

ELECTIONS

SB 754 — Ballot Access

by Ethics & Elections Committee; and Senators Carlton, Meek, Hargrett, Sebesta, Kirkpatrick and Rossin

This bill implements the amendment to s. 1, Art. VI, State Constitution, which provides that the ballot access requirements for minor party candidates and candidates with no party affiliation can be no greater than the requirements for a candidate of the political party having the largest number of registered voters.

The bill provides that minor party candidates nominated by their political party and candidates with no party affiliation may *either* pay the qualifying fee or petition to obtain general election ballot position. The qualifying fee for candidates with no party affiliation is equal to four percent of the annual salary of the office sought. The qualifying fee for a minor party candidate is equal to four percent of the annual salary, plus a two percent party assessment, if one has been levied by the minor party.

The petition requirements for all candidates, including major party candidates, have been modified to require petitions equal to one percent of the registered voters in the jurisdiction of the office sought. Any registered voter within the jurisdiction of the office will be allowed to sign the petition, regardless of party affiliation. The provision allowing a minor political party to obtain ballot position for all of its statewide candidates with one petition has been eliminated.

A minor political party affiliated with a national party holding a national convention may have the names of its candidates for the office of President and Vice President printed on the general election ballot upon notification to the Department of State of the names of its nominees and the names of the presidential electors.

If approved by the Governor, these provisions take effect upon becoming law.

Vote: Senate 37-0; House 114-0

SB 756 — Nonpartisan School Boards

by Ethics & Elections Committee; and Senators Saunders, Carlton, Meek, Hargrett, Sebesta, Kirkpatrick and Rossin

Senate Bill 756 implements the amendment to s. 4(a), Art. IX, State Constitution, which requires all school board members to be elected in a nonpartisan election.

Chapter 105, Florida Statutes, is amended to apply to both judicial candidates and candidates for school board. Under these provisions, school board candidates will qualify by paying a qualifying fee or by petition. Candidates who use the petition method of qualifying will not be required to state that the filing fee imposes an undue burden on their personal resources or on resources otherwise available to them.

The names of qualified candidates for the office of school board will appear on the first primary election ballot. If no candidate receives a majority of the votes in the first primary election, the two candidates with the highest number of votes will have their names printed on the general election ballot.

The filing fees for candidates for judicial office and candidates for school board member will be deposited in the Elections Commission Trust Fund.

The bill requires each candidate for judicial office to file a statement indicating that the candidate has read and understands the requirements of the Code of Judicial Conduct. In addition, the penalty for a judicial candidate who violates the limitations on political activity as set forth in s. 105.071, F.S., is reduced from a first degree misdemeanor to a civil fine up to \$1,000, to be determined by the Florida Elections Commission.

If approved by the Governor, these provisions take effect January 1, 2000.

Vote: Senate 39-0; House 117-1

CS/SB 752 — Lieutenant Governor Designation

by Ethics & Elections Committee; and Senators Saunders, Carlton, Meek, Hargrett, Sebesta, Kirkpatrick, Rossin and Klein

This bill (Chapter 99-140, L.O.F.) implements the amendment to s. 5(a), Art. IV, State Constitution, which allows a candidate for the office of Governor to run without a Lieutenant Governor running mate during the primary elections.

The bill allows a candidate for Governor to wait until after the second primary election to designate a Lieutenant Governor running mate. This will allow a gubernatorial candidate to consider as a running mate, candidates who have been eliminated in the primary elections. The bill requires the gubernatorial candidate to designate a Lieutenant

Governor running mate no later than the sixth day following the second primary election. Failure of the Lieutenant Governor candidate to be designated and qualified by this time will result in the forfeiture of ballot position by the gubernatorial candidate.

If the Lieutenant Governor candidate is designated and has qualified during the regular qualifying period in July, both the name of the candidate for Governor and the name of the candidate for Lieutenant Governor will appear on the primary election ballots. However, if the Lieutenant Governor candidate is not designated and qualified by the end of the regular qualifying period in July, the phrase “Not Yet Designated” will appear in lieu of the Lieutenant Governor candidate’s name on the primary and advance general election ballots. Candidates for Lieutenant Governor will not be required to pay a separate qualifying fee or obtain signatures on petitions.

These provisions were approved by the Governor and take effect January 1, 2000.

Vote: Senate 39-0; House 114-1

HB 281 — Election Protests and Contests

by Rep. Detert and others (CS/SB 822 by Ethics & Elections Committee; and Senator Carlton)

This bill streamlines the procedures for protesting and contesting the results of an election. The bill revises the time frames for filing an election protest, a request for a manual recount, and an election contest, to make the tolling of the time contingent upon when the results of the election are certified rather than when the canvassing board adjourns.

The bill eliminates the procedure by which protests of election returns are brought in circuit court and merges the broader provisions of this form of action into the provision providing for election contests. To that end, the bill specifies that a contestant is entitled to an immediate hearing and it authorizes the circuit judge to fashion any orders necessary to investigate, examine, or check each allegation and to prevent or correct any wrong. The bill specifies the grounds for contesting an election and specifies conditions under which a statement of the grounds of a contest may not be rejected or dismissed for want of form.

The bill codifies that jurisdiction to hear a contest of the election of a member to either house of the Legislature is vested in the applicable house in accordance with its rules.

If approved by the Governor, these provisions take effect July 1, 1999.

Vote: Senate 39-0; House 117-0

