for office. If such a newspaper is not published
230 within the period set forth, the supervisor shall post at least
231 five copies of the notice in conspicuous places in the county
232 not less than 10 days prior to the first date set for
233 qualifying.

234 Section 4. Paragraph (d) of subsection (1) of section
235 101.657, Florida Statutes, is amended to read:

236 101.657 Early voting.--

237 (1)

238 (d) Early voting shall begin on the 15th day before an
239 election and end on the 2nd day before an election. For purposes
240 of a special election held pursuant to s. 100.101(1)-(4), early
241 voting shall begin on the 8th day before an election and end on
242 the 2nd day before an election. Early voting shall be provided
243 for 8 hours per weekday and 8 hours in the aggregate each
244 weekend at each site during the applicable periods. Early voting
245 sites shall open no sooner than 7 a.m. and close no later than 7
246 p.m. on each applicable day.

247 Section 5. This act shall take effect upon becoming a law.