

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: PCB SAC 24-06 Elections

SPONSOR(S): State Affairs Committee

TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
Orig. Comm.: State Affairs Committee		Skinner	Williamson

SUMMARY ANALYSIS

A primary election is an election held for the purpose of nominating a party nominee to be voted for in the general election to fill a national, state, county, or district office. Current law requires the primary election to be held 11 weeks before the general election, with the candidate receiving the highest number of votes cast in each contest being declared nominated. Candidates must qualify to run for office within a certain number of days of the primary election and must file certain campaign finance reports during certain times. Before 2006, the state operated under a two-primary system, with the first primary election serving as an elimination election and the second primary as an elimination *and* nomination election.

Florida law allows voters to physically return their vote-by-mail (VBM) ballots to the supervisor of elections (supervisor) by placing their ballots in a secure ballot intake station. Secure ballot intake stations must be placed at all early voting sites, the main office of the supervisor, and all permanent branch offices of the supervisor utilized for early voting. Additionally, a supervisor may place a secure ballot intake station at any site that qualifies as an early voting site. Secure ballot intake stations, except for those located at a supervisor's office, may only be used during the county's early voting hours. Secure ballot intake stations must be continuously monitored by a supervisor's employee.

The federal Help America Vote Act of 2002 requires voting systems used in federal elections to meet certain accessibility requirements. Florida law requires that all voting either be by paper marksense ballot or a voter interface device that meets state and federal standards for accessibility and produces a voter-verifiable paper output.

The bill revises the Florida Election Code to:

- Create a two-primary runoff system in the state, similar to the system in effect before 2006, with the first primary election serving as a nomination or elimination election and the second primary serving as a nomination election only.
- Mandate that the first primary election occur 20 weeks before the general election and, if no candidate garners a majority of all votes cast in the first primary, a second primary election will occur 10 weeks later.
- Require DOS to update the minimum standards for nonpartisan voter education to include information about the primary election process.
- Consolidate the timeframes for qualifying for *all* elected offices, except municipal offices, to one time period: 71-67 days before the first primary election.
- Require supervisors to give all voters the option to vote by paper marksense ballot during the early voting period and on election day.
- Provide that secure ballot intake stations may only be placed at the supervisor's main office, permanent branch offices, and early voting sites, and that such stations at permanent branch offices and early voting sites may only be used during the county's early voting hours.
- Make conforming changes.

The bill will likely result in a fiscal impact to state and local governments. See Fiscal Analysis and Economic Impact Statement.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Background

Department of State

The Department of State (DOS) is the principal administrative unit of state government charged with overseeing the state's electoral system.¹ DOS is under the authority of the Secretary of State (Secretary),² who serves as Florida's chief election officer.³ In his or her capacity as chief election officer, the Secretary is charged with obtaining and maintaining uniformity in the interpretation and implementation of the election laws, including the Florida Election Code;⁴ providing uniform standards for the proper and equitable implementation of voter registration laws; providing technical assistance to the supervisors of elections (supervisors) on voter education, election personnel training services, and voting systems; and creating and administering a statewide voter registration system as required by the Help America Vote Act of 2002 (HAVA).⁵ The Division of Elections (division)⁶ within DOS provides administrative support to the Secretary⁷ "to ensure that Florida has fair and accurate elections."⁸ The division also provides statewide coordination of election administration and assists supervisors in their various duties,⁹ including providing technical support.¹⁰

Primary Elections

A primary election is an election held for the purpose of nominating a party nominee to be voted for in a general election to fill a national, state, county, or district office.¹¹ The Florida Election Code requires that in each year a general election is held, a primary election for nomination of candidates of political parties be held on the Tuesday 11 weeks before the general election.¹² The candidate who receives the highest number of votes cast in each contest in the primary election is declared nominated and may then appear on the general election ballot.¹³ If two or more candidates receive an equal number of votes for the same office, they must draw lots to determine which is nominated.¹⁴

In 1901, the state established a two primary system — often referred to as a “runoff” election system — where the top two vote-getters in the first primary election proceed to a second and with the second primary occurring four weeks after the first.¹⁵ But this first iteration of a two primary system was short lived, as the Legislature repealed it just 12 years later in favor of a method of ranked choice voting.¹⁶ Sixteen years later, in 1929, the state reestablished the two primary system¹⁷ and the state operated

¹ Section 20.10, F.S.; *see also* s. 97.012, F.S.

