

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

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1 A bill to be entitled
2 An act relating to elections; amending s. 101.043,
3 F.S.; deleting a provision that prohibits the use of
4 an address appearing on identification presented by an
5 elector at the polls as a basis to confirm an
6 elector's legal residence; amending s. 101.131, F.S.;
7 revising requirements for eligibility to serve as a
8 poll watcher; amending s. 101.5612, F.S.; revising the
9 timeframes for conducting public preelection testing
10 of automatic tabulating equipment; amending s.
11 101.5614, F.S.; removing the requirement that
12 duplicate ballots be made of vote-by-mail ballots
13 containing overvoted races; amending s. 101.6103,
14 F.S.; revising the timeframe in which the supervisor
15 of elections must mail ballots in elections conducted
16 under the Mail Ballot Election Act; amending s.
17 103.091, F.S.; authorizing a qualifying office to
18 accept and hold qualifying papers for candidates for
19 political party executive committees before the
20 beginning of the qualifying period; amending s.
21 104.0616, F.S.; prohibiting a person from providing,
22 offering to provide, or accepting a pecuniary or other
23 benefit in exchange for distributing, ordering,
24 requesting, collecting, delivering, or otherwise
25 physically possessing any vote-by-mail ballot;
26 providing exceptions; providing a penalty; amending s.
27 901.15, F.S.; authorizing a law enforcement officer to
28 arrest a person without a warrant when probable cause
29 exists that the person committed a specified violation

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30 involving a vote-by-mail ballot; amending s. 106.08,
31 F.S.; preempting counties, municipalities, and other
32 local governmental entities from enacting or adopting
33 any limitation or restriction involving certain
34 contributions and expenditures, or establishing
35 contribution limits different than those established
36 in the Florida Election Code; providing applicability;
37 providing an effective date.

38
39 Be It Enacted by the Legislature of the State of Florida:

40
41 Section 1. Paragraph (b) of subsection (1) of section
42 101.043, Florida Statutes, is amended to read:

43 101.043 Identification required at polls.—

44 (1)

45 (b) If the picture identification does not contain the
46 signature of the elector, an additional identification that
47 provides the elector's signature shall be required. The address
48 appearing on the identification presented by the elector may not
49 be used as the basis to ~~confirm an elector's legal residence or~~
50 ~~otherwise~~ challenge an elector's legal residence. The elector
51 shall sign his or her name in the space provided on the precinct
52 register or on an electronic device provided for recording the
53 elector's signature. The clerk or inspector shall compare the
54 signature with that on the identification provided by the
55 elector and enter his or her initials in the space provided on
56 the precinct register or on an electronic device provided for
57 that purpose and allow the elector to vote if the clerk or
58 inspector is satisfied as to the identity of the elector.

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59 Section 2. Subsection (1) of section 101.131, Florida
60 Statutes, is amended to read:

61 101.131 Watchers at polls.—

62 (1) Each political party and each candidate may have one
63 watcher in each polling room or early voting area at any one
64 time during the election. A political committee formed for the
65 specific purpose of expressly advocating the passage or defeat
66 of an issue on the ballot may have one watcher for each polling
67 room or early voting area at any one time during the election. A
68 ~~No~~ watcher may not ~~shall be permitted to~~ come closer to the
69 officials' table or the voting booths than is reasonably
70 necessary to properly perform his or her functions, but is each
71 ~~shall be~~ allowed within the polling room or early voting area to
72 watch and observe the conduct of electors and officials. The
73 poll watchers shall furnish their own materials and necessities
74 and may ~~shall~~ not obstruct the orderly conduct of any election.
75 The poll watchers shall pose any questions regarding polling
76 place procedures directly to the clerk for resolution. They may
77 not interact with voters. Each poll watcher must ~~shall~~ be a
78 qualified and registered elector of this state ~~the county in~~
79 ~~which he or she serves~~.

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

82 101.5612 Testing of tabulating equipment.—

83 (2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the
84 commencement of early voting as provided in s. 101.657, the
85 supervisor of elections shall have the automatic tabulating
86 equipment publicly tested to ascertain that the equipment will
87 correctly count the votes cast for all offices and on all

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88 measures. If the ballots to be used at the polling place on
89 election day are not available at the time of the testing, the
90 supervisor may conduct an additional test not more than 10 days
91 before election day. Public notice of the time and place of the
92 test shall be given at least 48 hours prior thereto by
93 publication on the supervisor of elections' website and once in
94 one or more newspapers of general circulation in the county or,
95 if there is no newspaper of general circulation in the county,
96 by posting the notice in at least four conspicuous places in the
97 county. The supervisor or the municipal elections official may,
98 at the time of qualifying, give written notice of the time and
99 location of the public preelection test to each candidate
100 qualifying with that office and obtain a signed receipt that the
101 notice has been given. The Department of State shall give
102 written notice to each statewide candidate at the time of
103 qualifying, or immediately at the end of qualifying, that the
104 voting equipment will be tested and advise each candidate to
105 contact the county supervisor of elections as to the time and
106 location of the public preelection test. The supervisor or the
107 municipal elections official shall, at least 30 ~~45~~ days before
108 ~~prior to~~ the commencement of early voting as provided in s.
109 101.657, send written notice by certified mail to the county
110 party chair of each political party and to all candidates for
111 other than statewide office whose names appear on the ballot in
112 the county and who did not receive written notification from the
113 supervisor or municipal elections official at the time of
114 qualifying, stating the time and location of the public
115 preelection test of the automatic tabulating equipment. The
116 canvassing board shall convene, and each member of the

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117 canvassing board shall certify to the accuracy of the test. For
118 the test, the canvassing board may designate one member to
119 represent it. The test shall be open to representatives of the
120 political parties, the press, and the public. Each political
121 party may designate one person with expertise in the computer
122 field who shall be allowed in the central counting room when all
123 tests are being conducted and when the official votes are being
124 counted. The designee shall not interfere with the normal
125 operation of the canvassing board.

