

1                                   A bill to be entitled  
2           An act relating to elections; amending s.  
3           97.012, F.S.; providing an additional duty of  
4           the Secretary of State; amending s. 97.021,  
5           F.S.; revising the definition of absent  
6           elector; amending s. 97.041, F.S.; providing  
7           that holders of a homestead exemption may be  
8           registered only in the county and precinct in  
9           which is located the property for which the  
10          homestead exemption has been granted; providing  
11          an exception; amending s. 97.052, F.S.;  
12          requiring that certain information relating to  
13          homestead exemptions be included in the uniform  
14          statewide voter registration application;  
15          requiring that the last four digits of the  
16          applicant's social security number and the  
17          applicant's driver license or Florida  
18          identification number be included in the  
19          uniform statewide voter registration  
20          application; amending s. 196.111, F.S.;  
21          providing for notice of termination of  
22          homestead exemption; creating s. 196.115, F.S.;  
23          providing for termination of homestead  
24          exemption and subsequent disqualification upon  
25          registration as an elector in another precinct;  
26          amending s. 196.121, F.S.; requiring homestead  
27          exemption forms to include notice of the  
28          requirements for factual determination of  
29          permanent residency by the property appraiser  
30          and notice of the requirements relating to  
31          voter registration and the potential loss of

1 homestead exemption; amending s. 97.053, F.S.;  
2 requiring that the last four digits of the  
3 applicant's social security number be included  
4 on a voter registration application for the  
5 application to be complete; creating s. 97.056,  
6 F.S.; requiring persons who register by mail to  
7 vote in person the first time; providing  
8 exceptions; amending s. 97.071, F.S.; providing  
9 for the mailing of a registration  
10 identification card to the voter; creating s.  
11 98.0975, F.S.; requiring the division to  
12 compare information in the central voter file  
13 with other computer databases; amending s.  
14 98.461, F.S.; revising the contents of the  
15 precinct register; amending s. 98.471, F.S.;  
16 requiring a voter to show a picture  
17 identification at the polls; amending s.  
18 100.041, F.S.; providing for the terms of  
19 charter county commissioners; amending s.  
20 101.62, F.S.; restricting telephone requests  
21 for absentee ballots; revising the methods of  
22 delivery of absentee ballots; amending s.  
23 101.64, F.S.; revising the Voter's Certificate;  
24 providing reasons for voting absentee;  
25 requiring additional information of a witness;  
26 creating s. 101.647, F.S.; providing for the  
27 return of absentee ballots; amending s. 101.65,  
28 F.S.; revising the instructions to absent  
29 electors to conform; creating s. 101.657, F.S.;  
30 providing for in-person absentee voting;  
31 creating s. 101.66, F.S.; requiring absent

1 electors to personally vote the ballot;  
2 providing exceptions; amending s. 101.68, F.S.,  
3 relating to canvassing of absentee ballots;  
4 revising the requirement for legal ballots;  
5 requiring the supervisor of elections to notify  
6 certain absent electors whose ballots were  
7 rejected; creating s. 104.047, F.S.; providing  
8 penalties for offenses relating to absentee  
9 ballots and voting; amending s. 104.012, F.S.;  
10 increasing the penalty for interfering with  
11 registration and for altering a voter  
12 registration application; amending s. 104.013,  
13 F.S.; increasing the penalty for the  
14 unauthorized use, possession, or destruction of  
15 a voter registration identification card;  
16 amending s. 104.031, F.S.; increasing the  
17 penalty for making a false declaration to  
18 secure assistance in voting; amending s.  
19 104.045, F.S.; increasing the penalty for  
20 corruptly influencing voting; amending s.  
21 104.0515, F.S.; increasing the penalty for  
22 interfering with voting rights; amending s.  
23 104.061, F.S.; increasing the penalty for  
24 corruptly influencing voting; amending s.  
25 104.081, F.S.; increasing the penalty for  
26 employers who threaten employees regarding  
27 voting; amending s. 104.24, F.S.; increasing  
28 the penalty for a person who fraudulently uses  
29 the name of another in voting; amending s.  
30 104.42, F.S.; authorizing the supervisor of  
31 elections to investigate fraud in registration

1 and voting; amending s. 117.05, F.S.; requiring  
2 a notary public to witness an absentee ballot  
3 at no charge; amending ss. 106.25, 106.26,  
4 106.265, 106.27, F.S.; authorizing the Florida  
5 Elections Commission to investigate violations  
6 of chapter 104, F.S.; providing procedures;  
7 providing a time period for filing complaints  
8 with the commission; providing for civil  
9 penalties; amending s. 106.265, F.S.; requiring  
10 the Department of Revenue to collect civil  
11 fines levied by the Florida Elections  
12 Commission; providing an appropriation;  
13 providing effective dates.

14

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

16

17 Section 1. Subsection (12) is added to section 97.012,  
18 Florida Statutes, to read:

19

20 97.012 Secretary of State as chief election  
21 officer.--The Secretary of State is the chief election officer  
22 of the state, and it is his or her responsibility to:

23

24 (12) Maintain a voter fraud hotline and provide  
25 election-fraud education to the public.

26

27 Section 2. Subsection (1) of section 97.021, Florida  
28 Statutes, is amended to read:

29

30 97.021 Definitions.--For the purposes of this code,  
31 except where the context clearly indicates otherwise, the  
term:

32

33 (1) "Absent elector" means any registered and  
qualified voter who ~~is unable to attend the polls on election~~  
~~day.~~

1           (a) Is unable without another's assistance to attend  
2 the polls.

3           (b) Is an inspector, a poll worker, a deputy voting  
4 machine custodian, a deputy sheriff, a supervisor of  
5 elections, or a deputy supervisor who is assigned to a  
6 different precinct than that in which he or she is registered  
7 to vote.

8           (c) On account of the tenets of his or her religion,  
9 cannot attend the polls on the day of the general, special, or  
10 primary election.