² *Id.* The Secretary is appointed by, and serves at the pleasure of the Governor, subject to confirmation by the Senate.

³ Section 97.012, F.S. The National Voter Registration Act of 1993 requires each state to designate a chief state election official to coordinate the state responsibilities under the act. 52 U.S.C. s. 20509. HAVA incorporated the term “chief state election official” and, among other duties, required that official to implement and maintain a statewide voter registration system. 52 U.S.C. s. 21083(a)(1)(A).

⁴ Chapters 97-106, F.S., are cited as “The Florida Election Code.” *See* s. 97.011, F.S.

⁵ Section 97.012, F.S.

⁶ Section 20.10(2)(a), F.S.; *see also* s. 97.021(9), F.S.

⁷ Section 20.10(1), F.S.

⁸ About Us, DIVISION OF ELECTIONS, *available at* <https://dos.myflorida.com/elections/about-us/> (last visited on Feb. 17, 2024).

⁹ *See* s. 98.015, F.S., regarding duties of a supervisor.

¹⁰ About Us, DIVISION OF ELECTIONS, *available at* <https://dos.myflorida.com/elections/about-us/> (last visited on Feb. 17, 2024).

¹¹ Section 97.021(31), F.S.

¹² Section 100.061, F.S. The 2024 primary election will be held on August 20, 2024, and the 2026 primary election on August 18, 2026.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ Chapter 5014, s. 7, L.O.F. (1901).

¹⁶ Chapter 6469, s. 5, L.O.F. (1913).

¹⁷ Chapter 13761, s. 2, L.O.F. (1929).

under the same basic primary structure until 2000 when the last runoff was held in Florida.¹⁸ The Legislature suspended the second primary for the 2002¹⁹ and the 2004²⁰ election cycles before repealing it in 2005.²¹

Changes to Voter Registration Information

Registration Books

Current law requires voter registration books to be closed on the 29th day before each election and to remain closed until after the election.²² If an election is called and there are less than 29 days before that election, the registration books must be closed immediately.²³ When registration books are closed for an election, updates to a voter's name, address, party affiliation, and signature are the only changes permitted for purposes of the upcoming elections.²⁴ However, if the election is a primary election, a change to a voter's party affiliation is only effective for subsequent elections.²⁵

Voter Information Cards

A voter information card²⁶ must be provided by the supervisor to all registered voters residing in the supervisor's county.²⁷ If a voter changes his or her name, address of legal residence, polling place address, or party affiliation, the supervisor must issue the voter a new voter information card.²⁸

Statewide Voter Registration System

Current law provides that when the name of any voter is removed from the statewide voter registration system,²⁹ the voter's original registration must be retained by the supervisor.³⁰ Furthermore, when the name of any voter has been erroneously or illegally removed from the statewide voter registration system, the name of the voter must be restored by a voter registration official upon satisfactory proof even though the registration period for that election is closed.³¹

Candidate Qualifying

Federal, State, County, District, and Special District Office

Current law provides that each person seeking to qualify for nomination or election to federal, state, county, district, special district, school district, judicial, or multicounty district office must file³² his or her qualification papers and pay the qualifying fee or qualify by the petition process³³ at any time after noon

¹⁸ 2000 Runoff Election Results, DIVISION OF ELECTIONS, available at <https://results.elections.myflorida.com/Index.asp?ElectionDate=10/3/2000&DATAMODE=> (last visited Feb. 17, 2024).

¹⁹ Chapter 2001-40, s. 46, L.O.F.

²⁰ Chapter 2003-415, s. 30, L.O.F.

²¹ Chapter 2005-286, L.O.F. The law was effective on January 1, 2006.

²² Section 97.055(1)(a), F.S.

²³ *Id.*

²⁴ Section 97.055(1)(b), F.S.

²⁵ Section 97.055(1)(c), F.S.

²⁶ A voter information card must contain the voter's registration number, date of registration, full name, party affiliation, date of birth, address of legal residence, precinct number, polling place and a link to the supervisor's website to provide the most current polling place locations, name and contact information of the supervisor, a specified statement regarding the card's intended purpose, and other information deemed necessary by the supervisor. *See* s. 97.071(1), F.S.