126 Section 4. Paragraph (a) of subsection (4) of section
127 101.5614, Florida Statutes, is amended to read:

128 101.5614 Canvass of returns.—

129 (4) (a) If any vote-by-mail ballot is physically damaged so
130 that it cannot properly be counted by the automatic tabulating
131 equipment, a true duplicate copy shall be made of the damaged
132 ballot in the presence of witnesses and substituted for the
133 damaged ballot. ~~Likewise,~~ A duplicate ballot must also ~~shall~~ be
134 made of ~~a vote-by-mail ballot containing an overvoted race or a~~
135 marked vote-by-mail ballot in which every race is undervoted,
136 including ~~which shall include~~ all valid votes as determined by
137 the canvassing board based on rules adopted by the division
138 pursuant to s. 102.166(4). Upon request, a physically present
139 candidate, a political party official, a political committee
140 official, or an authorized designee thereof, must be allowed to
141 observe the duplication of ballots. All duplicate ballots shall
142 be clearly labeled "duplicate," bear a serial number which shall
143 be recorded on the defective ballot, and be counted in lieu of
144 the defective ballot. After a ballot has been duplicated, the
145 defective ballot shall be placed in an envelope provided for

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146 that purpose, and the duplicate ballot shall be tallied with the
147 other ballots for that precinct.

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

150 101.6103 Mail ballot election procedure.—

151 (1) Except as otherwise provided in subsection (7), the
152 supervisor of elections shall mail all official ballots with a
153 secrecy envelope, a return mailing envelope, and instructions
154 sufficient to describe the voting process to each elector
155 entitled to vote in the election not sooner than the 40th ~~20th~~
156 day before the election and not later than the 10th day before
157 the date of the election. All such ballots shall be mailed by
158 first-class mail. Ballots shall be addressed to each elector at
159 the address appearing in the registration records and placed in
160 an envelope which is prominently marked "Do Not Forward."

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

163 103.091 Political parties.—

164 (4) Any political party other than a minor political party
165 may by rule provide for the membership of its state or county
166 executive committee to be elected for 4-year terms at the
167 primary election in each year a presidential election is held.
168 The terms begin ~~shall commence~~ on the first day of the month
169 following each presidential general election, ~~+~~ but the names of
170 candidates for political party offices may ~~shall~~ not be placed
171 on the ballot at any other election. The results of such
172 election shall be determined by a plurality of the votes cast.
173 In such event, electors seeking to qualify for such office shall
174 do so with the Department of State or supervisor of elections no

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175 ~~not~~ earlier than noon of the 71st day, or later than noon of the
 176 67th day, preceding the primary election. Notwithstanding the
 177 qualifying period prescribed in this subsection, a qualifying
 178 office may accept and hold qualifying papers submitted no
 179 earlier than 14 days before the beginning of the qualifying
 180 period, to be processed and filed during the qualifying period.
 181 The outgoing chair of each county executive committee shall,
 182 within 30 days after the committee members take office, hold an
 183 organizational meeting of all newly elected members for the
 184 purpose of electing officers. The chair of each state executive
 185 committee shall, within 60 days after the committee members take
 186 office, hold an organizational meeting of all newly elected
 187 members for the purpose of electing officers.

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

190 104.0616 Vote-by-mail ballots and voting; violations.-

191 (1) For purposes of this section, the term "immediate
 192 family" means a person's spouse or the parent, child,
 193 grandparent, or sibling of the person or the person's spouse.

194 (2) Any person who provides or offers to provide, and any
 195 person who accepts, a pecuniary or other benefit in exchange for
 196 distributing, ordering, requesting, collecting, delivering, or
 197 otherwise physically possessing any ~~more than two~~ vote-by-mail
 198 ballots, except per election in addition to his or her own
 199 ballot, ~~or~~ a ballot belonging to an immediate family member, or
 200 ~~except~~ as provided in ss. 101.6105-101.694, commits a
 201 misdemeanor of the first degree, punishable as provided in s.
 202 775.082, s. 775.083, or s. 775.084.

203 Section 8. Subsection (17) is added to section 901.15,

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204 Florida Statutes, to read:

205 901.15 When arrest by officer without warrant is lawful.—A
206 law enforcement officer may arrest a person without a warrant
207 when:

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

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

213 106.08 Contributions; limitations on; preemption.—

214 (11) (a) A county, a municipality, or any other local
215 governmental entity is expressly preempted from enacting or
216 adopting:

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

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

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

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

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