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1 A bill to be entitled
2 An act relating to elections; amending s. 97.0575,
3 F.S.; revising provisions regulating third-party voter
4 registration organizations; prescribing information
5 that must be submitted to the Division of Elections
6 before voter registration activities may be conducted;
7 providing that the failure to submit the required
8 information does not subject an organization to civil
9 or criminal penalties; deleting a provision that
10 requires the delivery of voter registration
11 applications within a specified time period; providing
12 fines; providing for reduction and waiver of fines;
13 providing for the investigation of violations and the
14 enforcement of fines; providing for appropriation and
15 use of collected fines; authorizing the division to
16 adopt rules; amending s. 99.021, F.S.; revising the
17 oath that a candidate must sign when seeking to
18 qualify for nomination as a candidate of any political
19 party; reducing the amount of time that a candidate
20 must state that he or she has not been a registered
21 member or candidate for nomination for any other
22 political party before qualifying for office; amending
23 s. 101.045, F.S.; permitting an elector to vote a
24 regular ballot at the polling place in the precinct to
25 which he or she has moved by completing an affirmation
26 containing certain information; deleting a requirement
27 that the elector's change of residence must occur
28 within the same county for the elector to be able to

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | vote in the new precinct; amending s. 101.161, F.S.;

30 | revising provisions relating to ballot statements;

31 | deleting a provision that authorizes the placement of

32 | the full text of a proposed constitutional amendment

33 | or revision on a ballot; requiring a court to remove a

34 | proposed amendment from the ballot once all ballot

35 | statements are determined to be defective and all

36 | other appeals are declined, abandoned, or exhausted;

37 | deleting authority granted to the Attorney General to

38 | revise a ballot title or ballot summary; deleting a

39 | court's authority to retain jurisdiction over certain

40 | ballot challenges; deleting a legal presumption for a

41 | ballot statement; amending s. 101.657, F.S.; revising

42 | provisions relating to early voting; expanding the

43 | list of available early voting sites; providing

44 | requirements for determining the number of early

45 | voting sites each county must operate; increasing the

46 | number of days and hours that early voting must be

47 | available; amending s. 102.168, F.S.; increasing the

48 | evidence that a circuit court may consider when

49 | reviewing a canvassing board's decision concerning the

50 | legality of an absentee ballot that involves an

51 | elector's signature; providing an effective date.

52 |

53 | Be It Enacted by the Legislature of the State of Florida:

54 |

55 | Section 1. Section 97.0575, Florida Statutes, is amended

56 | to read:

57 97.0575 Third-party voter registrations.—

58 (1) Before engaging in any voter registration activities,
59 a third-party voter registration organization shall name a
60 registered agent in the state and submit to the division, in a
61 form adopted by the division, the name of the registered agent
62 and the name of those individuals responsible for the day-to-day
63 operation of the third-party voter registration organization,
64 including, if applicable, the names of the entity's board of
65 directors, president, vice president, managing partner, or such
66 other individuals engaged in similar duties or functions. On or
67 before the 15th day after the end of each calendar quarter, each
68 third-party voter registration organization shall submit to the
69 division a report providing the date and location of any
70 organized voter registration drive conducted by the organization
71 during the previous calendar quarter.

72 (2) A third-party voter registration organization that
73 fails to submit the information required by subsection (1) is
74 not subject to any civil or criminal penalties for such failure,
75 and the failure to submit such information is not a basis for
76 denying such third-party voter registration organization copies
77 of voter registration application forms.

78 ~~Before engaging in any voter registration activities, a third-~~
79 ~~party voter registration organization must register and provide~~
80 ~~to the division, in an electronic format, the following~~
81 ~~information:~~

82 ~~(a) The names of the officers of the organization and the~~
83 ~~name and permanent address of the organization.~~

84 ~~(b) The name and address of the organization's registered~~

85 | ~~agent in the state.~~

86 | ~~(c) The names, permanent addresses, and temporary~~
 87 | ~~addresses, if any, of each registration agent registering~~
 88 | ~~persons to vote in this state on behalf of the organization.~~

89 | ~~(d) A sworn statement from each registration agent~~
 90 | ~~employed by or volunteering for the organization stating that~~
 91 | ~~the agent will obey all state laws and rules regarding the~~
 92 | ~~registration of voters. Such statement must be on a form~~
 93 | ~~containing notice of applicable penalties for false~~
 94 | ~~registration.~~

