

By Senator Soto

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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; creating
14 s. 101.0215, F.S.; requiring that primary elections be
15 open to all qualified electors, notwithstanding the
16 presence of a write-in candidate; amending s. 102.031,
17 F.S.; prohibiting certain private property owners from
18 restricting access to polling places or early voting
19 sites located on their property during certain
20 periods; providing an effective date.

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22 WHEREAS, if all candidates for an office have the same
23 party affiliation and the winner will have no opposition in the
24 general election, Section 5(b) of Article VI of the State
25 Constitution specifies that, "all qualified electors, regardless
26 of party affiliation, may vote in the primary elections for that
27 office," and

28 WHEREAS, although an open primary is required for races in
29 which all candidates have the same party affiliation and the
30 winner will have no opposition in the general election, the
31 State Constitution does not prohibit the Legislature from
32 establishing an open primary for races in which all candidates

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33 whose names appear on the ballot have the same party affiliation
34 but the winner will have only one or more write-in candidates as
35 opposition in the general election, NOW, THEREFORE,
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37 Be It Enacted by the Legislature of the State of Florida:
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39 Section 1. Section 100.032, Florida Statutes, is amended to
40 read:

41 100.032 Election preparation report; general election.—At
42 least 3 months before a general election, each supervisor of
43 elections shall ~~must~~ ~~post a report~~ on his or her official
44 website and submit to the department, a report that at least 3
45 ~~months before a general election which~~ outlines preparations for
46 the upcoming general election. The report must include, at a
47 minimum, the following elements: the anticipated staffing levels
48 during the early voting period, on election day and after
49 election day; and the anticipated amount of automatic tabulating
50 equipment at each early voting site and polling place. The
51 department shall post the report on its official website upon
52 receipt from the supervisor.

53 Section 2. Subsection (1) and paragraph (a) of subsection
54 (4) of section 101.001, Florida Statutes, are amended to read:

55 101.001 Precincts and polling places; boundaries.—

56 (1) (a) The board of county commissioners in each county,
57 upon recommendation and approval of the supervisor, shall alter
58 or create precincts for voting in the county. Each precinct
59 shall be numbered and, as nearly as practicable, composed of
60 contiguous and compact areas. The supervisor shall designate a
61 polling place at a suitable location within each precinct. The

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62 precinct shall not be changed thereafter except with the consent
63 of the supervisor and a majority of the members of the board of
64 county commissioners. The board of county commissioners and the
65 supervisor may have precinct boundaries conform to municipal
66 boundaries in accordance with the provisions of s. 101.002, but,
67 in any event, the registration books shall be maintained in such
68 a manner that there may be determined therefrom the total number
69 of electors in each municipality.

70 (b) At least 60 days before a board of county commissioners
71 approves or rejects the alteration or creation of a precinct,
72 and at least 60 days before the supervisor changes the location
73 of a polling place within a precinct, the supervisor shall
74 notify the department of the intended change. The supervisor and
75 the department shall make information regarding the intended
76 change available on their respective websites.

77 (4) (a) Within 10 days after there is any change in the
78 division, number, or boundaries of the precincts, or the
79 location of the polling places, the supervisor of elections
80 shall make in writing an accurate description of any new or
81 altered precincts, setting forth the boundary lines and shall
82 identify the location of each new or altered polling place. A
83 copy of the document describing such changes shall be posted at
84 the supervisor's office and on the supervisor's official
85 website.

86 Section 3. Section 101.0215, Florida Statutes, is created
87 to read:

88 101.0215 Write-in candidates; effect on primary elections.-
89 If a primary election would, if not for the presence of one or
90 more write-in candidates, be open to all qualified electors

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91 pursuant to s. 5(b), Art. VI of the State Constitution, the
92 primary election must be open to all qualified electors.

93 Section 4. Paragraph (d) of subsection (4) of section
94 102.031, Florida Statutes, is amended, and paragraph (a) of that
95 subsection is republished, to read:

96 102.031 Maintenance of good order at polls; authorities;
97 persons allowed in polling rooms and early voting areas;
98 unlawful solicitation of voters.—

99 (4) (a) No person, political committee, or other group or
100 organization may solicit voters inside the polling place or
101 within 100 feet of the entrance to any polling place, a polling
102 room where the polling place is also a polling room, an early
103 voting site, or an office of the supervisor of elections where
104 absentee ballots are requested and printed on demand for the
105 convenience of electors who appear in person to request them.
106 Before the opening of the polling place or early voting site,
107 the clerk or supervisor shall designate the no-solicitation zone
108 and mark the boundaries.

109 (d) Except as provided in paragraph (a), the supervisor or
110 the owner of any private property being used by the supervisor,
111 during the period that the private property is being used as a
112 polling place or an early voting site, may not designate a no-
113 solicitation zone or otherwise restrict access to any person,
114 political committee, committee of continuous existence,
115 candidate, or other group or organization for the purposes of
116 soliciting voters. This paragraph applies to any public or
117 private property used as a polling place or early voting site,
118 including public or private property located outside of the no-
119 solicitation zone.

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Section 5. This act shall take effect July 1, 2016.