11           (d) May not be in the precinct of his or her residence  
12 during the hours the polls are open for voting on the day of  
13 the election.

14           (e) Has changed his or her residency to another county  
15 in this state within the time period during which the  
16 registration books are closed for the election for which the  
17 ballot is requested.

18           (f) Has changed his or her residency to another state  
19 and is ineligible under the laws of that state to vote in the  
20 general election; however, this pertains only to presidential  
21 ballots.

22           Section 3. Effective July 1, 1999, subsection (1) of  
23 section 97.041, Florida Statutes, is amended to read:

24           97.041 Qualifications to register or vote.--

25           (1)(a) A person may become a registered voter only if  
26 that person:

- 27           1. Is at least 18 years of age;
- 28           2. Is a citizen of the United States;
- 29           3. Is a legal resident of the State of Florida;
- 30           4. Is a legal resident of the county in which that  
31 person seeks to be registered; and

1           5. Registers pursuant to the Florida Election Code.

2           (b) For purposes of the residency requirements of  
3 paragraph (a), a person who has been granted a homestead  
4 exemption in this state may register to vote only in the  
5 county and precinct where the property for which that  
6 homestead exemption has been granted is located, unless the  
7 homestead is being maintained as the permanent residence of a  
8 legal or natural dependent of the owner and the owner resides  
9 elsewhere.

10           (c)~~(b)~~ A person who is otherwise qualified may  
11 preregister on or after that person's 17th birthday and may  
12 vote in any election occurring on or after that person's 18th  
13 birthday.

14           Section 4. Effective July 1, 1999, subsections (2) and  
15 (3) of section 97.052, Florida Statutes, are amended to read:

16           97.052 Uniform statewide voter registration  
17 application.--

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

21           (a) Full name.

22           (b) Date of birth.

23           (c) Address of legal residence.

24           (d) Mailing address, if different.

25           (e) County of legal residence.

26           (f) Address of property for which the applicant has  
27 been granted a homestead exemption, if any.

28           (g)~~(f)~~ Race or ethnicity that best describes the  
29 applicant:

30           1. American Indian or Alaskan Native.

31           2. Asian or Pacific Islander.

- 1           3. Black, not Hispanic.
- 2           4. White, not Hispanic.
- 3           5. Hispanic.
- 4           (h)~~(g)~~ Sex.
- 5           (i)~~(h)~~ Party affiliation.
- 6           (j)~~(i)~~ Whether the applicant needs assistance in
- 7 voting.
- 8           (k)~~(j)~~ Name and address where last registered.
- 9           (l)~~(k)~~ Last four digits of the applicant's social
- 10 security number~~(optional)~~.
- 11           (m) Florida Driver's license number or the
- 12 identification number from a Florida identification card
- 13 issued under s. 322.051.
- 14           (n)~~(l)~~ Telephone number (optional).
- 15           (o)~~(m)~~ Signature of applicant under penalty for false
- 16 swearing pursuant to s. 104.011, by which the person
- 17 subscribes to the oath required by s. 3, Art. VI of the State
- 18 Constitution and s. 97.051, and swears or affirms that the
- 19 information contained in the registration application is true.
- 20           (p)~~(n)~~ Whether the application is being used for
- 21 initial registration, to update a voter registration record,
- 22 or to request a replacement registration identification card.
- 23           (q)~~(o)~~ Whether the applicant is a citizen of the
- 24 United States.
- 25           (r)~~(p)~~ That the applicant has not been convicted of a
- 26 felony or, if convicted, has had his or her civil rights
- 27 restored.
- 28           (s)~~(q)~~ That the applicant has not been adjudicated
- 29 mentally incapacitated with respect to voting or, if so
- 30 adjudicated, has had his or her right to vote restored.
- 31

1 The registration form must ~~shall~~ be in plain language and  
2 designed so that convicted felons whose civil rights have been  
3 restored and persons who have been adjudicated mentally  
4 incapacitated and have had their voting rights restored are  
5 not required to reveal their prior conviction or adjudication.

6 (3) The uniform statewide voter registration  
7 application must also contain:

8 (a) The oath required by s. 3, Art. VI of the State  
9 Constitution and s. 97.051.

10 (b) A statement specifying each eligibility  
11 requirement under s. 97.041, including the requirement with  
12 respect to registration and homestead exemption under s.  
13 97.041(1)(b).

14 (c) The penalties provided in s. 104.011 for false  
15 swearing in connection with voter registration.

16 ~~(d) A statement that the disclosure of a social~~  
17 ~~security number is voluntary, a citation of the statutory~~  
18 ~~authority under which the social security number is being~~  
19 ~~solicited, a delineation of the uses that will be made of the~~  
20 ~~social security number, and a notice that the social security~~  
21 ~~number will be open to public inspection.~~

22 (d)(e) A statement that, if an applicant declines to  
23 register to vote, the fact that the applicant has declined to  
24 register will remain confidential and may be used only for  
25 voter registration purposes.

26 (e)(f) A statement that informs the applicant who  
27 chooses to register to vote or update a voter registration  
28 record that the office at which the applicant submits a voter  
29 registration application or updates a voter registration  
30 record will remain confidential and may be used only for voter  
31 registration purposes.



1           (f) A statement that informs the applicant that any  
2 person who has been granted a homestead exemption in this  
3 state and who registers to vote in any precinct other than the  
4 one in which the property for which the homestead exemption  
5 has been granted is located, in violation of s. 97.041(1)(b),  
6 shall have the person's homestead exemption terminated and  
7 will not be eligible for homestead exemption at that location  
8 in the subsequent year, unless the homestead granted the  
9 exemption is being maintained as the permanent residence of a  
10 legal or natural dependent of the owner and the owner resides  
11 elsewhere.

