By the Committees on Judiciary; and Ethics and Elections; and Senator Brandes

A bill to be entitled
An act relating to elections; amending s. 101.043, F.S.; deleting a provision that prohibits the use of an address appearing on identification presented by an elector at the polls as a basis to confirm an elector’s legal residence; amending s. 101.131, F.S.; revising requirements for eligibility to serve as a poll watcher; amending s. 101.5612, F.S.; revising the timeframes for conducting public preelection testing of automatic tabulating equipment; amending s. 101.5614, F.S.; removing the requirement that duplicate ballots be made of vote-by-mail ballots containing overvoted races; amending s. 101.6103, F.S.; revising the timeframe in which the supervisor of elections must mail ballots in elections conducted under the Mail Ballot Election Act; amending s. 103.091, F.S.; authorizing a qualifying office to accept and hold qualifying papers for candidates for political party executive committees before the beginning of the qualifying period; amending s. 104.0616, F.S.; prohibiting a person from providing, offering to provide, or accepting a pecuniary or other benefit in exchange for distributing, ordering, requesting, collecting, delivering, or otherwise physically possessing any vote-by-mail ballot; providing exceptions; providing a penalty; amending s. 901.15, F.S.; authorizing a law enforcement officer to arrest a person without a warrant when probable cause exists that the person committed a specified violation
involving a vote-by-mail ballot; amending s. 106.08, 
F.S.; preempting counties, municipalities, and other 
local governmental entities from enacting or adopting 
any limitation or restriction involving certain 
contributions and expenditures, or establishing 
contribution limits different than those established 
in the Florida Election Code; providing applicability; 
providing an effective date.

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

Section 1. Paragraph (b) of subsection (1) of section 
101.043, Florida Statutes, is amended to read:

101.043 Identification required at polls.—
(1)
(b) If the picture identification does not contain the 
signature of the elector, an additional identification that 
provides the elector’s signature shall be required. The address 
appearing on the identification presented by the elector may not 
be used as the basis to confirm an elector’s legal residence or 
otherwise challenge an elector’s legal residence. The elector 
shall sign his or her name in the space provided on the precinct 
register or on an electronic device provided for recording the 
elector’s signature. The clerk or inspector shall compare the 
signature with that on the identification provided by the 
elector and enter his or her initials in the space provided on 
the precinct register or on an electronic device provided for 
that purpose and allow the elector to vote if the clerk or 
inspector is satisfied as to the identity of the elector.
Section 2. Subsection (1) of section 101.131, Florida Statutes, is amended to read:

101.131 Watchers at polls.—

(1) Each political party and each candidate may have one watcher in each polling room or early voting area at any one time during the election. A political committee formed for the specific purpose of expressly advocating the passage or defeat of an issue on the ballot may have one watcher for each polling room or early voting area at any one time during the election. A watcher may not come closer to the officials’ table or the voting booths than is reasonably necessary to properly perform his or her functions, but each shall be allowed within the polling room or early voting area to watch and observe the conduct of electors and officials. The poll watchers shall furnish their own materials and necessities and may not obstruct the orderly conduct of any election. The poll watchers shall pose any questions regarding polling place procedures directly to the clerk for resolution. They may not interact with voters. Each poll watcher must be a qualified and registered elector of this state in the county in which he or she serves.

Section 3. Subsection (2) of section 101.5612, Florida Statutes, is amended to read:

101.5612 Testing of tabulating equipment.—

(2) On any day not more than 25 days before the commencement of early voting as provided in s. 101.657, the supervisor of elections shall have the automatic tabulating equipment publicly tested to ascertain that the equipment will correctly count the votes cast for all offices and on all...
measures. If the ballots to be used at the polling place on
election day are not available at the time of the testing, the
supervisor may conduct an additional test not more than 10 days
before election day. Public notice of the time and place of the
test shall be given at least 48 hours prior thereto by
publication on the supervisor of elections’ website and once in
one or more newspapers of general circulation in the county or,
if there is no newspaper of general circulation in the county,
by posting the notice in at least four conspicuous places in the
county. The supervisor or the municipal elections official may,
at the time of qualifying, give written notice of the time and
location of the public preelection test to each candidate
qualifying with that office and obtain a signed receipt that the
notice has been given. The Department of State shall give
written notice to each statewide candidate at the time of
qualifying, or immediately at the end of qualifying, that the
voting equipment will be tested and advise each candidate to
contact the county supervisor of elections as to the time and
location of the public preelection test. The supervisor or the
municipal elections official shall, at least 30 days before
prior to the commencement of early voting as provided in s.
101.657, send written notice by certified mail to the county
party chair of each political party and to all candidates for
other than statewide office whose names appear on the ballot in
the county and who did not receive written notification from the
supervisor or municipal elections official at the time of
qualifying, stating the time and location of the public
preelection test of the automatic tabulating equipment. The
canvassing board shall convene, and each member of the
canvassing board shall certify to the accuracy of the test. For the test, the canvassing board may designate one member to represent it. The test shall be open to representatives of the political parties, the press, and the public. Each political party may designate one person with expertise in the computer field who shall be allowed in the central counting room when all tests are being conducted and when the official votes are being counted. The designee shall not interfere with the normal operation of the canvassing board.

