

By Senator Rader

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1 A bill to be entitled
2 An act relating to presidential electors; amending ss.
3 103.011, 103.021, 103.022, and 103.061, F.S.; revising
4 the manner of allocating the state's electoral votes
5 in presidential elections to be based on votes cast in
6 each congressional district; providing a limitation
7 regarding the filling of vacancies of presidential
8 electors; conforming provisions to changes made by the
9 act; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 103.011, Florida Statutes, is amended to
14 read:

15 103.011 Electors of President and Vice President.—

16 (1) Electors of President and Vice President, known as
17 presidential electors, shall be elected on the first Tuesday
18 after the first Monday in November of each year the number of
19 which is a multiple of 4. Votes cast for the actual candidates
20 for President and Vice President shall be counted as votes cast
21 for the presidential electors supporting such candidates. The
22 Department of State shall certify as elected the presidential
23 electors of the candidates for President and Vice President as
24 follows:

25 (a) Two at-large electors for the candidates for President
26 and Vice President who receive the highest number of votes
27 statewide.

28 (b) The elector for each congressional district for the
29 candidates for President and Vice President who receive the

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30 highest number of votes in that congressional district.

31 Section 2. Subsections (1), (3), and (4) of section
32 103.021, Florida Statutes, are amended to read:

33 103.021 Nomination for presidential electors.—Candidates
34 for presidential electors shall be nominated in the following
35 manner:

36 (1) The Governor shall nominate the presidential electors
37 of each political party. The state executive committee of each
38 political party shall by resolution recommend candidates for
39 presidential electors for each congressional district and for
40 the two at-large positions, and deliver a certified copy thereof
41 to the Governor before September 1 of each presidential election
42 year. The Governor shall nominate only the electors recommended
43 by the state executive committee of the respective political
44 party. Each such elector shall be a qualified elector of the
45 party he or she represents, and shall be a resident of the
46 congressional district that he or she is designated as an
47 elector for, if applicable, who has taken an oath that he or she
48 will vote for the candidates of the party that he or she is
49 nominated to represent. The Governor shall certify to the
50 Department of State on or before September 1, in each
51 presidential election year, the names of a number of electors
52 for each political party equal to the number of senators and
53 representatives which this state has in Congress.

54 (3) Candidates for President and Vice President with no
55 party affiliation may have their names printed on the general
56 election ballots if a petition is signed by 1 percent of the
57 registered electors of this state, as shown by the compilation
58 by the Department of State for the last preceding general

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59 election. A separate petition from each county for which
60 signatures are solicited must ~~shall~~ be submitted to the
61 supervisor of elections of the respective county no later than
62 July 15 of each presidential election year. The supervisor shall
63 check the names and, on or before the date of the primary
64 election, shall certify the number shown as registered electors
65 of the county. The supervisor shall be paid by the person
66 requesting the certification the cost of checking the petitions
67 as prescribed in s. 99.097. The supervisor shall then forward
68 the certificate to the Department of State which shall determine
69 whether or not the percentage factor required in this section
70 has been met. When the percentage factor required in this
71 section has been met, the Department of State shall order the
72 names of the candidates for whom the petition was circulated to
73 be included on the ballot and shall permit the required number
74 of persons to be certified as congressional district and at-
75 large electors in the same manner as party candidates.

76 (4) (a) A minor political party that is affiliated with a
77 national party holding a national convention to nominate
78 candidates for President and Vice President of the United States
79 may have the names of its candidates for President and Vice
80 President of the United States printed on the general election
81 ballot by filing with the Department of State a certificate
82 naming the candidates for President and Vice President and
83 listing the required number of persons to serve as electors.
84 Notification to the Department of State under this subsection
85 shall be made by September 1 of the year in which the election
86 is held. When the Department of State has been so notified, it
87 shall order the names of the candidates nominated by the minor

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88 political party to be included on the ballot and shall permit
89 the required number of persons to be certified as congressional
90 district and at-large electors in the same manner as other party
91 candidates. As used in this section, the term "national party"
92 means a political party that is registered with and recognized
93 as a qualified national committee of a political party by the
94 Federal Election Commission.

95 (b) A minor political party that is not affiliated with a
96 national party holding a national convention to nominate
97 candidates for President and Vice President of the United States
98 may have the names of its candidates for President and Vice
99 President printed on the general election ballot if a petition
100 is signed by 1 percent of the registered electors of this state,
101 as shown by the compilation by the Department of State for the
102 preceding general election. A separate petition from each county
103 for which signatures are solicited must ~~shall~~ be submitted to
104 the supervisors of elections of the respective county no later
105 than July 15 of each presidential election year. The supervisor
106 shall check the names and, on or before the date of the primary
107 election, shall certify the number shown as registered electors
108 of the county. The supervisor shall be paid by the person
109 requesting the certification the cost of checking the petitions
110 as prescribed in s. 99.097. The supervisor shall then forward
111 the certificate to the Department of State, which shall
112 determine whether or not the percentage factor required in this
113 section has been met. When the percentage factor required in
114 this section has been met, the Department of State shall order
115 the names of the candidates for whom the petition was circulated
116 to be included on the ballot and shall permit the required

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117 number of persons to be certified as congressional district and
118 at-large electors in the same manner as other party candidates.

119 Section 3. Section 103.022, Florida Statutes, is amended to
120 read:

121 103.022 Write-in candidates for President and Vice
122 President.—Persons seeking to qualify for election as write-in
123 candidates for President and Vice President of the United States
124 may have a blank space provided on the general election ballot
125 for their names to be written in by filing an oath with the
126 Department of State at any time after the 57th day, but before
127 noon of the 49th day, prior to the date of the primary election
128 in the year in which a presidential election is held. The
129 Department of State shall prescribe the form to be used in
130 administering the oath. The candidates shall file with the
131 department a certificate naming the required number of persons
132 to serve as congressional district and at-large electors. Such
133 write-in candidates shall not be entitled to have their names on
134 the ballot.

135 Section 4. Section 103.061, Florida Statutes, is amended to
136 read:

137 103.061 Meeting of electors and filling of vacancies.—Each
138 presidential elector shall, on the day fixed by Congress to
139 elect a President and Vice President and at the time fixed by
140 the Governor, give notice to the Governor that the elector is in
141 Tallahassee and ready to perform the duties of presidential
142 elector. The Governor shall forthwith deliver to the
143 presidential electors present a certificate of the names of all
144 the electors; and if, on examination thereof, it should be found
145 that one or more electors are absent, the electors present shall

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146 elect by ballot, in the presence of the Governor, a person or
147 persons to fill such vacancy or vacancies as may have occurred
148 through the nonattendance of one or more of the electors. Any
149 electors present may only fill a vacancy with a person who takes
150 an oath to cast a vote for President and Vice President
151 consistent with the oath taken by the absent elector being
152 succeeded.

153 Section 5. This act shall take effect July 1, 2019.