12           Section 5. Effective July 1, 1999, section 196.111,  
13 Florida Statutes, is amended to read:

14           196.111 Property appraisers may notify persons  
15 entitled to homestead exemption; publication of notice;  
16 costs.--

17           (1) As soon as practicable after February 5 of each  
18 current year, the property appraisers of the several counties  
19 may mail to each person to whom homestead exemption was  
20 granted for the year immediately preceding and whose  
21 application for exemption for the current year has not been  
22 filed as of February 1 thereof, a form for application for  
23 homestead exemption, together with a notice reading  
24 substantially as follows:

25  
26                               NOTICE TO TAXPAYERS ENTITLED  
27                               TO HOMESTEAD EXEMPTION  
28

29           Records in this office indicate that you have not filed  
30 an application for homestead exemption for the current year.  
31

1           If you wish to claim such exemption, please fill out  
2 the enclosed form and file it with your property appraiser on  
3 or before March 1, 19.....

4           Failure to do so may constitute a waiver of said  
5 exemption for the year 19.....

6  
7   ...(Property Appraiser)...  
8   .... County, Florida  
9

10           (2) With the notice provided under subsection (1), the  
11 property appraisers of the several counties shall include  
12 notice of the provisions of s. 196.115, which may result in  
13 termination of homestead exemption.

14           (3)~~(2)~~ The expenditure of funds for any of the  
15 requirements of this section is hereby declared to be for a  
16 county purpose; and the board of county commissioners of each  
17 county shall, if notices are mailed under this section  
18 ~~subsection (1)~~, appropriate and provide the necessary funds  
19 for such purposes.

20           Section 6. Effective July 1, 1999, section 196.115,  
21 Florida Statutes, is created to read:

22           196.115 Termination of homestead exemption;  
23 registration of elector in other precinct.--Any person who has  
24 been granted a homestead exemption in this state and who  
25 registers to vote in any precinct other than the one in which  
26 the property for which the homestead exemption has been  
27 granted is located, in violation of the requirements of s.  
28 97.041(1)(b), shall have that homestead exemption terminated  
29 and shall not be eligible for a homestead exemption in that  
30 location in the subsequent year as a result thereof. This  
31 section does not apply if the homestead granted the exemption

1 is being maintained as the permanent residence of a legal or  
2 natural dependent of the owner and the owner resides  
3 elsewhere.

4 Section 7. Effective July 1, 1999, subsections (2) and  
5 (3) of section 196.121, Florida Statutes, are amended to read:

6 196.121 Homestead exemptions; forms.--

7 (2) The forms shall require the taxpayer to furnish  
8 certain information to the property appraiser for the purpose  
9 of determining that the taxpayer is a permanent resident as  
10 defined in s. 196.012(17). Such information shall ~~may~~ include,  
11 but need not be limited to, the factors enumerated in s.  
12 196.015.

13 (3) The forms shall also contain the following:

14 (a) Notice of the tax lien which can be imposed  
15 pursuant to s. 196.161.

16 (b) Notice that information contained in the  
17 application will be provided to the Department of Revenue and  
18 may also be provided to any state in which the applicant has  
19 previously resided.

20 (c) Notice of the provisions of s. 196.115, which may  
21 result in termination of homestead exemption.

22 (d)~~(e)~~ A requirement that the applicant read or have  
23 read to him or her the contents of the form.

24 Section 8. Effective July 1, 1999, subsection (5) of  
25 section 97.053, Florida Statutes, is amended to read:

26 97.053 Acceptance of voter registration  
27 applications.--

28 (5)(a) A voter registration application is complete if  
29 it contains:

- 30 1. The applicant's name.
- 31 2. The applicant's legal residence address.

1           3. The applicant's date of birth.

2           4. An indication that the applicant is a citizen of  
3 the United States.

4           5. The last four digits of the applicant's social  
5 security number.

6           ~~6.5.~~ An indication that the applicant has not been  
7 convicted of a felony or that, if convicted, has had his or  
8 her civil rights restored.

9           ~~7.6.~~ An indication that the applicant has not been  
10 adjudicated mentally incapacitated with respect to voting or  
11 that, if so adjudicated, has had his or her right to vote  
12 restored.

13           ~~8.7.~~ Signature of the applicant swearing or affirming  
14 under the penalty for false swearing pursuant to s. 104.011  
15 that the information contained in the registration application  
16 is true and subscribing to the oath required by s. 3, Art. VI  
17 of the State Constitution and s. 97.051.

18           (b) An applicant who fails to designate party  
19 affiliation must be registered without party affiliation. The  
20 supervisor must notify the voter by mail that the voter has  
21 been registered without party affiliation and that the voter  
22 may change party affiliation as provided in s. 97.1031.

23           Section 9. Effective July 1, 1999, section 97.056,  
24 Florida Statutes, is created to read:

25           97.056 Registration by mail; persons required to vote  
26 in person.--

27           (1) Any registered voter who has registered by mail  
28 and has not previously voted in the county in which he or she  
29 is registered must vote:

30           (a) In person at the precinct in which he or she is  
31 registered to vote; or

1           (b) In person at the office of the supervisor of  
2 elections, as provided in s. 101.657.

3           (2) The provisions of this section do not apply to a  
4 person who is entitled to vote by absentee ballot under the  
5 Uniformed and Overseas Citizens Absentee Voting Act, the  
6 Voting Accessibility for the Elderly and Handicapped Act, or  
7 any other federal law, or an elector who is absent from the  
8 county and does not plan to return before the day of the  
9 election.