95 | ~~(2) The division or the supervisor of elections shall make~~
 96 | ~~voter registration forms available to third-party voter~~
 97 | ~~registration organizations. All such forms must contain~~
 98 | ~~information identifying the organization to which the forms are~~
 99 | ~~provided. The division shall maintain a database of all third-~~
 100 | ~~party voter registration organizations and the voter~~
 101 | ~~registration forms assigned to the third-party voter~~
 102 | ~~registration organization. Each supervisor of elections shall~~
 103 | ~~provide to the division information on voter registration forms~~
 104 | ~~assigned to and received from third-party voter registration~~
 105 | ~~organizations. The information must be provided in a format and~~
 106 | ~~at times as required by the division by rule. The division must~~
 107 | ~~update information on third-party voter registrations daily and~~
 108 | ~~make the information publicly available.~~

109 | (3)(a) A third-party voter registration organization that
 110 | collects voter registration applications serves as a fiduciary
 111 | to the applicant, ensuring that any voter registration
 112 | application entrusted to the third-party voter registration

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113 organization, irrespective of party affiliation, race,
114 ethnicity, or gender, shall be promptly delivered to the
115 division or the supervisor of elections ~~within 48 hours after~~
116 ~~the applicant completes it or the next business day if the~~
117 ~~appropriate office is closed for that 48-hour period.~~ If a voter
118 registration application collected by any third-party voter
119 registration organization is not promptly delivered to the
120 division or supervisor of elections, the third-party voter
121 registration organization is liable for the following fines:

122 (a)1. A fine in the amount of \$50 for each application
123 received by the division or the supervisor of elections more
124 than 10 days ~~48 hours~~ after the applicant delivered the
125 completed voter registration application to the third-party
126 voter registration organization or any person, entity, or agent
127 acting on its behalf ~~or the next business day, if the office is~~
128 ~~closed.~~ A fine in the amount of \$250 for each application
129 received if the third-party voter registration organization or
130 person, entity, or agency acting on its behalf acted willfully.

131 (b)2. A fine in the amount of \$100 for each application
132 collected by a third-party voter registration organization or
133 any person, entity, or agent acting on its behalf, before book
134 closing for any given election for federal or state office and
135 received by the division or the supervisor of elections after
136 the book-closing deadline for such election. A fine in the
137 amount of \$500 for each application received if the third-party
138 registration organization or person, entity, or agency acting on
139 its behalf acted willfully.

140 (c)3. A fine in the amount of \$500 for each application

141 collected by a third-party voter registration organization or
142 any person, entity, or agent acting on its behalf, which is not
143 submitted to the division or supervisor of elections. A fine in
144 the amount of \$1,000 for any application not submitted if the
145 third-party voter registration organization or person, entity,
146 or agency acting on its behalf acted willfully.

147
148 The aggregate fine pursuant to this subsection ~~paragraph~~ which
149 may be assessed against a third-party voter registration
150 organization, including affiliate organizations, for violations
151 committed in a calendar year is \$1,000.

152 ~~(b) A showing by~~ The finest provided in this subsection
153 shall be reduced by three-fourths in cases in which the third-
154 party voter registration organization has complied with
155 subsection (1) that the failure to deliver the voter
156 registration application within the required timeframe is based
157 upon force majeure or impossibility of performance shall be an
158 affirmative defense to a violation of this subsection. The
159 secretary shall ~~may~~ waive the fines described in this subsection
160 upon a showing that the failure to deliver the voter
161 registration application promptly is based upon force majeure or
162 impossibility of performance.

