

1 A bill to be entitled

2 An act relating to elections; amending s. 100.032,  
3 F.S.; requiring a supervisor of elections to submit an  
4 election preparation report to the Department of State  
5 within a specified time; requiring the department to  
6 post the report on its website; amending s. 101.001,  
7 F.S.; requiring a notice of intended changes to  
8 precinct boundaries and polling places to be posted on  
9 the websites of the department and supervisor of  
10 elections within a specified time; requiring a  
11 description of changes to precinct boundaries or  
12 location of polling places to be posted on a  
13 supervisor's website within a specified time; amending  
14 s. 101.021, F.S.; authorizing an elector with no party  
15 affiliation to vote in a primary election; creating s.  
16 101.0215, F.S.; providing that primary elections shall  
17 be open to all qualified electors notwithstanding the  
18 presence of a write-in candidate; amending s. 102.031,  
19 F.S.; prohibiting certain private property owners from  
20 restricting access to polling places or early voting  
21 sites located on their property during certain  
22 periods; providing an effective date.

23  
24 WHEREAS, if all candidates for an office have the same  
25 party affiliation and the winner will have no opposition in the  
26 general election, Section 5(b) of Article VI of the State

HB 1079

2015

27 Constitution specifies that, "all qualified electors, regardless  
28 of party affiliation, may vote in the primary elections for that  
29 office," and

30 WHEREAS, although an open primary is required for races in  
31 which all candidates have the same party affiliation and the  
32 winner will have no opposition in the general election, the  
33 State Constitution does not prohibit the Legislature from  
34 establishing an open primary for races in which all candidates  
35 whose names appear on the ballot have the same party affiliation  
36 but the winner will have only one or more write-in candidates as  
37 opposition in the general election, NOW, THEREFORE,

38

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

40

41 Section 1. Section 100.032, Florida Statutes, is amended  
42 to read:

43 100.032 Election preparation report; general election.—At  
44 least 3 months before a general election, each supervisor of  
45 elections must post ~~a report~~ on his or her official website and  
46 submit to the Department of State, a report that ~~at least 3~~  
47 ~~months before a general election which~~ outlines preparations for  
48 the upcoming general election. The report must include, at a  
49 minimum, the following elements: the anticipated staffing levels  
50 during the early voting period, on election day and after  
51 election day; and the anticipated amount of automatic tabulating  
52 equipment at each early voting site and polling place. The

53 department shall post the report on its official website upon  
54 receipt from the supervisor.

55 Section 2. Subsection (1) and paragraph (a) of subsection  
56 (4) of section 101.001, Florida Statutes, are amended to read:

57 101.001 Precincts and polling places; boundaries.—

58 (1) (a) The board of county commissioners in each county,  
59 upon recommendation and approval of the supervisor, shall alter  
60 or create precincts for voting in the county. Each precinct  
61 shall be numbered and, as nearly as practicable, composed of  
62 contiguous and compact areas. The supervisor shall designate a  
63 polling place at a suitable location within each precinct. The  
64 precinct shall not be changed thereafter except with the consent  
65 of the supervisor and a majority of the members of the board of  
66 county commissioners. The board of county commissioners and the  
67 supervisor may have precinct boundaries conform to municipal  
68 boundaries in accordance with the provisions of s. 101.002, but,  
69 in any event, the registration books shall be maintained in such  
70 a manner that there may be determined therefrom the total number  
71 of electors in each municipality.

72 (b) At least 60 days before a board of county  
73 commissioners approves or rejects the alteration or creation of  
74 a precinct, and at least 60 days before the supervisor changes  
75 the location of a polling place within a precinct, the  
76 supervisor shall notify the department of the intended change.  
77 The supervisor and the department shall make information  
78 regarding the intended change available on their respective

79 websites.

80 (4) (a) Within 10 days after there is any change in the  
 81 division, number, or boundaries of the precincts, or the  
 82 location of the polling places, the supervisor of elections  
 83 shall make in writing an accurate description of any new or  
 84 altered precincts, setting forth the boundary lines and shall  
 85 identify the location of each new or altered polling place. A  
 86 copy of the document describing such changes shall be posted at  
 87 the supervisor's office and on the supervisor's official  
 88 website.

89 Section 3. Section 101.021, Florida Statutes, is amended  
 90 to read:

91 101.021 Elector to vote the primary ballot of the  
 92 political party in which he or she is registered; exceptions.—

93 (1) In a primary election a qualified elector is entitled  
 94 to vote the official primary election ballot of the political  
 95 party designated in the elector's registration, and no other. It  
 96 is unlawful for an ~~any~~ elector to vote in a primary for a ~~any~~  
 97 candidate running for nomination from a party other than that in  
 98 which such elector is registered.

99 (2) Notwithstanding subsection (1), a qualified elector  
 100 with no party affiliation is entitled to vote the official  
 101 primary election ballot of any political party. It is unlawful  
 102 for an elector with no party affiliation to vote more than one  
 103 primary election ballot.

104 Section 4. Section 101.0215, Florida Statutes, is created

105 to read:

106 101.0215 Write-in candidates; effect on primary  
 107 elections.—If a primary election would, if not for the presence  
 108 of one or more write-in candidates, be open to all qualified  
 109 electors pursuant to s. 5(b), Art. VI of the State Constitution,  
 110 the primary election shall be open to all qualified electors.

111 Section 5. Paragraph (d) of subsection (4) of section  
 112 102.031, Florida Statutes, is amended, and paragraph (a) of that  
 113 subsection is republished, to read:

114 102.031 Maintenance of good order at polls; authorities;  
 115 persons allowed in polling rooms and early voting areas;  
 116 unlawful solicitation of voters.—

117 (4) (a) No person, political committee, or other group or  
 118 organization may solicit voters inside the polling place or  
 119 within 100 feet of the entrance to any polling place, a polling  
 120 room where the polling place is also a polling room, an early  
 121 voting site, or an office of the supervisor of elections where  
 122 absentee ballots are requested and printed on demand for the  
 123 convenience of electors who appear in person to request them.  
 124 Before the opening of the polling place or early voting site,  
 125 the clerk or supervisor shall designate the no-solicitation zone  
 126 and mark the boundaries.

127 (d) Except as provided in paragraph (a), the supervisor or  
 128 the owner of any private property being used by the supervisor,  
 129 during the period that the private property is being used as a  
 130 polling place or early voting site, may not designate a no-

HB 1079

2015

131 solicitation zone or otherwise restrict access to any person,  
132 political committee, committee of continuous existence,  
133 candidate, or other group or organization for the purposes of  
134 soliciting voters. This paragraph applies to any public or  
135 private property used as a polling place or early voting site,  
136 including public or private property located outside of the no-  
137 solicitation zone.

138 Section 6. This act shall take effect July 1, 2015.