10           Section 10. Present subsections (2) and (3) of section  
11 97.071, Florida Statutes, are redesignated as subsections (3)  
12 and (4), respectively, and a new subsection (2) is added to  
13 that section to read:

14           97.071 Registration identification card.--

15           (2)(a) Except as provided in paragraph (b), the  
16 supervisor of elections shall mail a registration  
17 identification card to the voter at the address listed as the  
18 legal residence on the voter's registration application. The  
19 card must be sent by nonforwardable, return-if-undeliverable  
20 mail. If the identification card is returned as undeliverable  
21 and the voter has indicated a different mailing address on the  
22 registration application, the supervisor must mail a notice to  
23 the mailing address, notifying the voter that his or her  
24 registration identification card was returned and that the  
25 voter may appear in person at the supervisor's office to pick  
26 up the identification card. The supervisor must surrender the  
27 identification card to the elector upon presentation of a  
28 Florida driver's license, a Florida identification card issued  
29 under s. 322.051, or another form of picture identification  
30 approved by the Department of State. If the elector fails to  
31 furnish the required identification, or if the supervisor has

1 doubts as to the identity of the elector, the supervisor must  
2 require the elector to swear an oath substantially similar to  
3 the one prescribed in s. 101.49 prior to surrendering the  
4 identification card. The supervisor must keep the  
5 identification card on file for 45 days following return of  
6 the card as undeliverable.

7 (b) The supervisor shall mail the voter identification  
8 card by forwardable mail to voters who are covered by the  
9 Uniformed and Overseas Citizens Absentee Voting Act.

10 Section 11. Effective upon this act becoming a law,  
11 section 98.0975, Florida Statutes, is created to read:

12 98.0975 Central voter file; periodic list  
13 maintenance.--

14 (1) By August 15, 1998, the division shall provide to  
15 each county supervisor of elections a list containing the  
16 name, address, date of birth, race, gender, and any other  
17 available information identifying the voter of each person  
18 included in the central voter file as a registered voter in  
19 the supervisor's county who:

20 (a) Is deceased;

21 (b) Has been convicted of a felony and has not had his  
22 or her civil rights restored; or

23 (c) Has been adjudicated mentally incompetent and  
24 whose mental capacity with respect to voting has not been  
25 restored.

26 (2) The division shall annually update the information  
27 required in subsection (1), and forward a like list to each  
28 supervisor by June 1 of each year.

29 (3)(a) In order to meet its obligations under this  
30 section, the division shall annually contract with a private  
31 entity to compare information in the central voter file with

1 available information in other computer databases, including,  
2 without limitation, databases containing reliable criminal  
3 records and records of deceased persons.

4 (b) The entity contracted by the division is  
5 designated as an agent of the division for purposes of  
6 administering the contract, and must be limited to seeking  
7 only that information which is necessary for the division to  
8 meet its obligations under this section. Information obtained  
9 under this section may not be used for any purpose other than  
10 determining voter eligibility.

11 (4) Upon receiving the list from the division, the  
12 supervisor must remove from the registration books by the next  
13 subsequent election the name of any person who is deceased,  
14 convicted of a felony, or adjudicated mentally incapacitated  
15 with respect to voting.

16 Section 12. Effective upon this act becoming a law,  
17 section 98.461, Florida Statutes, is amended to read:

18 98.461 Registration form, precinct register;  
19 contents.--A registration form, approved by the Department of  
20 State, containing the information required in s. 97.052 shall  
21 be filed alphabetically in the office of the supervisor as the  
22 master list of electors of the county. However, the  
23 registration forms may be microfilmed and such microfilms  
24 substituted for the original registration forms; or, when  
25 voter registration information, including the voter's  
26 signature, is maintained digitally or on electronic, magnetic,  
27 or optic media, such stored information may be substituted for  
28 the original registration form. Such microfilms or stored  
29 information shall be retained in the custody of the supervisor  
30 of elections. In the event the original registration forms are  
31 microfilmed or maintained digitally or on electronic or other

1 media, such originals may be destroyed in accordance with the  
2 schedule approved by the Bureau of Archives and Records  
3 Management of the Division of Library and Information Services  
4 of the Department of State. As an alternative, the information  
5 from the registration form, including the signature, may be  
6 electronically reproduced and stored as provided in s. 98.451.  
7 A computer printout may be used at the polls as a precinct  
8 register in lieu of the registration books. The precinct  
9 register shall contain the date of the election, the precinct  
10 number, and the following information concerning each  
11 registered elector: last name, first name, and middle name or  
12 initial; party affiliation; residence address; registration  
13 number; date of birth; sex, if provided; race, if provided;  
14 whether the voter needs assistance in voting; and such other  
15 additional information as to readily identify the elector. The  
16 precinct register may also contain a list of the forms of  
17 identification ~~approved by the Department of State~~, which must  
18 ~~shall~~ include, but is not ~~be~~ limited to, a the voter  
19 ~~registration identification card and Florida driver's license,~~  
20 a Florida identification card issued under s. 322.051, or  
21 another form of picture identification approved by the  
22 Department of State. The precinct register may also contain a  
23 space for the elector's signature, a space for the initials of  
24 the witnessing clerk or inspector, and a space for the  
25 signature slip or ballot number.

26 Section 13. Effective upon this act becoming a law,  
27 section 98.471, Florida Statutes, is amended to read:

28 98.471 Use of precinct register at polls.--The  
29 precinct register, as prescribed in s. 98.461, may be used at  
30 the polls in lieu of the registration books for the purpose of  
31 identifying the elector at the polls prior to allowing him or



1 her to vote. The clerk or inspector shall require each  
2 elector, upon entering the polling place, to present a Florida  
3 driver's license, a Florida identification card issued under  
4 s. 322.051, or another form of picture identification ~~one of~~  
5 ~~the forms of identification which are on the list of forms~~  
6 approved by the Department of State pursuant to ~~s. 98.461~~.  
7 The elector shall sign his or her name in the space provided,  
8 and the clerk or inspector shall compare the signature with  
9 that on the identification provided by the elector and enter  
10 his or her initials in the space provided and allow the  
11 elector to vote if the clerk or inspector is satisfied as to  
12 the identity of the elector. If the elector fails to furnish  
13 the required identification, or if the clerk or inspector is  
14 in doubt as to the identity of the elector, such clerk or  
15 inspector shall follow the procedure prescribed in s. 101.49.  
16 The precinct register may also contain the information set  
17 forth in s. 101.47(8) and, if so, the inspector shall follow  
18 the procedure required in s. 101.47, except that the  
19 identification provided by the elector shall be used for the  
20 signature comparison.