163 ~~(4) If the Secretary of State reasonably believes that a~~
164 ~~person has committed a violation of this section, the secretary~~
165 ~~may refer the matter to the Attorney General for enforcement.~~
166 ~~The Attorney General may institute a civil action for a~~
167 ~~violation of this section or to prevent a violation of this~~
168 ~~section. An action for relief may include a permanent or~~

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169 ~~temporary injunction, a restraining order, or any other~~
170 ~~appropriate order.~~

171 (4) (a) ~~(5)~~ The division shall adopt by rule a form to
172 elicit specific information concerning the facts and
173 circumstances from a person who claims to have been registered
174 to vote by a third-party voter registration organization but who
175 does not appear as an active voter on the voter registration
176 rolls. ~~The division shall also adopt rules to ensure the~~
177 ~~integrity of the registration process, including rules requiring~~
178 ~~third-party voter registration organizations to account for all~~
179 ~~state and federal registration forms used by their registration~~
180 ~~agents. Such rules may require an organization to provide~~
181 ~~organization and form specific identification information on~~
182 ~~each form as determined by the department as needed to assist in~~
183 ~~the accounting of state and federal registration forms.~~

184 (b) The division may investigate any violation of this
185 section. Civil fines shall be assessed by the division and
186 enforced through any appropriate legal proceedings.

187 (5) ~~(6)~~ The date on which an applicant signs a voter
188 registration application is presumed to be the date on which the
189 third-party voter registration organization received or
190 collected the voter registration application.

191 ~~(7) The requirements of this section are retroactive for~~
192 ~~any third-party voter registration organization registered with~~
193 ~~the department on the effective date of this act, and must be~~
194 ~~complied with within 90 days after the department provides~~
195 ~~notice to the third-party voter registration organization of the~~
196 ~~requirements contained in this section. Failure of the third-~~

197 ~~party voter registration organization to comply with the~~
 198 ~~requirements within 90 days after receipt of the notice shall~~
 199 ~~automatically result in the cancellation of the third-party~~
 200 ~~voter registration organization's registration.~~

201 (6) The civil fines provided in this section are in
 202 addition to any applicable criminal penalties.

203 (7) Fines collected pursuant to this section shall be
 204 annually appropriated by the Legislature to the department for
 205 enforcement of this section and for voter education.

206 (8) The division may adopt rules to administer this
 207 section.

208 Section 2. Paragraph (b) of subsection (1) of section
 209 99.021, Florida Statutes, is amended to read:

210 99.021 Form of candidate oath.—

211 (1)

212 (b) In addition, any person seeking to qualify for
 213 nomination as a candidate of any political party shall, at the
 214 time of subscribing to the oath or affirmation, state in
 215 writing:

216 1. The party of which the person is a member.

217 2. That the person has not been a registered member of any
 218 other political party and has not been a candidate for
 219 nomination for any other political party for a period of 6
 220 months before ~~for 365 days before the beginning of qualifying~~
 221 ~~preceding~~ the general election for which the person seeks to
 222 qualify.

223 3. That the person has paid the assessment levied against
 224 him or her, if any, as a candidate for said office by the

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225 executive committee of the party of which he or she is a member.

226 Section 3. Section 101.045, Florida Statutes, is amended
 227 to read:

228 101.045 Electors must be registered in precinct;
 229 provisions for change of residence or name.—

230 (1) A person is not permitted to vote in any election
 231 precinct or district other than the one in which the person has
 232 his or her legal residence and in which the person is
 233 registered. However, a person temporarily residing outside the
 234 county shall be registered in the precinct in which the main
 235 office of the supervisor, as designated by the supervisor, is
 236 located when the person has no permanent address in the county
 237 and it is the person's intention to remain a resident of Florida
 238 and of the county in which he or she is registered to vote. Such
 239 persons who are registered in the precinct in which the main
 240 office of the supervisor, as designated by the supervisor, is
 241 located and who are residing outside the county with no
 242 permanent address in the county shall not be registered electors
 243 of a municipality and therefore shall not be permitted to vote
 244 in any municipal election.

245 (2) (a) An elector who moves from the precinct in which the
 246 elector is registered may be permitted to vote in the precinct
 247 to which he or she has moved his or her legal residence, if the
 248 ~~change of residence is within the same county and the elector~~
 249 completes an affirmation in substantially the following form:

250 Change of Legal Residence of Registered
 251 Voter

252 Under penalties for false swearing, I, ...(Name of voter)...,

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281 Name
 282 Address.....
 283 Municipality.....
 284 County.....
 285 Florida, Zip.....

286 My present name and address of legal residence are as follows:

287 Name
 288 Address.....
 289 Municipality.....
 290 County.....
 291 Florida, Zip.....

292 and I further swear (or affirm) that I am otherwise legally
293 registered and entitled to vote.

294 ... (Signature of voter whose name has changed)...

