



609638

LEGISLATIVE ACTION

Senate	.	House
	.	
	.	
Floor: 2/AD/2R	.	Floor: CA
03/13/2020 03:30 PM	.	03/13/2020 08:55 PM
	.	

Senator Brandes moved the following:

Senate Amendment (with title amendment)

Delete line 37

and insert:

Section 2. Effective upon becoming a law, paragraph (t) of subsection (2) of section 97.052, Florida Statutes, is amended to read:

97.052 Uniform statewide voter registration application.—

(2) The uniform statewide voter registration application must be designed to elicit the following information from the applicant:



609638

12 (t)1. Whether the applicant has ~~never~~ been convicted of a
13 felony, and if convicted, has had his or her voting rights
14 restored by including the statement "I affirm I have never been
15 convicted of a felony or, if I have been, my rights relating to
16 voting have been restored." and providing a box for the
17 applicant to check to affirm the statement.

18 ~~2. Whether the applicant has been convicted of a felony,~~
19 ~~and if convicted, has had his or her civil rights restored~~
20 ~~through executive clemency, by including the statement "If I~~
21 ~~have been convicted of a felony, I affirm my voting rights have~~
22 ~~been restored by the Board of Executive Clemency."~~ and providing
23 ~~a box for the applicant to check to affirm the statement.~~

24 ~~3. Whether the applicant has been convicted of a felony~~
25 ~~and, if convicted, has had his or her voting rights restored~~
26 ~~pursuant s. 4, Art. VI of the State Constitution, by including~~
27 ~~the statement "If I have been convicted of a felony, I affirm my~~
28 ~~voting rights have been restored pursuant to s. 4, Art. VI of~~
29 ~~the State Constitution upon the completion of all terms of my~~
30 ~~sentence, including parole or probation."~~ and providing a box
31 ~~for the applicant to check to affirm the statement.~~

32 Section 3. Effective upon becoming a law, paragraph (a) of
33 subsection (5) of section 97.053, Florida Statutes, is amended
34 to read:

35 97.053 Acceptance of voter registration applications.—

36 (5) (a) A voter registration application is complete if it
37 contains the following information necessary to establish the
38 applicant's eligibility pursuant to s. 97.041, including:

39 1. The applicant's name.

40 2. The applicant's address of legal residence, including a



609638

41 distinguishing apartment, suite, lot, room, or dormitory room
42 number or other identifier, if appropriate. Failure to include a
43 distinguishing apartment, suite, lot, room, or dormitory room or
44 other identifier on a voter registration application does not
45 impact a voter's eligibility to register to vote or cast a
46 ballot, and such an omission may not serve as the basis for a
47 challenge to a voter's eligibility or reason to not count a
48 ballot.

49 3. The applicant's date of birth.

50 4. A mark in the checkbox affirming that the applicant is a
51 citizen of the United States.

52 5.a. The applicant's current and valid Florida driver
53 license number or the identification number from a Florida
54 identification card issued under s. 322.051, or

55 b. If the applicant has not been issued a current and valid
56 Florida driver license or a Florida identification card, the
57 last four digits of the applicant's social security number.

58
59 In case an applicant has not been issued a current and valid
60 Florida driver license, Florida identification card, or social
61 security number, the applicant shall affirm this fact in the
62 manner prescribed in the uniform statewide voter registration
63 application.

64 6. A mark in the ~~applicable~~ checkbox affirming that the
65 applicant has not been convicted of a felony or that, if
66 convicted, ~~has had his or her civil rights restored through~~
67 ~~executive clemency, or~~ has had his or her voting rights restored
68 ~~pursuant to s. 4, Art. VI of the State Constitution.~~

69 7. A mark in the checkbox affirming that the applicant has



70 not been adjudicated mentally incapacitated with respect to
71 voting or that, if so adjudicated, has had his or her right to
72 vote restored.

73 8. The original signature or a digital signature
74 transmitted by the Department of Highway Safety and Motor
75 Vehicles of the applicant swearing or affirming under the
76 penalty for false swearing pursuant to s. 104.011 that the
77 information contained in the registration application is true
78 and subscribing to the oath required by s. 3, Art. VI of the
79 State Constitution and s. 97.051.

80 Section 4. Effective upon becoming a law, paragraphs (d),
81 (e), and (f) of subsection (1) of section 97.0585, Florida
82 Statutes, are amended to read:

83 97.0585 Public records exemption; information regarding
84 voters and voter registration; confidentiality.—

85 (1) The following information held by an agency, as defined
86 in s. 119.011, and obtained for the purpose of voter
87 registration is confidential and exempt from s. 119.07(1) and s.
88 24(a), Art. I of the State Constitution and may be used only for
89 purposes of voter registration:

90 ~~(d) Information related to a voter registration applicant's~~
91 ~~or voter's prior felony conviction and whether such person has~~
92 ~~had his or her voting rights restored by the Board of Executive~~
93 ~~Clemency or pursuant to s. 4, Art. VI of the State Constitution.~~

94 ~~(e)~~ All information concerning preregistered voter
95 registration applicants who are 16 or 17 years of age.

96 ~~(e)-(f)~~ Paragraph (d) is Paragraphs (d) and (e) are subject
97 to the Open Government Sunset Review Act in accordance with s.
98 119.15 and shall stand repealed on October 2, 2024, unless



609638

99 reviewed and saved from repeal through reenactment by the
100 Legislature.