21 Section 14. Effective upon becoming law, subsection  
22 (2) of section 100.041, Florida Statutes, is amended to read:

23 100.041 Officers chosen at general election.--

24 (2)(a) Each county commissioner from an odd-numbered  
25 district shall be elected at the general election in each year  
26 the number of which is a multiple of 4, for a 4-year term  
27 commencing on the second Tuesday following such election, and  
28 each county commissioner from an even-numbered district shall  
29 be elected at the general election in each even-numbered year  
30 the number of which is not a multiple of 4, for a 4-year term  
31 commencing on the second Tuesday following such election.

1           (b) Notwithstanding paragraph (a), the governing board  
2 of a charter county may provide by ordinance that the terms of  
3 its members shall commence on a date later than the second  
4 Tuesday following general elections, but in any case the date  
5 of commencement shall be uniform for all members and shall be  
6 no later than the first Tuesday after the first Monday in  
7 January following each member's election.

8           Section 15. Effective upon this act becoming a law,  
9 subsections (1) and (4) of section 101.62, Florida Statutes,  
10 are amended to read:

11           101.62 Request for absentee ballots.--

12           (1)(a) The supervisor may accept a request for an  
13 absentee ballot from an elector in person or in writing.~~or~~  
14 ~~for an elector from any person designated by such elector.~~  
15 ~~Such request may be made in person, by mail, or by telephone.~~  
16 ~~One request shall be deemed sufficient to receive an absentee~~  
17 ~~ballot for all elections which are held within a calendar~~  
18 ~~year, unless The elector shall designate or the elector's~~  
19 ~~designee indicates at the time the request is made the~~  
20 election or elections within the next year for which the  
21 elector will be eligible ~~desires~~ to receive an absentee  
22 ballot. Such request may be considered canceled when any  
23 first-class mail sent by the supervisor to the elector is  
24 returned as undeliverable.

25           (b) The supervisor may accept a written or telephonic  
26 request for an absentee ballot from the elector, or, if  
27 directly instructed by the elector, a member of the elector's  
28 immediate family, or the elector's legal guardian. For  
29 purposes of this section, the term "immediate family" has the  
30 same meaning as specified in paragraph (4)(b). The person  
31 making the request must disclose:

- 1           1. The name of the elector for whom the ballot is  
2 requested;
- 3           2. The elector's address;
- 4           3. The last four digits of the elector's social  
5 security number;
- 6           4. The registration number on the elector's  
7 registration identification card;
- 8           5. The requester's name;
- 9           6. The requester's address;
- 10          7. The requester's social security number and, if  
11 available, driver's license number;
- 12          8. The requester's relationship to the elector; and  
13          9. The requester's signature (written requests only).
- 14          (4)(a) To each absent qualified elector overseas who  
15 has requested an absentee ballot, the supervisor of elections  
16 shall, not fewer than 35 days before the first primary  
17 election, mail an absentee ballot. Not fewer than 45 days  
18 before the second primary and general election, the supervisor  
19 of elections shall mail an advance absentee ballot to those  
20 persons requesting ballots for such elections. The advance  
21 absentee ballot for the second primary shall be the same as  
22 the first primary absentee ballot as to the names of  
23 candidates, except that for any offices where there are only  
24 two candidates, those offices and all political party  
25 executive committee offices shall be omitted. The advance  
26 absentee ballot for the general election shall be as specified  
27 in s. 101.151, except that in the case of candidates of  
28 political parties where nominations were not made in the first  
29 primary, the names of the candidates placing first and second  
30 in the first primary election shall be printed on the advance  
31 absentee ballot. The advance absentee ballot or advance

1 absentee ballot information booklet shall be of a different  
2 color for each election and also a different color from the  
3 absentee ballots for the first primary, second primary, and  
4 general election. The supervisor shall mail an advance  
5 absentee ballot for the second primary and general election to  
6 each qualified absent elector for whom a request is received  
7 until the absentee ballots are printed. The supervisor shall  
8 enclose with the advance second primary absentee ballot and  
9 advance general election absentee ballot an explanation  
10 stating that the absentee ballot for the election will be  
11 mailed as soon as it is printed; and, if both the advance  
12 absentee ballot and the absentee ballot for the election are  
13 returned in time to be counted, only the absentee ballot will  
14 be counted.

15 (b) As soon as the remainder of the absentee ballots  
16 are printed, the supervisor shall provide ~~deliver or mail~~ an  
17 absentee ballot to each elector by whom a request for that  
18 ballot has been made by one of the following means:-

19 1. By nonforwardable, return-if-undeliverable mail to  
20 the elector's current mailing address on file with the  
21 supervisor, unless the elector specifies in the request that:

22 a. The elector is absent from the county and does not  
23 plan to return before the day of the election;

24 b. The elector is temporarily unable to occupy the  
25 residence because of hurricane, tornado, flood, fire, or other  
26 emergency or natural disaster; or

27 c. The elector is in a hospital, assisted-living  
28 facility, nursing home, short-term medical or rehabilitation  
29 facility, or correctional facility,

30  
31

1 in which case the supervisor shall mail the ballot  
2 nonforwardable, return-if-undeliverable mail to any other  
3 address the elector specifies in the request.

4 2. By forwardable mail to voters who are entitled to  
5 vote by absentee ballot under the Uniformed and Overseas  
6 Citizens Voting Act.

7 3. By personal delivery to the elector, upon  
8 presentation of the identification required in s. 101.657.