²⁷ Section 97.071(1), F.S.

²⁸ Section 97.071(3), F.S.

²⁹ *See* s. 98.035, F.S.; *see also* 52 U.S.C. s. 21083.

³⁰ Section 98.081(1), F.S.

³¹ Section 98.081(2), F.S.

³² Candidates for federal, state, or multicounty district office, other than election to a judicial office or the office of school board member, must file with DOS. Candidates for county or district office must file with their supervisor. *See* s. 99.061, F.S.

³³ *See* Section 99.095, F.S.

on the first day of the specified qualification period.³⁴ The offices and their applicable qualification periods are as follows:

- Federal office, judicial office, or office of the state attorney or public defender: Noon of the 120th day before the primary election, but no later than noon of the 116th day before the date of the primary election.
- State, county, district, special district office, school district, or multicounty district office (other than state attorney or public defender): Noon of the 71st day before the primary election, but no later than noon of the 67th day before the date of the primary election.³⁵

Additionally, in each year the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to federal office must be between noon of the 71st day before the primary election, but no later than noon of the 67th day before the primary election.³⁶

Presidential Candidate Qualifying for Minor Party, No Party Affiliation, and Write-in Candidates

Candidates for President and Vice President with no party affiliation or who are affiliated with a minor party that is not affiliated with a national party holding a national convention to nominate candidates for President and Vice President may have their names printed on the general election ballot if a petition is signed by 1 percent of the registered voters of Florida.³⁷ A separate petition from each county for which signatures are solicited must be submitted to the appropriate supervisor no later than noon on July 15 of each presidential election year.³⁸ The supervisor must check the names and, on or before the date of the primary election, certify the number shown as registered voters of the county.³⁹

Candidates seeking to qualify for election as write-in candidates for President and Vice President may be provided a blank space on the general election ballot for their names to be written in by filing an oath⁴⁰ with DOS at any time after the 57th day, but before noon of the 67th day, before the date of the primary election in the year in which a presidential election is held.⁴¹

Campaign Finance

Campaign Finance Reports

Current law requires submission of the following reports by statewide candidates and political committees⁴² that file campaign finance reports with the division:

- Weekly contribution and expenditure reports on the 60th day before the primary election, and each week thereafter, with the last weekly report being filed on the fourth day before the general election.
- Daily contribution and expenditure reports on the 10th day before the general election, and each day thereafter, with the last daily report being filed on the fifth day before the general election.⁴³

Any other candidate or political committee required to file reports with a filing officer other than the division must file such reports on the 60th day before the primary election, and biweekly on each Friday thereafter, including the fourth day before the general election, with additional reports due on the 25th and 11th days before the primary election and the general election.⁴⁴

³⁴ Sections 99.061 and 105.031, F.S.

³⁵ *Id.*

³⁶ Section 99.061(9), F.S.

³⁷ Section 103.021(3)-(4), F.S.

³⁸ *Id.*

³⁹ *Id.*

⁴⁰ See s. 99.021(1)(a)1., F.S.

⁴¹ Section 103.022, F.S.

⁴² See s. 106.011(16)(a), F.S., for the definition of “political committee.”

⁴³ Section 106.07(1)(a), F.S.

⁴⁴ Section 106.07(1)(b), F.S.

An individual seeking a publicly elected position on a political party executive committee who receives a contribution or makes an expenditure must file a report of all contributions received and all expenditures made on the fourth day before the primary election.⁴⁵

Current law requires submission of the following reports by electioneering communications organizations⁴⁶ that file campaign reports with the division:

- Weekly contribution and expenditure reports on the 60th day before the primary election, and each week thereafter, with the last weekly report being filed on the fourth day before the general election.
- Daily contribution and expenditure reports on the 10th day before the general election, and every day thereafter, excluding the fourth day before the general election, with the last daily report being filed the day before the general election.⁴⁷

Each political party's state and county executive committees must file regular reports with the division of all contributions received and all expenditures made.⁴⁸ Furthermore, when a special election is called to fill a vacancy in office, each state executive committee, each affiliated party committee, and each county executive committee making contributions or expenditures to influence the results of the special election or the preceding special primary election must file campaign treasurer reports on the dates set by DOS.⁴⁹ Such reports must be filed on the 10th day following the end of each calendar quarter, except that during the period from the last day for candidate qualifying until the general election such reports must be filed on the Friday before each special primary election, special election, primary election, and general election.⁵⁰