295 (c) ~~(d)~~ Instead of the affirmation contained in paragraph
296 (a) or paragraph (b) ~~(e)~~, an elector may complete a voter
297 registration application that indicates the change of name or
298 change of address of legal residence.

299 (d) ~~(e)~~ Such affirmation or application, when completed and
300 presented at the precinct in which such elector is entitled to
301 vote, and upon verification of the elector's registration, shall
302 entitle such elector to vote as provided in this subsection. If
303 the elector's eligibility to vote cannot be determined, he or
304 she shall be entitled to vote a provisional ballot, subject to
305 the requirements and procedures in s. 101.048. Upon receipt of
306 an affirmation or application certifying a change in address of
307 legal residence or name, the supervisor shall as soon as
308 practicable make the necessary changes in the statewide voter

309 registration system to indicate the change in address of legal
 310 residence or name of such elector.

311 Section 4. Subsection (3) of section 101.161, Florida
 312 Statutes, is amended to read:

313 101.161 Referenda; ballots.—

314 (3) (a) Each joint resolution that proposes a
 315 constitutional amendment or revision shall include one or more
 316 ballot statements set forth in order of priority. Each ballot
 317 statement shall consist of a ballot title, by which the measure
 318 is commonly referred to or spoken of, not exceeding 15 words in
 319 length, and ~~either~~ a ballot summary that describes the chief
 320 purpose of the amendment or revision in clear and unambiguous
 321 language, ~~or the full text of the amendment or revision.~~ The
 322 Department of State shall furnish a designating number pursuant
 323 to subsection (2) and the appropriate ballot statement to the
 324 supervisor of elections of each county. The ballot statement
 325 shall be printed on the ballot after the list of candidates,
 326 followed by the word "yes" and also by the word "no," and shall
 327 be styled in such a manner that a "yes" vote will indicate
 328 approval of the amendment or revision and a "no" vote will
 329 indicate rejection.

330 (b)1. Any action for a judicial determination that one or
 331 more ballot statements embodied in a joint resolution are
 332 defective must be commenced by filing a complaint or petition
 333 with the appropriate court within 30 days after the joint
 334 resolution is filed with the Secretary of State. The complaint
 335 or petition shall assert all grounds for challenge to each
 336 ballot statement. Any ground not asserted within 30 days after

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337 the joint resolution is filed with the Secretary of State is
338 waived.

339 2. The court, including any appellate court, shall accord
340 an action described in subparagraph 1. priority over other
341 pending cases and render a decision as expeditiously as
342 possible. If the court finds that all ballot statements embodied
343 in a joint resolution are defective and further appeals are
344 declined, abandoned, or exhausted, the court shall remove the
345 proposed amendment from the ballot ~~unless otherwise provided in~~
346 ~~the joint resolution, the Attorney General shall, within 10~~
347 ~~days, prepare and submit to the Department of State a revised~~
348 ~~ballot title or ballot summary that corrects the deficiencies~~
349 ~~identified by the court, and the Department of State shall~~
350 ~~furnish a designating number and the revised ballot title or~~
351 ~~ballot summary to the supervisor of elections of each county for~~
352 ~~placement on the ballot. The court shall retain jurisdiction~~
353 ~~over challenges to a revised ballot title or ballot summary~~
354 ~~prepared by the Attorney General, and any challenge to a revised~~
355 ~~ballot title or ballot summary must be filed within 10 days~~
356 ~~after a revised ballot title or ballot summary is submitted to~~
357 ~~the Department of State.~~

358 3. ~~A ballot statement that consists of the full text of an~~
359 ~~amendment or revision shall be presumed to be a clear and~~
360 ~~unambiguous statement of the substance and effect of the~~
361 ~~amendment or revision, providing fair notice to the electors of~~
362 ~~the content of the amendment or revision and sufficiently~~
363 ~~advising electors of the issue upon which they are to vote.~~