9 4. By delivery to a designee on election day or up to  
10 4 days prior to the day of an election.Any elector may  
11 designate in writing a person to pick up the ballot for the  
12 elector; however, the person designated may not pick up more  
13 than two absentee ballots per election, other than the  
14 designee's own ballot, except that additional ballots may be  
15 picked up for members of the designee's immediate family. For  
16 purposes of this section, "immediate family" means the  
17 designee's spouse or the parent, child, grandparent, or  
18 sibling of the designee or of the designee's spouse. The  
19 designee shall provide to the supervisor the written  
20 authorization by the elector and a picture identification of  
21 the designee and must complete an affidavit. The designee  
22 shall state in the affidavit that the designee is authorized  
23 by the elector to pick up that ballot and shall indicate if  
24 the elector is a member of the designee's immediate family  
25 and, if so, the relationship. The department shall prescribe  
26 the form of the affidavit. If the supervisor is satisfied that  
27 the designee is authorized to pick up the ballot and that the  
28 signature of the elector on the written authorization matches  
29 the signature of the elector on file, the supervisor shall  
30 give the ballot to that designee for delivery to the elector.  
31

1 Section 16. Subsection (1) of section 101.64, Florida  
2 Statutes, is amended to read:

3 101.64 Delivery of absentee ballots; envelopes;  
4 form.--

5 (1) The supervisor shall enclose with each absentee  
6 ballot two envelopes: a secrecy envelope, into which the  
7 absent elector shall enclose his or her marked ballot; and a  
8 mailing envelope, into which the absent elector shall then  
9 place the secrecy envelope, which shall be addressed to the  
10 supervisor and also bear on the back side a certificate in  
11 substantially the following form:

12  
13 Note: Please Read Instructions Carefully Before  
14 Marking Ballot and Completing Voter's Certificate.

15 VOTER'S CERTIFICATE

16 I, ....., am a qualified and registered voter of ....  
17 County, Florida. I understand that failure to sign this  
18 certificate and have my signature witnessed will invalidate my  
19 ballot. I am entitled to vote an absentee ballot for one of  
20 the following reasons:

21  
22 1. I am unable without another's assistance to attend  
23 the polls.

24 2. I may not be in the precinct of my residence during  
25 the hours the polls are open for voting on election day.

26 3. I am an inspector, a poll worker, a deputy voting  
27 machine custodian, a deputy sheriff, a supervisor of  
28 elections, or a deputy supervisor who is assigned to a  
29 different precinct than that in which I am registered.  
30  
31

1 4. On account of the tenets of my religion, I cannot  
 2 attend the polls on the day of the general, special, or  
 3 primary election.

4 5. I have changed my permanent residency to another  
 5 county in Florida within the time period during which the  
 6 registration books are closed for the election. I understand  
 7 that I am allowed to vote only for national and statewide  
 8 offices and on statewide issues.

9 6. I have changed my permanent residency to another  
 10 state and am unable under the laws of such state to vote in  
 11 the general election. I understand that I am allowed to vote  
 12 only for President and Vice President.

13 7. I am unable to attend the polls on election day and  
 14 am voting this ballot in person at the office of, and under  
 15 the supervision of, the county supervisor of elections.

16 ...(Voter's Signature)...

17  
 18 Note: Your Signature Must Be Witnessed By Either:

19 a. A Notary or Officer Defined in Item 6.b. of the  
 20 Instruction Sheet.

21  
 22  
 23 ...(Signature of Applicant)...

24 Sworn to (or affirmed) and subscribed before me this  
 25 .... day of .....,...(year)...., by ...(name of person  
 26 making statement).... My commission expires this .... day of  
 27 ....., ...(year)....

28  
 29 ...(Signature of Official)...

30 ...(Print, Type, or Stamp Name)...

31 ...(State or Country of Commission)...

1                    Personally Known ..... OR Produced Identification  
 2                    .....  
 3                    Type of Identification Produced.....  
 4  
 5    OR  
 6  
 7                    b. Two Witnesses, Both of Whom Are Registered Voters  
 8                    in the State.  
 9  
 10  
 11                    I swear or affirm that the voter signed this Voter's  
 12                    Certificate in my presence and that I have not witnessed more  
 13                    than 5 ballots for this election.  
 14  
 15                    WITNESS ONE:  
 16  
 17                    .....(Signature of Witness).....  
 18    .....(Printed Name of Witness).....  
 19  
 20                    .....(Voter I.D. Number of Witness and County of  
 21    Registration).....  
 22  
 23                    .....(Address).....  
 24    .....(City/State).....  
 25  
 26                    WITNESS TWO:  
 27  
 28                    .....(Signature of Witness).....  
 29    .....(Printed Name of Witness).....  
 30  
 31                    .....(Voter I.D. Number of Witness and County of



1 Registration)...  
2  
3 ...(Address)...  
4 ...(City/State)...  
5  
6 ELECTION FRAUD IS A SERIOUS OFFENSE  
7  
8 Vote buying, vote selling, vote brokering, and marking the  
9 ballot of another may subject you to penalties of up to \$5,000  
10 and up to 5 years in prison. Consult your local supervisor of  
11 elections if you have questions regarding the laws governing  
12 absentee voting.  
13  
14 ~~Note: Please Read Instructions Carefully Before~~  
15 ~~Marking Ballot and Completing Voter's Certificate.~~  
16 ~~VOTER'S CERTIFICATE~~  
17 ~~I, ...(print name)..., do solemnly swear or affirm that~~  
18 ~~I am a qualified elector in this election, that I am unable to~~  
19 ~~attend the polls on election day, and that I have not and will~~  
20 ~~not vote more than one ballot in this election. I understand~~  
21 ~~that failure to sign this certificate and have my signature~~  
22 ~~witnessed will invalidate my ballot.~~  
23 ~~...(Voter's Signature)...~~  
24  
25 ~~Note: Your Signature Must Be Witnessed By One Witness 18~~  
26 ~~Years of Age or Older as provided in Item 7. of the~~  
27 ~~Instruction Sheet.~~  
28  
29 ~~I swear or affirm that the elector signed this Voter's~~  
30 ~~Certificate in my presence.~~  
31 ~~...(Signature of Witness)...~~

1   ...~~(Address)~~...                                  ...~~(City/State)~~...