Campaign Contributions

Current law places limits on how much money an individual or political committee may contribute toward political campaigns, with exceptions for political parties or affiliated party committees.⁵¹ For purposes of such campaign contributions, the primary election and general election are separate elections, unless a candidate is unopposed.⁵² However, for the purpose of contribution limits for candidates for retention as a justice or judge, there is only one election, which is the general election.⁵³

Voter Education Programs

DOS must adopt rules prescribing minimum standards for nonpartisan voter education.⁵⁴ The standards, at a minimum, must address:

- Voter registration.
- Balloting procedures, by mail and polling place.
- Voter rights and responsibilities.
- Distribution of sample ballots.
- Public service announcements.⁵⁵

Each supervisor must implement the minimum voter education standards and conduct additional nonpartisan education efforts to ensure that voters have a working knowledge of the voting process.⁵⁶

⁴⁵ Section 106.0702(1), F.S.

⁴⁶ See s. 106.011(9), F.S., for the definition of "electioneering communications organization."

⁴⁷ Section 106.0703(1)(b), F.S.

⁴⁸ Section 106.29(1), F.S.

⁴⁹ *Id.*

⁵⁰ *Id.*

⁵¹ See s. 106.08(1), F.S.

⁵² Section 106.08(1)(c), F.S. An unopposed candidate means a candidate for nomination or election to an office, who after the last day on which a person, including a write-in candidate, may qualify, is without opposition in the election at which the office is to be filled or who is without such opposition after such date as a result of a primary election or of withdrawal by other candidates seeking the same office. See s. 106.011(18), F.S.

⁵³ *Id.*

⁵⁴ Section 98.255(1), F.S.

⁵⁵ *Id.*

⁵⁶ Section 98.255(2), F.S.

Help America Vote Act

In 2002, the United States Congress passed HAVA to, among other purposes, “establish minimum election administration standards for States and units of local government with responsibility for the administration of Federal elections.”⁵⁷ HAVA requires voting systems⁵⁸ used in federal elections to meet certain specifications.⁵⁹ Among those specifications are requirements regarding the accessibility of the voting system to individuals with disabilities.⁶⁰ The voting system, or direct recording electronic voting system, must be accessible for individuals with disabilities, and must include nonvisual accessibility for the blind and visually impaired in a manner that provides the same opportunity for access and participation (including privacy and independence) as for other voters. In addition, there must be at least one voting system equipped for individuals with disabilities at each polling place.⁶¹

HAVA specifies that any voting system used in federal elections must:

- Permit the voter to verify (in a private and an independent manner) the votes selected by the voter on the ballot before the ballot is cast and counted.
- Provide the voter with the opportunity (in a private and an independent manner) to change the ballot or correct any error before the ballot is cast and counted (including the opportunity to correct the error through the issuance of a replacement ballot if the voter was otherwise unable to change the ballot or correct any error).
- Notify the voter if the voter selects more than one candidate for a single office, explain the effect of casting multiple votes for the office, and provide the voter with the opportunity to correct the ballot before the ballot is cast.⁶²

Each accessible voting system must produce a permanent paper record with a manual audit capacity⁶³ and ensure that any notification produced by the system preserves the privacy and confidentiality of the ballot.⁶⁴

Marksense Ballots and Voter Interface Devices

All voting in Florida must either be by paper marksense ballot or a voter interface device, which meets state and federal standards for accessibility and produces a voter-verifiable paper output.⁶⁵ A marksense ballot is a printed sheet of paper, used in conjunction with an electronic or electromechanical vote tabulation voting system, containing the names of candidates or other questions or propositions submitted to the electorate at any election, on which an elector casts his or her vote.⁶⁶

A voter interface device is any device that communicates voting instructions and ballot information to a voter and allows the voter to select and vote for candidates and issues.⁶⁷ Voter interface devices are prohibited from being used to tabulate votes and all vote tabulation must be based on a subsequent scan of the marksense ballot or the voter-verifiable paper output after the voter interface device process has been completed. Voter interface devices prevent an elector from “overvoting”⁶⁸ (designating more names than there are persons to be elected to an office or designating more than

⁵⁷ Help America Vote Act of 2002, P.L. 107-252 (2002).