Section 4. Paragraph (a) of subsection (4) of section 101.5614, Florida Statutes, is amended to read:

101.5614 Canvass of returns.—

(4)(a) If any vote-by-mail ballot is physically damaged so that it cannot properly be counted by the automatic tabulating equipment, a true duplicate copy shall be made of the damaged ballot in the presence of witnesses and substituted for the damaged ballot. Likewise, a duplicate ballot must also be made of a vote-by-mail ballot containing an overvoted race or a marked vote-by-mail ballot in which every race is undervoted, including which shall include all valid votes as determined by the canvassing board based on rules adopted by the division pursuant to s. 102.166(4). Upon request, a physically present candidate, a political party official, a political committee official, or an authorized designee thereof, must be allowed to observe the duplication of ballots. All duplicate ballots shall be clearly labeled “duplicate,” bear a serial number which shall be recorded on the defective ballot, and be counted in lieu of the defective ballot. After a ballot has been duplicated, the defective ballot shall be placed in an envelope provided for
that purpose, and the duplicate ballot shall be tallied with the other ballots for that precinct.

Section 5. Subsection (1) of section 101.6103, Florida Statutes, is amended to read:

101.6103 Mail ballot election procedure.—

(1) Except as otherwise provided in subsection (7), the supervisor of elections shall mail all official ballots with a secrecy envelope, a return mailing envelope, and instructions sufficient to describe the voting process to each elector entitled to vote in the election not sooner than the 40th day before the election and not later than the 10th day before the date of the election. All such ballots shall be mailed by first-class mail. Ballots shall be addressed to each elector at the address appearing in the registration records and placed in an envelope which is prominently marked “Do Not Forward.”

Section 6. Subsection (4) of section 103.091, Florida Statutes, is amended to read:

103.091 Political parties.—

(4) Any political party other than a minor political party may by rule provide for the membership of its state or county executive committee to be elected for 4-year terms at the primary election in each year a presidential election is held. The terms shall commence on the first day of the month following each presidential general election, but the names of candidates for political party offices may not be placed on the ballot at any other election. The results of such election shall be determined by a plurality of the votes cast. In such event, electors seeking to qualify for such office shall do so with the Department of State or supervisor of elections no
not earlier than noon of the 71st day, or later than noon of the
67th day, preceding the primary election. Notwithstanding the
qualifying period prescribed in this subsection, a qualifying
office may accept and hold qualifying papers submitted no
earlier than 14 days before the beginning of the qualifying
period, to be processed and filed during the qualifying period.
The outgoing chair of each county executive committee shall,
within 30 days after the committee members take office, hold an
organizational meeting of all newly elected members for the
purpose of electing officers. The chair of each state executive
committee shall, within 60 days after the committee members take
office, hold an organizational meeting of all newly elected
members for the purpose of electing officers.

Section 7. Section 104.0616, Florida Statutes, is amended
to read:

104.0616 Vote-by-mail ballots and voting; violations.—
(1) For purposes of this section, the term “immediate
family” means a person’s spouse or the parent, child,
grandparent, or sibling of the person or the person’s spouse.
(2) Any person who provides or offers to provide, and any
person who accepts, a pecuniary or other benefit in exchange for
distributing, ordering, requesting, collecting, delivering, or
otherwise physically possessing any more than two vote-by-mail
ballots, except per election in addition to his or her own
ballot, or a ballot belonging to an immediate family member, or
except as provided in ss. 101.6105-101.694, commits a
misdemeanor of the first degree, punishable as provided in s.
775.082, s. 775.083, or s. 775.084.

Section 8. Subsection (17) is added to section 901.15,
Florida Statutes, to read:

901.15 When arrest by officer without warrant is lawful.—A law enforcement officer may arrest a person without a warrant when:

(17) There is probable cause to believe that a person has committed a violation involving a vote-by-mail ballot as provided in s. 104.0616.

Section 9. Subsection (11) is added to section 106.08, Florida Statutes, to read:

106.08 Contributions; limitations on; preemption.—
(11)(a) A county, a municipality, or any other local governmental entity is expressly preempted from enacting or adopting:

1. Contribution limits that differ from the limitations established in subsection (1);

2. Any limitation or restriction involving contributions to a political committee or an electioneering communications organization; or

3. Any limitation or restriction on expenditures for an electioneering communication or an independent expenditure.

(b) Any existing or future limitation or restriction enacted or adopted by a county, a municipality, or any other local governmental entity which is in conflict with this subsection is void.

Section 10. This act shall take effect July 1, 2020.