2           Section 17. Section 101.647, Florida Statutes, is  
3 created to read:

4           101.647 Return of absentee ballots.--

5           (1) Absentee ballots must be returned to the  
6 supervisor of elections by the elector, either in person or by  
7 mail.

8           (2) If the elector is unable to mail or personally  
9 deliver the ballot, the elector may designate in writing a  
10 person who may return the ballot for the elector; however, the  
11 person designated may not return more than two absentee  
12 ballots per election, other than the designee's own ballot,  
13 except that additional ballots may be returned for members of  
14 the designee's immediate family. For purposes of this  
15 section, the term "immediate family" means the designee's  
16 spouse or the parent, child, grandparent, or sibling of the  
17 designee or of the designee's spouse. The designee must  
18 provide to the supervisor the written authorization by the  
19 elector and a picture identification of the designee.

20           Section 18. Section 101.65, Florida Statutes, is  
21 amended to read:

22           101.65 Instructions to absent electors.--The  
23 supervisor shall enclose with each absentee ballot separate  
24 printed instructions in substantially the following form:

25  
26 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

27           1. VERY IMPORTANT. In order to ensure that your  
28 absentee ballot will be counted, it should be completed and  
29 returned as soon as possible so that it can reach the  
30 supervisor of elections of the county in which your precinct  
31 is located no later than 7 p.m. on the day of the election.

1           2. Mark your ballot in secret as instructed on the  
2 ballot. You must mark your own ballot unless you are unable to  
3 do so because of blindness, disability, or inability to read  
4 or write.

5           3. Place your marked ballot in the enclosed secrecy  
6 envelope.

7           4. Insert the secrecy envelope into the enclosed  
8 mailing envelope which is addressed to the supervisor.

9           5. Seal the mailing envelope and completely fill out  
10 the Voter's Certificate on the back of the mailing envelope.

11           6. VERY IMPORTANT. In order for your absentee ballot  
12 to be counted, you must sign your name on the line above  
13 “(Voter's Signature), and your ballot must be witnessed in  
14 either of the following manners:—”

15           a. Two witnesses, both of whom are registered voters  
16 in the state, must affix their signatures, printed names,  
17 addresses, voter identification numbers, and counties of  
18 registration on the voter's certificate. Such witnesses are  
19 limited to witnessing 5 ballots per election. A candidate may  
20 not serve as an attesting witness.

21           b. Any notary or other officer entitled to administer  
22 oaths or any Florida supervisor of elections or deputy  
23 supervisor of elections, other than a candidate, may serve as  
24 an attesting witness.

25           ~~7. VERY IMPORTANT. In order for your absentee ballot~~  
26 ~~to be counted, it must include the signature and address of a~~  
27 ~~witness 18 years of age or older affixed to the Voter's~~  
28 ~~Certificate. No candidate may serve as an attesting witness.~~

29           ~~7.8.~~ Mail, deliver, or have delivered the completed  
30 mailing envelope. Be sure there is sufficient postage if  
31 mailed.

1           8. FELONY NOTICE. It is a felony under Florida law to  
2 accept any gift, payment, or gratuity in exchange for your  
3 vote for a candidate. It is also a felony under Florida law to  
4 vote in an election using a false identity or false address,  
5 or under any other circumstances making your ballot false of  
6 fraudulent.

7           Section 19. Section 101.657, Florida Statutes, is  
8 created to read:

9           101.657 Voting absentee ballots in  
10 person.--Notwithstanding s. 97.021(1), any qualified and  
11 registered elector who is unable to attend the polls on  
12 election day may pick up and vote an absentee ballot in person  
13 at the office of, and under the supervision of, the supervisor  
14 of elections. Before receiving the ballot, the elector must  
15 present a Florida driver's license, a Florida identification  
16 card issued under s. 322.051, or another form of picture  
17 identification approved by the Department of State. If the  
18 elector fails to furnish the required identification, or if  
19 the supervisor is in doubt as to the identity of the elector,  
20 the supervisor must follow the procedure prescribed in s.  
21 101.49.

22           Section 20. Effective upon this act becoming a law,  
23 section 101.66, Florida Statutes, is created to read:

24           101.66 Voting absentee ballots.--All electors must  
25 personally mark or designate their choices on the absentee  
26 ballot, except:

27           (1) Electors who require assistance to vote because of  
28 blindness, disability, or inability to read or write, who may  
29 have some person of the elector's choice, other than the  
30 elector's employer, an agent of the employer, or an officer or  
31 agent of the elector's union, mark the elector's choices or

1 assist the elector in marking his or her choices on the  
2 ballot.

3 (2) As otherwise provided in s. 101.051 or s. 101.655.

4 Section 21. Section 101.68, Florida Statutes, is  
5 amended to read:

6 101.68 Canvassing of absentee ballot.--

7 (1) The supervisor of the county where the absent  
8 elector resides shall receive the voted ballot, at which time  
9 the supervisor may compare the signature of the elector on the  
10 voter's certificate with the signature of the elector in the  
11 registration books to determine whether the elector is duly  
12 registered in the county and may record on the elector's  
13 registration certificate that the elector has voted. The  
14 supervisor shall safely keep the ballot unopened in his or her  
15 office until the county canvassing board canvasses the vote.

16 (2)(a) The county canvassing board may begin the  
17 canvassing of absentee ballots at 7 a.m. on the fourth day  
18 before the election, but not later than noon on the day  
19 following the election. In addition, for any county using  
20 electronic tabulating equipment, the processing of absentee  
21 ballots through such tabulating equipment may begin upon the  
22 opening of the polls on election day. However,  
23 notwithstanding any such authorization to begin canvassing or  
24 otherwise processing absentee ballots early, no result or  
25 tabulation of absentee ballots shall be made until after the  
26 close of the polls on election day.