⁵⁸ HAVA defines “voting system” to mean the total combination of mechanical, electromechanical, or electronic equipment...that is used to define ballots; cast and count votes; report or display election results; maintain and produce any audit trail information; and the practices and associated documentation used to identify system components and versions of such components; test the system during its development and maintenance; maintain records of system errors and defects; determine specific system changes to be made to a system after the initial qualification of the system; and to make available any materials to the voter (such as notices, instructions, forms, or paper ballots). 52 U.S.C. s. 21081(b).

⁵⁹ 52 U.S.C. s. 21081(a).

⁶⁰ 52 U.S.C. s. 21081(a)(3).

⁶¹ *Id.*

⁶² 52 U.S.C. s. 21081(a)(1).

⁶³ 52 U.S.C. s. 21081(a)(2)(B).

⁶⁴ 52 U.S.C. s. 21081(a)(1)(C).

⁶⁵ Section 101.56075, F.S.

⁶⁶ Section 97.021(6)(b), F.S.; *see also* s. 101.151(1)(a), F.S.

⁶⁷ Section 97.021(42), F.S.

⁶⁸ Section 97.021(26), F.S.

one answer to a ballot question) and warn or prompt the voter if he or she “undervotes,”⁶⁹ (not properly designating any choice for an office or ballot question) but allows an “undervote” after confirming the voter’s intent.

Each polling place must include at least one voter interface device⁷⁰ and any eligible elector may use either the voter interface device or a marksense ballot to vote.⁷¹ However, there is currently no restriction on the ability of a supervisor to exclusively offer voting through voter interface devices.

Offices of the Supervisor of Elections

The Florida Election Code⁷² references two types of offices of the supervisor — the main office and the branch office. Neither of these offices are specifically defined in statute, but the Florida Election Code provides that the *office of the supervisor* “must be open Monday through Friday, excluding legal holidays, for a period of not less than 8 hours per day, beginning no later than 9 a.m.”⁷³ In certain statutory provisions, a branch office of the supervisor must be “permanent” in order to comply with the law. For instance, the main office of a supervisor is required to conduct early voting, but a branch office must be a “permanent facility” before the same requirement applies.⁷⁴ To be a “permanent” branch office for purposes of early voting, the supervisor must have designated it and used it “as such for at least one year prior to the election.”⁷⁵

In a 2022 advisory opinion, the division interpreted “main office” as “the primary office utilized by a supervisor of elections and *that office*” is required to abide by the hours of operation set in statute.⁷⁶ The division interpreted a “branch office” to mean “a separate but dependent part of a supervisor of election’s place of providing services and conducting business.”⁷⁷ Likewise, the division determined “permanent branch office of the supervisor” to mean a “permanent facility,” which, in turn, it interpreted to mean “a building, structure, or other establishment that is designated as conducting the business of the supervisor’s office and is intended to endure without fundamental change.”⁷⁸

Secure Ballot Intake Stations

Voters who receive a vote-by-mail (VBM) ballot may physically return their VBM ballot to the supervisor by placing such ballot in a secure ballot intake station.⁷⁹ Secure ballot intake stations must be placed at all early voting sites,⁸⁰ the main office of the supervisor, and all permanent branch offices⁸¹ of the supervisor that are utilized for early voting.⁸² The supervisor, at his or her discretion, may place additional secure ballot intake stations at any other site that qualifies as an early voting site, including public libraries, courthouses, fairgrounds, and civic centers.⁸³ Such locations must, if practicable, be geographically located to provide all voters in the county with an equal opportunity to vote.⁸⁴ At least 30

⁶⁹ Section 97.021(41), F.S.

⁷⁰ Section 101.56062(2), F.S.; *see also* 52 U.S.C. s. 21081(a)(3).

⁷¹ Prior to 2020, only persons with disabilities were able to vote using a voter interface device. *See* s. 101.56075(2), F.S. (2019); *see also* ch. 2019-162, s. 13, L.O.F.

⁷² Chapters 97-106, F.S., are cited as “The Florida Election Code.” *See* s. 97.011, F.S.

