

The Florida Senate
PROFESSIONAL STAFF ANALYSIS AND ECONOMIC IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: Ethics and Elections Committee

BILL: SB 1010

INTRODUCER: Senator Ring

SUBJECT: Presidential Preference Primary

DATE: March 5, 2007

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fox	Rubinas	EE	Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

Senate Bill 1010 moves the date of the Florida presidential preference primary from the second Tuesday in March (March 11, 2008) to the earlier of the following two dates: the first Tuesday in February (February 5, 2008); or, one week after the New Hampshire presidential primary, currently slated for January 22, 2008.

The bill conforms various dates associated with the presidential preference primary.

This bill substantially amends section 103.101 of the Florida Statutes.

II. Present Situation:

The Florida presidential preference primary is held on the second Tuesday in March in each presidential election year. s. 103.101(1), F.S. By the time Florida's Presidential Preference Primary was held in the last two nominating cycles (2000 & 2004), the eventual Republican and Democratic nominees had already been determined and the leading candidates were running essentially unopposed.

In recent years, many states have moved up their presidential primary elections to take advantage of the national attention coveted by the early primary states. The 2008 primary schedule is still in flux. The legislature in California, the largest electoral prize, recently voted to move its primary from June to February 5, 2008, and the Governor is expected to sign the legislation. In addition, at least 17 other states, including Illinois, Michigan, and New Jersey, are reported to be seriously considering moving their election to sometime in early February. If Florida were to wait until the

second Tuesday in March to conduct its 2008 primary, likely more than half the states will have already conducted their election and all but certainly have determined the ultimate nominees.

III. Effect of Proposed Changes:

Senate Bill 1010 changes the date of Florida's presidential preference primary from the second Tuesday in March to the *first Tuesday in February* of the presidential election year (February 5, 2008) or one week after the New Hampshire primary, whichever occurs first. The New Hampshire primary is currently scheduled for January 22, 2008, which would result in Florida's primary being on January 29, 2008, along with South Carolina's; however, both New Hampshire and South Carolina are reportedly considering moving up their primary dates. Dates with respect to the selection of candidates or delegates of political parties whose names are to appear on the ballot are changed to conform. In addition, the dates for delegates to qualify are changed to conform.

Both major political parties have rules regarding the selection of delegates to the national convention. For the upcoming election, both Republican and Democratic party rules effectively prohibit any state from holding a caucus or primary prior to February 5, 2008. The Democratic Party rule contains a specific exemption for Iowa, Nevada, New Hampshire, and South Carolina, currently slated for January, 2008.

It is unclear what sanctions each Party will employ, if any, if a state decides to ignore the February 5 kickoff date. In an attempt to enforce its primary schedule, the DNC has publicly announced that any candidate who campaigns in a state that goes early will be stripped of any delegates won in the violating state's primary. Similarly, Republican rules provide that a state holding an early primary risks losing half its delegates at the convention.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Economic Impact and Fiscal Note:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

Many municipalities have elections which are currently scheduled to be held on the second Tuesday in March and they enjoy a cost savings by holding their elections in conjunction with the Presidential Preference Primary. Therefore, the cost for holding these municipal elections is likely to increase, unless the municipalities change the dates of their elections.

VI. Technical Deficiencies:

The dates in s. 103.101(3), F.S., for candidates to withdraw from nomination contention for the presidential preference primary and for the Department of State to certify the names of nominees to local supervisors of elections for inclusion on the ballot should be changed from January of the presidential election year to November of the year preceding the presidential preference primary, to conform.

VII. Related Issues:

While this bill may provide Floridians with a greater voice in the presidential nominating process, it has been widely reported that a compressed, front-loaded primary schedule will likely benefit better-known, better-funded candidates.

VIII. Summary of Amendments:

None.

This Senate Professional Staff Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.
