

HB 1349

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1 A bill to be entitled  
2 An act relating to presidential preference primaries;  
3 amending s. 103.101, F.S.; renaming the Presidential  
4 Preference Primary Date Selection Committee as the  
5 Presidential Candidate Selection Committee; revising  
6 membership of the committee; revising and establishing  
7 the date of the presidential preference primary;  
8 providing duties of the committee, the Department of  
9 State, and the Secretary of State; revising certain  
10 submission deadlines and meeting dates; providing  
11 rulemaking authority; providing a qualifying date for  
12 delegates; providing an effective date.

13  
14 Be It Enacted by the Legislature of the State of Florida:

15  
16 Section 1. Section 103.101, Florida Statutes, is amended  
17 to read:

18 103.101 Presidential preference primary.—

19 (1) (a) There shall be a Presidential Candidate Preference  
20 ~~Primary Date~~ Selection Committee composed of the Secretary of  
21 State, who shall be a nonvoting chair; ~~three members, no more~~  
22 ~~than two of whom may be from the same political party, appointed~~  
23 ~~by the Governor; three members, no more than two of whom may be~~  
24 ~~from the same political party, appointed by the Speaker of the~~  
25 ~~House of Representatives; and three members, no more than two of~~  
26 ~~whom may be from the same political party, appointed by the~~  
27 President of the Senate; the minority leader of each house of  
28 the Legislature; and the chair of each political party required

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29 | to have a presidential preference primary under this section. ~~No~~  
30 | ~~later than October 1 of the year preceding the presidential~~  
31 | ~~preference primary, the committee shall meet and set a date for~~  
32 | ~~the presidential preference primary. The date selected may be no~~  
33 | ~~earlier than the first Tuesday in January and no later than the~~  
34 | ~~first Tuesday in March in the year of the presidential~~  
35 | ~~preference primary. The presidential preference primary shall be~~  
36 | ~~held in each year the number of which is a multiple of 4.~~

37 | (b) Each political party other than a minor political  
38 | party shall, on the second Tuesday in March ~~date selected by the~~  
39 | ~~Presidential Preference Primary Date Selection Committee~~ in each  
40 | year the number of which is a multiple of 4, elect one person to  
41 | be the candidate for nomination of such party for President of  
42 | the United States or select delegates to the national nominating  
43 | convention, as provided by party rule. ~~Any party rule directing~~  
44 | ~~the vote of delegates at a national nominating convention shall~~  
45 | ~~reasonably reflect the results of the presidential preference~~  
46 | ~~primary, if one is held.~~

47 | (2) By December ~~October~~ 31 of the year preceding the  
48 | Florida presidential preference primary, each political party  
49 | shall submit to the Secretary of State a list of its  
50 | presidential candidates to be placed on the presidential  
51 | preference primary ballot or candidates entitled to have  
52 | delegates appear on the presidential preference primary ballot.  
53 | The Secretary of State shall prepare and publish a list of the  
54 | names of the presidential candidates submitted ~~not later than on~~  
55 | ~~the first Tuesday after the first Monday in November of the year~~  
56 | ~~preceding the presidential preference primary.~~ The Secretary of

57 State shall submit such list of names of presidential candidates  
 58 to the selection committee on the first Tuesday after the first  
 59 Monday in January each year a presidential preference primary  
 60 election is held. Each person designated as a presidential  
 61 candidate shall have his or her name appear, or have his or her  
 62 delegates' name appear, on the presidential preference primary  
 63 ballot unless all committee members of the same political party  
 64 as the candidate agree to delete such candidate's name from the  
 65 ballot.

66 (3) The selection committee shall meet in Tallahassee on  
 67 the first Tuesday after the first Monday in January each year a  
 68 presidential preference primary is held. The selection committee  
 69 shall publicly announce and submit to the Department of State no  
 70 later than 5 p.m. on the following day the names of presidential  
 71 candidates who shall have their names appear, or who are  
 72 entitled to have their delegates' names appear, on the  
 73 presidential preference primary ballot. The Department of State  
 74 shall immediately notify each presidential candidate designated  
 75 ~~listed~~ by the committee ~~Secretary of State~~. Such notification  
 76 shall be in writing, by registered mail, with return receipt  
 77 requested.

78 (4) ~~(3)~~ A candidate's name shall be printed on the  
 79 presidential preference primary ballot unless the candidate  
 80 submits to the Department of State, before ~~prior to~~ the second  
 81 Tuesday after the first Monday in January ~~November of the year~~  
 82 ~~preceding the presidential preference primary~~, an affidavit  
 83 stating that he or she is not now, and does not presently intend  
 84 to become, a candidate for President at the upcoming nominating

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85 | convention. If a candidate withdraws pursuant to this  
86 | subsection, the Department of State shall notify the state  
87 | executive committee that the candidate's name will not be placed  
88 | on the ballot. The Department of State shall, no later than the  
89 | third Tuesday after the first Monday in January ~~November~~ of the  
90 | ~~year preceding the presidential preference primary~~, certify to  
91 | each supervisor of elections the name of each candidate for  
92 | political party nomination to be printed on the ballot.

93 |       (5)~~(4)~~ The names of candidates for political party  
94 | nominations for President of the United States shall be printed  
95 | on official ballots for the presidential preference primary  
96 | election and shall be marked, counted, canvassed, returned, and  
97 | proclaimed in the same manner and under the same conditions, so  
98 | far as they are applicable, as in other state elections. If  
99 | party rule requires the delegates' names to be printed on the  
100 | official presidential preference primary ballot, the name of the  
101 | presidential candidates for that political party may not be  
102 | printed separately, but the ballot may reflect the presidential  
103 | candidate to whom the delegate is pledged. If, however, a  
104 | political party has only one presidential candidate, neither the  
105 | name of the candidate nor the names of the candidate's delegates  
106 | shall be printed on the ballot.

107 |       (6)~~(5)~~ The state executive committee of each party, by  
108 | rule adopted at least 60 days before ~~prior to~~ the presidential  
109 | preference primary election, shall determine the number, and  
110 | establish procedures to be followed in the selection, of  
111 | delegates and delegate alternates from among each candidate's  
112 | supporters. A copy of any rule adopted by the executive

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113 committee shall be filed with the Department of State within 7  
114 days after its adoption and shall become a public record. The  
115 Department of State shall review the procedures and shall notify  
116 the state executive committee of each political party of any  
117 ballot limitations. The Department of State may promulgate rules  
118 for the orderly conduct of the presidential preference primary  
119 ballot.

120 (7) Delegates must qualify no later than the second Friday  
121 in January in the manner provided by party rule.

122 (8) All delegates shall be allocated as provided by party  
123 rule.

124 (9)~~(6)~~ All names of candidates or delegates shall be  
125 listed as directed by the Department of State.

126 Section 2. This act shall take effect October 1, 2013.