⁷³ Section 98.015(4), F.S.

⁷⁴ Section 101.657(1), F.S.

⁷⁵ *Id.*

⁷⁶ *See Div. of Elections Op. 22-07* (Oct. 4, 2022). The opinion was issued by the Division in response to a series of questions proffered by a supervisor regarding the terms “office,” “main office,” “branch office,” and “permanent branch office,” within the Florida Election Code and how those terms relate to certain statutory provisions related to the placement and hours of secure ballot intake stations.

⁷⁷ *Id.*

⁷⁸ *Id.*

⁷⁹ Section 101.69(2)(a), F.S.

⁸⁰ “Early voting” means casting a ballot prior to election day at a location designed by the supervisor and depositing the voted ballot in the tabulation system. Section 97.021(10), F.S. “Early voting site” means those locations specified in s. 101.657 and the building in which early voting occurs. Section 97.021(12), F.S.

⁸¹ Such permanent branch offices must also be open for at least eight hours a day Monday through Friday. *See* ss. 101.69(2)(a) and 98.015(4), F.S.

⁸² Section 101.69(2)(a), F.S.

⁸³ *Id.* *See* s. 101.657(1), F.S., for all sites that qualify as an early voting site.

⁸⁴ *Id.*

days before an election, supervisors must designate the location of each secure ballot intake station and provide the addresses to the division.⁸⁵ Once designated, the location can only be changed if approved by the division.⁸⁶

Secure ballot intake stations, except for those located at the main or branch office of the supervisor, may only be used during the county's early voting hours⁸⁷ and must be physically monitored by a supervisor's employee.⁸⁸ For a secure ballot intake station located at a supervisor's office, such station must be continuously monitored by a supervisor's employee when it is accessible for deposit.⁸⁹ Secure ballot intake stations located at early voting sites must be emptied at the end of early voting hours and all ballots must be retrieved and returned to the supervisor's office.⁹⁰ For secure ballot intake stations located at the supervisor's office, all ballots must be retrieved before the station is no longer being monitored by a supervisor's employee.⁹¹

Effect of the Bill

Primary Elections

The bill creates a two primary system in the state, similar to the system that existed prior to 2006: The first primary election serving as an elimination election and the second primary an elimination *and* nomination election. The bill provides that in each year in which a general election is held, the first primary election for nomination of candidates of political parties will be held on the Tuesday 20 weeks before the date of the general election. Each candidate receiving a majority of the votes cast in each contest in the first primary election will be declared nominated for such office. If a candidate in the first primary election contest does not receive a majority of the votes cast, a second primary election must be held.

If a second primary election is required, it must take place on the Tuesday 10 weeks before the date of the general election. The names of the candidates placing first and second in the first primary election will be placed on the ballot in the second primary election, with the following exceptions:

- In any contest in which there is a tie for first place in the first primary election, only the names of the candidates that tied will be placed on the ballot in the second primary election.
- In any contest in which there is a tie for second place in the first primary election and the candidate placing first did not receive a majority of the votes cast, the name of the candidate placing first and the names of the candidates tying for second will be placed on the ballot in the second primary election.

The candidate who receives the highest number of votes cast for office in the second primary election will be nominated and proceed to the general election. If two or more candidates receive an equal and highest number of votes for the same office in the second primary election, such candidates must draw lots to determine which candidate will be nominated.

If the bill becomes law, the first primary in 2026 will be held on Tuesday, June 16, 2026, and the second primary, should one be required, will be held on August 25, 2026. The general election will take place on Tuesday, November 3, 2026.

When a vacancy occurs for which a special election is required, the bill requires the Governor to set the dates for a special first primary election and a special second primary election.

⁸⁵ Section 101.69(2)(b), F.S.

⁸⁶ *Id.*

⁸⁷ Early voting must occur at least eight hours per day, but no longer than 12 hours per day. Section 101.657(1)(d), F.S.

⁸⁸ Section 101.69(2)(a), F.S.

⁸⁹ *Id.*

⁹⁰ Section 101.69(2)(c)1., F.S.

⁹¹ Section 101.69(2)(c)2., F.S. Employees of the supervisor must comply with chain of custody of ballots procedures. *See ss.*

101.69(2)(c)3. and 101.015(4), F.S.

