

STORAGE NAME: h1463.er

DATE: March 4, 1999

**HOUSE OF REPRESENTATIVES
COMMITTEE ON
ELECTION REFORM
ANALYSIS**

BILL #: HB 1463 (PCB ER 99-04)

RELATING TO: Candidates for Lieutenant Governor

SPONSOR(S): Committee on Election Reform, Rep(s). Flanagan & Others

COMPANION BILL(S): SB 752

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) ELECTION REFORM (PRC) YEAS 8 NAYS 0
 - (2)
 - (3)
 - (4)
 - (5)
-

I. SUMMARY:

HB 1463 is drafted in accordance with recent amendments to Florida's Constitution, specifically Article IV, Section 5(a) allowing gubernatorial candidates to run without designating a running mate in the primary elections. The bill further provides that the designation for Lieutenant Governor must be made no later than the third day following the second primary election; the term "Not Yet Designated" will be placed on primary and advanced election ballots in lieu of the name of the Lieutenant Governor if not yet chosen; and county canvassing boards must certify election results by the third day following an election.

II. SUBSTANTIVE ANALYSIS:

A. PRESENT SITUATION:

Effective January 5, 1999, the Florida Constitution will provide a gubernatorial candidate the option of running without a Lieutenant Governor running mate until after the primary elections have concluded.

The Florida Election Code currently requires each candidate for Governor and Lieutenant Governor to file qualifying papers and pay a separate qualifying fee during the period prescribed by law. In all other respects, these offices are treated as a joint candidacy and voters cast a single vote for the combined offices. However, candidates using the alternative method for qualifying need only use one petition to obtain ballot position (See generally, §§ 99.061 and 99.095, Florida Statutes).

Section 100.111, F.S., provides that candidates who withdraw or are eliminated from the office for which they qualified are prohibited from qualifying for any other office to be filled during the same election cycle.

Section 102.112, F.S., requires county canvassing boards to certify election results to the Department of State by 5 p.m. of the 7th day following an election.

B. EFFECT OF PROPOSED CHANGES:

HB 1463 will allow a candidate for the office of Governor to run without naming a running mate during the first and second primary elections. This permits the winning candidate to consider candidates who were eliminated during the primary process in choosing his or her running mate.

When a candidate for Lieutenant Governor has not been chosen, the primary and advanced election ballots will have the term "Not Yet Designated" in lieu of the candidate's name. For Lieutenant Governor candidates chosen after the primary elections, the qualifying period will end no later than 5 p.m. of the 3rd day after the second primary election. The candidate for Lieutenant Governor must be designated and qualified by this time otherwise the candidate for Governor shall forfeit his or her ballot position. Qualifying requirements are unchanged with the exception of the qualifying fee which has been eliminated. This conforms to the treatment of the office for Governor and Lieutenant Governor as a joint candidacy.

County canvassing boards will be required to certify election results to the Department of State by 3 p.m. on the 3rd day after the election to allow gubernatorial candidates time to choose and qualify a running mate.

C. APPLICATION OF PRINCIPLES:

1. Less Government:

a. Does the bill create, increase or reduce, either directly or indirectly:

(1) any authority to make rules or adjudicate disputes?

No.

(2) any new responsibilities, obligations or work for other governmental or private organizations or individuals?

County canvassing boards will be required to certify election results four days earlier than is currently required.

(3) any entitlement to a government service or benefit?

No.

b. If an agency or program is eliminated or reduced:

(1) what responsibilities, costs and powers are passed on to another program, agency, level of government, or private entity?

N/A

(2) what is the cost of such responsibility at the new level/agency?

N/A

(3) how is the new agency accountable to the people governed?

N/A

2. Lower Taxes:

a. Does the bill increase anyone's taxes?

No.

b. Does the bill require or authorize an increase in any fees?

No.

c. Does the bill reduce total taxes, both rates and revenues?

No.

d. Does the bill reduce total fees, both rates and revenues?

No.

e. Does the bill authorize any fee or tax increase by any local government?

No.

