

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

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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,

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

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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-

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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, 2016.