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Nonpartisan candidates — such as judges and school board members — who are opposed will appear on the first primary ballot but the name of any candidate for such office who receives a majority of the votes cast will only appear on the general election ballot.

During a year in which the Legislature apportions the state, the bill requires that candidates for the office of state senator or state representative only appear on the ballot in the second primary election with the candidate receiving the highest number of votes winning the nomination for such office.

The bill prohibits the following changes from being made between the book-closing date of the first primary election and the date of the second primary election:

- A change of a voter's party affiliation.
- A change in party affiliation on a voter information card.
- Removal from the statewide voter registration system.

The bill updates the minimum standards for nonpartisan voter education prescribed by DOS to include information about the primary election process.

Candidate Qualifying

The bill consolidates the timeframes during which candidates must qualify into one period. All candidates, except those seeking municipal office, will now qualify any time after noon on the 71st day before the date of the first primary election, but no later than noon on the 67th day before the date of the first primary election.

The bill specifies that in each year the Legislature apportions the state, the qualifying period for persons seeking to qualify for nomination or election to the office of state senator or state representative must be between noon of the 71st day prior to the second primary election, but not later than noon of the 67th day prior to the second primary election. The bill makes conforming changes to certain dates involving write-in candidates, candidates with no party affiliation, and minor party candidates seeking the office of President and Vice President.

Campaign Finance

The bill conforms the timeframe in which certain campaign finance reports must be filed to the new two primary election system. The bill also specifies that for purposes of campaign contributions, the first primary election, second primary election, and general election are separate elections, unless a candidate is unopposed.

Offices of the Supervisor of Elections

The bill defines “branch office of the supervisor”⁹² and “main office of the supervisor”⁹³ for purposes of the entire Florida Election Code. The bill requires supervisors to designate the main office and allows supervisors to designate one or more branch offices. The bill also requires supervisors to provide written notification to the division of the location of the main office, as well as any branches offices, if designated. Such notification must initially be provided by July 15, 2024, and by January 15 thereafter. If any changes to these locations occur, supervisors must provide written notification to the division of such changes within 10 days.

Marksense Ballots

The bill requires that all voters be given the option to vote by paper marksense ballot during the early voting period and on election day.

Secure Ballot Intake Stations

The bill provides that secure ballot intake stations may only be placed at the main office of the supervisor, a branch office designated and used as such for one year before the election, and at each

⁹² The bill defines “branch office of the supervisor” to mean “a building, structure, or facility, other than the main office of the supervisor, which is a permanent location where business of the supervisor is conducted.”

⁹³ The bill defines “main office of the supervisor” to mean “the building, structure, or facility that is the permanent location where the main business of the supervisor is conducted.”

early voting site.⁹⁴ The bill removes the ability of branch offices of a supervisor to operate secure ballot intake stations outside of early voting hours by specifying that, except for those at the main office of the supervisor, a secure ballot intake station may only be used during the county's early voting hours. The bill requires all secure ballot intake stations, regardless of location, to be continuously monitored in person by an employee of the supervisor's office when accessible for deposit of ballots.

B. SECTION DIRECTORY:

Section 1 amends s. 97.021, F.S., relating to definitions.

Section 2 amends s. 97.021, F.S., which takes effect January 1, 2025, relating to definitions.

Section 3 amends s. 97.055, F.S., which takes effect January 1, 2025, relating to registration books; when closed for an election.

Section 4 amends s. 97.071, F.S., which takes effect January 1, 2025, relating to voter information card.

Section 5 amends s. 97.1031, F.S., which takes effect January 1, 2025, relating to notice of change of residence, change of name, or change of party affiliation.

Section 6 amends s. 98.015, F.S., relating to supervisor of elections; election, tenure of office, compensation, custody of registration-related documents, office hours, successor, seal; appointment of deputy supervisors; duties.

Section 7 amend s. 98.077, F.S., relating to update of voter signature.

Section 8 amends s. 98.081, F.S., which takes effect January 1, 2025, relating to names removed from the statewide voter registration system; restrictions on reregistering; recordkeeping; restoration of erroneously or illegally removed names.

Section 9 amends s. 98.0981, F.S., which takes effect January 1, 2025, relating to reports; voting history; statewide voter registration system information; precinct-level election results; book closing statistics; live turnout data.