3. Personal Responsibility:

a. Does the bill reduce or eliminate an entitlement to government services or subsidy?

No.

b. Do the beneficiaries of the legislation directly pay any portion of the cost of implementation and operation?

N/A

4. Individual Freedom:

a. Does the bill increase the allowable options of individuals or private organizations/associations to conduct their own affairs?

N/A

b. Does the bill prohibit, or create new government interference with, any presently lawful activity?

No.

5. Family Empowerment:

a. If the bill purports to provide services to families or children:

(1) Who evaluates the family's needs?

N/A

(2) Who makes the decisions?

N/A

(3) Are private alternatives permitted?

N/A

(4) Are families required to participate in a program?

N/A

(5) Are families penalized for not participating in a program?

N/A

b. Does the bill directly affect the legal rights and obligations between family members?

N/A

c. If the bill creates or changes a program providing services to families or children, in which of the following does the bill vest control of the program, either through direct participation or appointment authority:

(1) parents and guardians?

N/A

(2) service providers?

N/A

(3) government employees/agencies?

N/A

D. STATUTE(S) AFFECTED:

This bill amends sections 99.092, 99.095, 99.0955, 100.111, 101.62, and 102.112, F.S. and creates section 99.063, F.S.

E. SECTION-BY-SECTION ANALYSIS:

Section 1: Creates § 99.063, F.S., to provide for the designation of a Lieutenant Governor and qualifying of same no later than 5 p.m. of the 3rd day after the second primary. A candidate for Lieutenant Governor is not required to pay a qualifying fee or obtain signatures on petitions since ballot position has been effectuated by the gubernatorial candidate.

If a gubernatorial candidate has not chosen a running mate by the end of the regular qualifying period, the term "Not Yet Designated" will appear on the primary election and advanced absentee ballots in lieu of the name of the candidate for Lieutenant Governor. In all other respects, a candidate for Lieutenant Governor must qualify during the regular qualifying period to have his or her name appear on the primary election and advanced absentee ballots.

Gubernatorial candidates who fail to designate and qualify a Lieutenant Governor candidate by the later qualifying period for such office will forfeit ballot position for the office of Governor.

Section 2: Amends § 99.092, F.S., eliminating the qualifying fee for Lieutenant Governor candidates.

Sections 3 and 4: Amends §§ 99.095 and 99.0955, F.S., deleting duplicative language with respect to the formation of joint candidacies for Governor and Lieutenant Governor. The Florida Constitution provides for joint candidacies with respect the these offices.

Section 5: Amends § 100.111, F.S., relating to the prohibition of candidates filling vacancies in nomination to an office other than the office which the candidate original qualified.

Section 6: Amends § 101.62, F.S., relating to advanced absentee ballots to conform to the requirements for Lieutenant Governor designation.

Section 7: Amends § 102.112, F.S., relating to the certification of election results.

Section 8: Providing an effective date of January 1, 2000.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE AGENCIES/STATE FUNDS:

1. Non-recurring Effects:

Unavailable at this time.

STORAGE NAME: h1463.er

DATE: March 4, 1999

PAGE 7

2. Recurring Effects:

Unavailable at this time.

3. Long Run Effects Other Than Normal Growth:

Unavailable at this time.

4. Total Revenues and Expenditures:

Unavailable at this time.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS AS A WHOLE:

1. Non-recurring Effects:

Unavailable at this time.

2. Recurring Effects:

Unavailable at this time.

3. Long Run Effects Other Than Normal Growth:

Unavailable at this time.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

1. Direct Private Sector Costs:

N/A

2. Direct Private Sector Benefits:

N/A

3. Effects on Competition, Private Enterprise and Employment Markets:

N/A

D. FISCAL COMMENTS:

N/A

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

Election laws are exempt from the requirements of Article VII, Section 18, Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

N/A

STORAGE NAME: h1463.er

DATE: March 4, 1999

PAGE 9

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

N/A

V. COMMENTS:

None.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

N/A

VII. SIGNATURES:

COMMITTEE ON ELECTION REFORM:

Prepared by:

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