

**STORAGE NAME:** h1755.prc.doc  
**DATE:** April 20, 2001

**HOUSE OF REPRESENTATIVES**  
**PROCEDURAL & REDISTRICTING COUNCIL**  
**ANALYSIS**

**BILL #:** HB 1755

**RELATING TO:** Qualifying for Judicial Office

**SPONSOR(S):** Committee on Rules, Ethics, & Elections and Representative Goodlette

**TIED BILL(S):**

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

- (1) RULES, ETHICS, & ELECTIONS YEAS 12 NAYS 1
  - (2) PROCEDURAL & REDISTRICTING COUNCIL YEAS 16 NAYS 0
  - (3)
  - (4)
  - (5)
- 

I. SUMMARY:

This bill provides for an earlier qualifying period for candidates for judicial office. The bill changes the dates for candidates to qualify for judicial office from no earlier than noon of the 50<sup>th</sup> day, and no later than noon of the 46<sup>th</sup> day, before the first primary election to no earlier than noon of the 120<sup>th</sup> day, and no later than noon of the 116<sup>th</sup> day, before the first primary election. The net effect of this change is that, for judicial candidates, qualifying will take place in May, instead of July.

The fiscal impact of this bill has not been determined.

This act shall take effect January 1, 2002.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- |                                   |                              |                             |   |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u>         | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u>             | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u>      | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

B. PRESENT SITUATION:

Under current law, the qualifying dates are as follows:

- Candidates for federal office --- the 120<sup>th</sup> day prior to the first primary, but not later than noon of the 116<sup>th</sup> day prior to the date of the first primary.
- Candidates for state or multicounty district office --- noon of the 50<sup>th</sup> day prior to the first primary, but not later than noon of the 46<sup>th</sup> day prior to the date of the first primary.
- Candidates for judicial office, nonpartisan candidates for multicounty office, and nonpartisan candidates for countywide or less than countywide office --- noon of the 50<sup>th</sup> day prior to the first primary, but not later than noon of the 46<sup>th</sup> day prior to the date of the first primary.

[ss. 99.061(1),105.031(1), F.S.].

In Florida, the first primary election is held each year in which a general election is held on the Tuesday 9 weeks prior to the general election. [s. 100.061, F.S.]. The second primary election is held on the Tuesday 5 weeks prior to the general election. [s. 100.091, F.S.]. The general election is held on the first Tuesday after the first Monday in November of each even-numbered year.

In 2002, the election dates will be as follows:

- First Primary Election --- September 3<sup>rd</sup>
- Second Primary Election --- October 1<sup>st</sup>
- General Election --- November 5<sup>th</sup>

[ss. 100.031, 100.061, 100.091, F.S.]. Under this calendar of election dates, candidate qualifying will be no earlier than noon on July 15, 2002, and no later than noon on July 19, 2002.

C. EFFECT OF PROPOSED CHANGES:

This bill provides for an earlier qualifying period for candidates for judicial office. Candidates for judicial office would qualify no earlier than noon of the 120<sup>th</sup> day before the first primary election, and no later than noon of the 116<sup>th</sup> day before the first primary election. Effectively, the bill moves the qualifying period for judicial candidates from the month of July to the month of May.

As a result, in 2002 the qualifying period for judicial candidates would be from noon on May 6<sup>th</sup> through noon on May 10<sup>th</sup>.

D. SECTION-BY-SECTION ANALYSIS:

This section need be completed only in the discretion of the Committee.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The fiscal impact on state government has not been determined.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The fiscal impact on local governments has not been determined.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Candidates for judicial office will have a longer campaign cycle, which may increase the costs associated with campaigning.

D. FISCAL COMMENTS:

None.

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

A. APPLICABILITY OF THE MANDATES PROVISION:

Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

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

Election laws are exempt from the mandates of Art. VII, s. 18, of the Florida Constitution.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

None.

C. OTHER COMMENTS:

The proponents for providing an earlier qualifying period for candidates for judicial office assert that under current law, judicial candidates have a difficult time managing their extensive court dockets to allow for campaign activities. Candidates are not officially identified until the closing date for qualifying, which currently is in the month of July. A candidate's campaign strategy will change dramatically depending upon whether that candidate fields an opponent. With the first primary election held during the first full week in September, a candidate with first primary opposition has essentially six weeks in which to campaign for the first primary election. The proponents argue that six weeks is not sufficient time in which to campaign for judicial office if the candidate has a full court docket.

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None.

VII. SIGNATURES:

COMMITTEE ON RULES, ETHICS, & ELECTIONS:

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