Section 10 amends s. 98.255, F.S., which takes effect January 1, 2025, relating to voter education programs.

Section 11 amends s. 99.061, F.S., which takes effect January 1, 2025, relating to method of qualifying for nomination or election to federal, state, county, or district office.

Section 12 amends s. 99.063, F.S., which takes effect January 1, 2025, relating to candidates for Governor and Lieutenant Governor.

Section 13 amends s. 99.103, F.S., which takes effect January 1, 2025, relating to Department of State to remit part of filing fees and party assessments of candidates to state executive committee.

Section 14 amends s. 100.061, F.S., which takes effect January 1, 2025, relating to primary election.

Section 15 creates s. 100.062, F.S., which takes effect January 1, 2025, relating to second primary election.

Section 16 amends s. 100.081, F.S., which takes effect January 1, 2025, relating to nomination of county commissioners at primary election.

⁹⁴ Branch offices may be used for early voting if it is a permanent facility of the supervisor and has been designated and used as such for at least one year prior to the election. Section 101.657(1)(a), F.S.

Section 17 amends s. 100.111, F.S., which takes effect January 1, 2025, relating to filling vacancy.

Section 18 amends s. 100.141, F.S., which takes effect January 1, 2025, relating to notice of special election to fill any vacancy in office.

Section 19 amends s. 101.252, F.S., which takes effect January 1, 2025, relating to candidates entitled to have names printed on certain ballots; exception.

Section 20 amends s. 101.56075, F.S., relating to voting methods.

Section 21 amends s. 101.62, F.S., which takes effect January 1, 2025, relating to request for VBM ballots.

Section 22 amends s. 101.69, F.S., relating to voting in person; return of VBM ballot.

Section 23 amends s. 102.014, F.S., which takes effect January 1, 2025, relating to poll worker recruitment and training.

Section 24 amends s. 103.021, F.S., which takes effect January 1, 2025, relating to nomination for presidential electors.

Section 25 amends s. 103.022, F.S., which takes effect January 1, 2025, relating to write-in candidates for President and Vice President.

Section 26 amends s. 103.091, F.S., which takes effect January 1, 2025, relating to political parties.

Section 27 amends s. 105.031, F.S., which takes effect January 1, 2025, relating to qualification; filing fee; candidate's oath; items required to be filed.

Section 28 amends s. 105.041, F.S., which takes effect January 1, 2025, relating to form of ballot.

Section 29 amends s. 105.051, F.S., which takes effect January 1, 2025, relating to determination of election or retention to office.

Section 30 amends s. 106.07, F.S., which takes effect January 1, 2025, relating to reports; certification and filing.

Section 31 amends s. 106.0702, F.S., which takes effect January 1, 2025, relating to reporting; political party executive committee candidates.

Section 32 amends s. 106.0703, F.S., which takes effect January 1, 2025, relating to electioneering communications organizations; reporting requirements; certification and filing; penalties.

Section 33 amends s. 106.08, F.S., which takes effect January 1, 2025, relating to contributions; limitations on.

Section 34 amends s. 106.29, F.S., which takes effect January 1, 2025, relating to reports by political parties and affiliated party committees; restrictions on contributions and expenditures; penalties.

Section 35 amends s. 106.35, F.S., which takes effect January 1, 2025, relating to distribution of funds.

Section 36 provides an effective date of July 1, 2024, except as otherwise expressly provided.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

The bill could have a minimal fiscal impact on state expenditures. DOS will likely be required to update certain rules to comply with the bill. The costs of such rulemaking, however, should be absorbed in DOS's current budget as part of its day-to-day operations.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

The bill will have an indeterminate, but likely significant fiscal impact on local government expenditures due to the preparation for and the administration of a second primary election that must be conducted under certain circumstances, as well as the required provision of marksense ballots at each early voting site and polling place.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The county/municipality mandates provision of Art. VII, s. 18 of the Florida Constitution may apply because the bill affects elections, which are conducted by county supervisors; however, an exception may apply because laws concerning elections are exempt.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

The bill will likely require DOS to adopt, update, and revise rules to implement and conform to the changes made by the bill. However, DOS has sufficient rulemaking authority under s. 97.012(1), F.S., to carry out any necessary rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES

Not applicable.