

SENATE STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based only on the provisions contained in the legislation as of the latest date listed below.)

BILL: SB 754

SPONSOR: Committee on Ethics and Elections, Senator Saunders and others

SUBJECT: Elections; Ballot Access

DATE: February 8, 1999 REVISED: _____

| | ANALYST | STAFF DIRECTOR | REFERENCE | ACTION |
|----|-----------------|-----------------|-----------|------------------|
| 1. | <u>Bradshaw</u> | <u>Bradshaw</u> | <u>EE</u> | <u>Favorable</u> |
| 2. | _____ | _____ | _____ | _____ |
| 3. | _____ | _____ | _____ | _____ |
| 4. | _____ | _____ | _____ | _____ |
| 5. | _____ | _____ | _____ | _____ |

I. Summary:

Senate Bill 754 implements the amendment to Article VI, section 1, Florida Constitution, which was approved by the voters at the 1998 General Election. This amendment provides that the ballot access requirements for minor party candidates and candidates with no party affiliation can be no greater than the requirements for a candidate of the political party having the largest number of registered voters.

This bill substantially amends ss. 99.095, 99.0955, 99.096, 99.09651, 103.021, 99.097, 105.035, 99.021, 99.061, 99.092, 99.0965, 100.111, 100.141, 101.151, 101.191, 101.251, 101.5606, and 106.143, F.S.

II. Present Situation:

Effective January 5, 1999, Article VI, section 1, Florida Constitution, provides that the requirements for obtaining ballot position for a minor party candidate or a candidate with no party affiliation may be no greater than the requirements of a candidate of the political party having the largest number of registered electors.

Currently, Florida has stringent ballot access requirements. Florida's ballot access laws require the payment of filing fees and/or submission of petition signatures. A major party candidate must pay a qualifying fee equal to six percent of the annual salary of the office sought *or* obtain signatures of three percent of the registered voters *of the political party* in which the candidate seeks nomination who are registered in the geographical jurisdiction represented by the office sought. Upon payment of the qualifying fee or upon obtaining the requisite number of signatures, a major party candidate is entitled to have his or her name placed on the primary election ballot.

A candidate with no party affiliation ("NPA") *must petition* to obtain a position on the general election ballot. NPA candidates must obtain signatures of three percent *of the total number of registered voters* of the geographical jurisdiction represented by the office sought. In addition to

obtaining signatures on petitions, NPA candidates are required to pay a filing fee and an election assessment equal to four percent of the annual salary of the office sought. These fees may be waived upon the filing of an undue burden oath.

Minor political parties are entitled to have the names of their candidates on the general election ballot if signatures are obtained from three percent *of the total number of registered voters* of the geographical jurisdiction of the office sought. A minor party may obtain ballot position for all of its statewide candidates with one petition, if signed by three percent of the registered voters of the state. Minor party candidates are required to pay the filing fee and election assessment of four percent and, if assessed by the party, a two percent party assessment; however, these fees may be waived upon the filing of an undue burden oath.

During a year of apportionment, congressional and legislative candidates are required to obtain signatures of 1% of the ideal population for the district of the office sought.

III. Effect of Proposed Changes:

Senate Bill 754 reduces the petition requirements for all candidates and further revises the ballot access requirements for minor party candidates and candidates with no party affiliation. The bill provides that minor party candidates nominated by their political party and candidates with no party affiliation may *either* pay the qualifying fee *or* petition to obtain general election ballot position. The qualifying fee for candidates with no party affiliation is equal to four percent of the annual salary of the office sought. (Three percent filing fee and one percent election assessment.) The qualifying fee for a minor party candidate consists of the three percent filing fee and one percent election assessment and, if one has been levied, a two percent party assessment.

The petition requirements for all candidates have been modified to require petitions equal to *1% of the registered voters in the jurisdiction of the office sought*. This change will apply to major party candidates, minor party candidates, no party affiliation candidates and judicial candidates. Therefore, the petition requirements for all candidates for a particular office will be the same.

For a major party candidate qualifying by petition instead of paying the qualifying fee, the percentage of signatures will be based on all registered voters, rather than voters registered in the candidate's political party. Any voter will be allowed to sign the petition, regardless of party affiliation. This modification will reduce the number of signatures needed for some major party candidates and will increase the number of signatures needed for others.

Under the provisions of the bill, minor party candidates and candidates with no party affiliation may petition to obtain ballot position, in lieu of paying the qualifying fee. Petitions must equal one percent of the registered voters in the geographic entity represented by the office sought, rather than the current three percent. This will reduce by one-third the number of signatures needed. The provision allowing a minor political party to obtain ballot position for all of its statewide candidates with one petition has been eliminated.

A minor political party affiliated with a national party holding a national convention may have the names of its candidates for the office of President and Vice President printed on the general election ballot upon notification to the Department of State of the names of its nominees and the

names of the presidential electors. The bill does not change the current requirements for candidates for President and Vice President of a minor party not affiliated with a national party holding a national convention and candidates with no party affiliation for President and Vice President. These candidates may obtain ballot position by obtaining petitions signed by one percent of the registered voters of the state.

The petition requirements for congressional and legislative candidates during a year of apportionment are reduced by one-third to require signatures of one-third of one percent of the ideal population for the district of the office sought.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Amendments:

None.

This Senate staff analysis does not reflect the intent or official position of the bill's sponsor or the Florida Senate.
