25-745-01   See HB 217

1   A bill to be entitled

2   An act relating to elections; creating s.

3   100.065, F.S.; allowing all voters to vote in

4   certain primary election contests; specifying

5   procedures for placing the candidates' names on

6   the ballots required; providing for runoffs at

7   the general election; amending ss. 101.021,

8   101.251, and 101.5606, F.S., to conform;

9   providing an effective date.

10

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

12

13   Section 1.   Section 100.065, Florida Statutes, is

14   created to read:

15   100.065   Other candidates on primary and general

16   election ballots.--

17   (1)   Notwithstanding any other provision of law, if all

18   candidates for an office are seeking the nomination of the

19   same political party and there is no opposition in the general

20   election except from a write-in candidate, all registered

21   electors, regardless of party affiliation, may vote for that

22   office in the first primary election and, if necessary, in the

23   general election.

24   (2)   If two or more candidates have qualified and only

25   one political party is represented, and there is no opposition

26   in the general election except from a write-in candidate, the

27   names of such candidates shall be placed on the first primary

28   election ballot of each political party holding a primary

29   election and on a ballot for voters registered without party

30   affiliation or registered in a party that is not holding a

31   primary election.   The office or offices shall be grouped on a

1

1 separate portion of the ballot or on a separate ballot. The

2 offices shall be placed under the heading of "Universal

3 Primary" in the order determined by the Department of State.

4 Following each candidate's name shall be the appropriate

5 abbreviation of the party name.

6   (3)(a) If any candidate for such office receives a

7 majority of the votes cast for such office in the first

8 primary election and there is no write-in opposition, the name

9 of the candidate who receives such majority shall not appear

10 on any other ballot. Such candidate shall be deemed to have

11 voted for himself or herself at the general election. If a

12 write-in candidate has qualified, the name of the candidate

13 receiving a majority of the votes in the first primary

14 election shall be placed on the general election ballot, along

15 with a space for writing in the name of a write-in candidate.

16   (b) If no candidate for such office receives a

17 majority of the votes cast for such office in the first

18 primary election, the names of the two candidates receiving

19 the highest number of votes for such office shall be placed on

20 the general election ballot, along with a space for writing in

21 the name of a write-in candidate if one has qualified. If

22 more than two candidates receive an equal and highest number

23 of votes, the name of each candidate receiving an equal and

24 highest number of votes shall be placed on the general

25 election ballot. In any contest in which there is a tie for

26 second place and the candidate placing first did not receive a

27 majority of the votes cast for such office, the name of the

28 candidate placing first and the name of each candidate tying

29 for second shall be placed on the general election ballot.

30   Section 2. Section 101.021, Florida Statutes, is

31 amended to read:

1   101.021 Elector to vote the primary ballot of the
2 political party in which he or she is registered.--~~In a~~
3 ~~primary election a qualified elector is entitled to vote the~~
4 ~~official primary election ballot of the political party~~
5 ~~designated in the elector's registration, and no other.~~
6 <u>Except as provided in s. 100.065,</u>it is unlawful for any
7 elector to vote in a primary for any candidate running for
8 nomination from a party other than that in which such elector
9 is registered.
10   Section 3. Subsection (2) of section 101.251, Florida
11 Statutes, is amended to read:
12   101.251 Information which supervisor of elections must
13 print on ballots.--
14   (2) In addition to the names printed on the ballot as
15 provided in subsection (1), the supervisor of elections of
16 each county shall have printed on the general election ballot
17 to be used in the county <u>the names of candidates who are</u>
18 <u>entitled to have their names printed on the ballot under s.</u>
19 <u>100.065,</u>the names of the nonpartisan candidates who are
20 entitled to have their names printed on the ballot, and <u>the</u>
21 <u>names of</u> minor party <u>candidates</u> and candidates with no party
22 affiliation who have obtained a position on the general
23 election ballot in compliance with the requirements of this
24 code.
25   Section 4. Subsection (5) of section 101.5606, Florida
26 Statutes, is amended to read:
27   101.5606 Requirements for approval of systems.--No
28 electronic or electromechanical voting system shall be
29 approved by the Department of State unless it is so
30 constructed that:
31

3

```
 1          (5)  It permits each voter at a primary election to
 2   vote only for the candidates seeking nomination by the
 3   political party in which such voter is registered, except as
 4   provided in s. 100.065;for any candidate for nonpartisan
 5   office;,and for any question upon which the voter is entitled
 6   to vote.
 7          Section 5.  This act shall take effect upon becoming a
 8   law.
 9
10          *****************************************
11                       LEGISLATIVE SUMMARY
12
13   Provides that if all candidates for an office are seeking
     the nomination of the same political party and there is
     no opposition in the general election except from a
14   write-in candidate, all registered electors, regardless
     of party affiliation, may vote for that office in the
15   first primary election and, if necessary, in the general
     election.  Specifies procedures for placing the
16   candidates' names on the ballot.
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
```

4