364 Section 5. Subsection (1) of section 101.657, Florida
 365 Statutes, is amended to read:

366 101.657 Early voting.—

367 (1) (a) As a convenience to the voter, the supervisor of
 368 elections shall allow an elector to vote early in the main or
 369 branch office of the supervisor and may allow such early voting
 370 in any city hall, permanent public library facility, courthouse,
 371 place of worship, civic center, community center, county
 372 government center, Florida College System institution facility,
 373 state university facility, or college facility. The supervisor
 374 shall mark, code, indicate on, or otherwise track the voter's
 375 precinct for each early voted ballot. ~~In order for a branch~~
 376 ~~office to be used for early voting, it shall be a permanent~~
 377 ~~facility of the supervisor and shall have been designated and~~
 378 ~~used as such for at least 1 year prior to the election. The~~
 379 ~~supervisor may also designate any city hall or permanent public~~
 380 ~~library facility as Early voting sites; however, if so~~
 381 ~~designated, the sites~~ must be geographically located so as to
 382 provide all voters in the county an equal opportunity to cast a
 383 ballot, insofar as is practicable. Each county shall operate one
 384 early voting site for each complete set of 70,000 registered
 385 voters in the county as of July 1 of each general election year.
 386 The results or tabulation of votes cast during early voting may
 387 not be made before the close of the polls on election day.
 388 Results shall be reported by precinct.

389 (b) The supervisor shall designate each early voting site
 390 by no later than the 30th day before ~~prior to~~ an election and
 391 shall designate an early voting area, as defined in s. 97.021,

392 | at each early voting site. ~~The supervisor shall provide to the~~
 393 | ~~division no later than the 30th day before an election the~~
 394 | ~~address of each early voting site and the hours that early~~
 395 | ~~voting will occur at each site.~~

396 | (c) All early voting sites in a county shall be open on
 397 | the same days for the same amount of time and shall allow any
 398 | person in line at the closing of an early voting site to vote.

399 | (d) Early voting shall begin on the 15th ~~10th~~ day before
 400 | an election ~~that contains state or federal races~~ and end on the
 401 | 2nd ~~3rd~~ day before an the election. For purposes of a special
 402 | election held pursuant to s. 100.101, early voting shall begin
 403 | on the 8th day before the election and end on the 2nd day before
 404 | the election. Early voting ~~and~~ shall be provided for 8 ~~no less~~
 405 | ~~than 6~~ hours ~~and no more than 12 hours~~ per weekday and at least
 406 | 14 hours per day each weekend ~~day~~ at each site during the
 407 | applicable periods ~~period~~. Early voting sites shall open no
 408 | earlier than 7 a.m. and close no later than 7 p.m. on each
 409 | applicable weekday. ~~The supervisor of elections may provide~~
 410 | ~~early voting for elections that are not held in conjunction with~~
 411 | ~~a state or federal election. However, the supervisor has the~~
 412 | ~~discretion to determine the hours of operation of early voting~~
 413 | ~~sites in those elections.~~

414 | (e) Notwithstanding the requirements of s. 100.3605,
 415 | municipalities may provide early voting in municipal elections
 416 | that are not held in conjunction with county or state elections.
 417 | If a municipality provides early voting, it may designate as
 418 | many sites as necessary and shall conduct its activities in
 419 | accordance with the provisions of paragraphs (a)-(c). The

420 supervisor is not required to conduct early voting if it is
 421 provided pursuant to this subsection.

422 (f) Notwithstanding the requirements of s. 189.405,
 423 special districts may provide early voting in any district
 424 election not held in conjunction with county or state elections.
 425 If a special district provides early voting, it may designate as
 426 many sites as necessary and shall conduct its activities in
 427 accordance with the provisions of paragraphs (a)-(c). The
 428 supervisor is not required to conduct early voting if it is
 429 provided pursuant to this subsection.

430 Section 6. Subsection (8) of section 102.168, Florida
 431 Statutes, is amended to read:

432 102.168 Contest of election.—

433 (8) In any contest that requires a review of the
 434 canvassing board's decision on the legality of an absentee
 435 ballot pursuant to s. 101.68 based upon a comparison of the
 436 signature on the voter's certificate and the signature of the
 437 elector in the registration records, the circuit court may ~~not~~
 438 review or consider any sworn testimony by the voter relevant to
 439 the ~~evidence other than the~~ signature on the voter's certificate
 440 and the signature of the elector in the registration records.
 441 ~~The court's review of such issue shall be to determine only if~~
 442 ~~the canvassing board abused its discretion in making its~~
 443 ~~decision.~~

444 Section 7. This act shall take effect January 1, 2014.