101 Section 5. Paragraph (b) of subsection (1) of section
102 101.043, Florida Statutes, is amended to read:

103 101.043 Identification required at polls.-

104 (1)

105 (b) If the picture identification does not contain the
106 signature of the elector, an additional identification that
107 provides the elector's signature shall be required. The address
108 appearing on the identification presented by the elector may not
109 be used as the basis to ~~confirm an elector's legal residence or~~
110 ~~otherwise~~ challenge an elector's legal residence. The elector
111 shall sign his or her name in the space provided on the precinct
112 register or on an electronic device provided for recording the
113 elector's signature. The clerk or inspector shall compare the
114 signature with that on the identification provided by the
115 elector and enter his or her initials in the space provided on
116 the precinct register or on an electronic device provided for
117 that purpose and allow the elector to vote if the clerk or
118 inspector is satisfied as to the identity of the elector.

119 Section 6. Effective upon becoming a law, subsection (2) of
120 section 101.5612, Florida Statutes, is amended to read:

121 101.5612 Testing of tabulating equipment.-

122 (2) On any day not more than 25 ~~10~~ days before ~~prior to~~ the
123 commencement of early voting as provided in s. 101.657, the
124 supervisor of elections shall have the automatic tabulating
125 equipment publicly tested to ascertain that the equipment will
126 correctly count the votes cast for all offices and on all
127 measures. If the ballots to be used at the polling place on



128 election day are not available at the time of the testing, the
129 supervisor may conduct an additional test not more than 10 days
130 before election day. Public notice of the time and place of the
131 test shall be given at least 48 hours prior thereto by
132 publication on the supervisor of elections' website and once in
133 one or more newspapers of general circulation in the county or,
134 if there is no newspaper of general circulation in the county,
135 by posting the notice in at least four conspicuous places in the
136 county. The supervisor or the municipal elections official may,
137 at the time of qualifying, give written notice of the time and
138 location of the public preelection test to each candidate
139 qualifying with that office and obtain a signed receipt that the
140 notice has been given. The Department of State shall give
141 written notice to each statewide candidate at the time of
142 qualifying, or immediately at the end of qualifying, that the
143 voting equipment will be tested and advise each candidate to
144 contact the county supervisor of elections as to the time and
145 location of the public preelection test. The supervisor or the
146 municipal elections official shall, at least 30 ~~15~~ days before
147 ~~prior to~~ the commencement of early voting as provided in s.
148 101.657, send written notice by certified mail to the county
149 party chair of each political party and to all candidates for
150 other than statewide office whose names appear on the ballot in
151 the county and who did not receive written notification from the
152 supervisor or municipal elections official at the time of
153 qualifying, stating the time and location of the public
154 preelection test of the automatic tabulating equipment. The
155 canvassing board shall convene, and each member of the
156 canvassing board shall certify to the accuracy of the test. For



609638

157 the test, the canvassing board may designate one member to
158 represent it. The test shall be open to representatives of the
159 political parties, the press, and the public. Each political
160 party may designate one person with expertise in the computer
161 field who shall be allowed in the central counting room when all
162 tests are being conducted and when the official votes are being
163 counted. The designee shall not interfere with the normal
164 operation of the canvassing board.

165 Section 7. Paragraph (a) of subsection (4) of section
166 101.5614, Florida Statutes, is amended to read:

167 101.5614 Canvass of returns.-

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



609638

186 other ballots for that precinct.

187 Section 8. Subsection (1) of section 101.6103, Florida
188 Statutes, is amended to read:

189 101.6103 Mail ballot election procedure.—

190 (1) Except as otherwise provided in subsection (7), the
191 supervisor of elections shall mail all official ballots with a
192 secrecy envelope, a return mailing envelope, and instructions
193 sufficient to describe the voting process to each elector
194 entitled to vote in the election not sooner than the 40th ~~20th~~
195 day before the election and not later than the 10th day before
196 the date of the election. All such ballots shall be mailed by
197 first-class mail. Ballots shall be addressed to each elector at
198 the address appearing in the registration records and placed in
199 an envelope which is prominently marked "Do Not Forward."

200 Section 9. Except as otherwise expressly provided in this
201 act and except for this section, which shall take effect upon
202 becoming a law, this act shall take effect July 1, 2020.

203
204 ===== T I T L E A M E N D M E N T =====

205 And the title is amended as follows:

206 Delete lines 2 - 8

207 and insert:

208 An act relating to elections; amending s. 106.141,
209 F.S.; prohibiting a candidate from donating surplus
210 funds to a charitable organization that employs the
211 candidate; providing that a candidate may give certain
212 surplus funds to the state or a political subdivision
213 to be disbursed in a specified manner; amending ss.
214 97.052 and 97.053, F.S.; revising requirements for the



609638

215 uniform statewide voter registration application and
216 the acceptance of such applications; amending s.
217 97.0585, F.S.; deleting an exemption from public
218 records requirements for information related to a
219 voter registration applicant's or voter's prior felony
220 conviction and his or her restoration of voting rights
221 to conform to changes made by the act; amending s.
222 101.043, F.S.; deleting a provision that prohibits the
223 use of an address appearing on identification
224 presented by an elector at the polls as a basis to
225 confirm an elector's legal residence; amending s.
226 101.5612, F.S.; revising the timeframes for conducting
227 public preelection testing of automatic tabulating
228 equipment; amending s. 101.5614, F.S.; removing the
229 requirement that duplicate ballots be made of vote-by-
230 mail ballots containing overvoted races; amending s.
231 101.6103, F.S.; revising the timeframe in which the
232 supervisor of elections must mail ballots in elections
233 conducted under the Mail Ballot Election Act;
234 providing effective dates.