27 (b) To ensure that all absentee ballots to be counted  
28 by the canvassing board are accounted for, the canvassing  
29 board shall compare the number of ballots in its possession  
30 with the number of requests for ballots received to be counted  
31 according to the supervisor's file or list.

1 (c)1. The canvassing board shall, if the supervisor  
2 has not already done so, compare the signature of the elector  
3 on the voter's certificate with the signature of the elector  
4 in the registration books to see that the elector is duly  
5 registered in the county and to determine the legality of that  
6 absentee ballot. An absentee ballot shall be considered  
7 illegal if it does not include the signature of the elector,  
8 as shown by the registration records, and either:

9 a. The subscription of a notary or officer defined in  
10 Item 6.b. of the instruction sheet, or

11 b. The signature, printed name, address, voter  
12 identification number, and county of registration of two  
13 attesting witnesses, both of whom are registered voters in the  
14 state.~~the signature and address of an attesting witness.~~

15  
16 However, an absentee ballot shall not be considered illegal if  
17 the signature of the elector or attesting witness does not  
18 cross the seal of the mailing envelope or if the person  
19 witnessing the ballot is in violation of s. 104.047(3). If the  
20 canvassing board determines that any ballot is illegal, a  
21 member of the board shall, without opening the envelope, mark  
22 across the face of the envelope: "rejected as illegal." The  
23 envelope and the ballot contained therein shall be preserved  
24 in the manner that official ballots voted are preserved.

25 2. If any elector or candidate present believes that  
26 an absentee ballot is illegal due to a defect apparent on the  
27 voter's certificate, he or she may, at any time before the  
28 ballot is removed from the envelope, file with the canvassing  
29 board a protest against the canvass of that ballot, specifying  
30 the precinct, the ballot, and the reason he or she believes  
31 the ballot to be illegal. A challenge based upon a defect in

1 the voter's certificate may not be accepted after the ballot  
2 has been removed from the mailing envelope.

3 (d) The canvassing board shall record the ballot upon  
4 the proper record, unless the ballot has been previously  
5 recorded by the supervisor. The mailing envelopes shall be  
6 opened and the secrecy envelopes shall be mixed so as to make  
7 it impossible to determine which secrecy envelope came out of  
8 which signed mailing envelope; however, in any county in which  
9 an electronic or electromechanical voting system is used, the  
10 ballots may be sorted by ballot styles and the mailing  
11 envelopes may be opened and the secrecy envelopes mixed  
12 separately for each ballot style. The votes on absentee  
13 ballots shall be included in the total vote of the county.

14 (3) The supervisor or the chair of the county  
15 canvassing board shall, after the board convenes, have custody  
16 of the absentee ballots until a final proclamation is made as  
17 to the total vote received by each candidate.

18 (4) The supervisor of elections shall, on behalf of  
19 the county canvassing board, notify each elector whose ballot  
20 was rejected as illegal because of a difference between the  
21 elector's signature on the ballot and that on the elector's  
22 voter registration record. The supervisor shall mail a voter  
23 registration application to the elector to be completed  
24 indicating the elector's current signature. This section does  
25 not prohibit the supervisor from providing additional methods  
26 for updating an elector's signature.

27 Section 22. Section 104.047, Florida Statutes, is  
28 created to read:

29 104.047 Absentee voting.--

30 (1) Any person who provides or offers to provide, and  
31 any person who accepts, a pecuniary or other benefit in

1 exchange for distributing, ordering, requesting, collecting,  
2 delivering, or otherwise physically possessing absentee  
3 ballots, except as provided in ss. 101.6105-101.694, is guilty  
4 of a felony of the third degree, punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084.

6 (2) Except as provided in s. 101.62 or s. 101.655, any  
7 person who requests an absentee ballot on behalf of an elector  
8 is guilty of a felony of the third degree, punishable as  
9 provided in s. 775.082, s. 775.083, or s. 775.084.

10 (3) Any person, other than a notary or other officer  
11 entitled to administer oaths or a supervisor of elections or  
12 deputy supervisor of elections, who witnesses more than 5  
13 ballots in any single election, is guilty of a felony of the  
14 third degree, punishable as provided in s. 775.082, s.  
15 775.083, or s. 775.084.

16 (4) Any person who marks or designates a choice on the  
17 ballot of another person, except as provided in s. 101.051, s.  
18 101.655, or s. 101.66, is guilty of a felony of the third  
19 degree, punishable as provided in s. 775.082, s. 775.083, or  
20 s. 775.084.

21 (5) Any person who returns more than 2 absentee  
22 ballots to the supervisors of elections in violation of s.  
23 101.647 is guilty of a felony of the third degree, punishable  
24 as provided in s. 775.082, s. 775.083, or s. 775.084.

25 Section 23. Subsections (2) and (4) of section  
26 104.012, Florida Statutes, are amended to read:

27 104.012 Consideration for registration; interference  
28 with registration; soliciting registrations for compensation;  
29 alteration of registration application.--

30 (2) A person who by bribery, menace, threat, or other  
31 corruption, directly or indirectly, influences, deceives, or



1 deters or attempts to influence, deceive, or deter any person  
2 in the free exercise of that person's right to register to  
3 vote at any time, ~~upon the first conviction, commits a~~  
4 ~~misdemeanor of the first degree, punishable as provided in s.~~  
5 ~~775.082 or s. 775.083, and, upon any subsequent conviction,~~  
6 commits a felony of the third degree, punishable as provided  
7 in s. 775.082, s. 775.083, or s. 775.084.

8 (4) A person who alters the voter registration  
9 application of any other person, without the other person's  
10 knowledge and consent, commits a felony ~~misdemeanor~~ of the  
11 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~  
12 s. 775.083, or s. 775.084.

13 Section 24. Section 104.013, Florida Statutes, is  
14 amended to read:

15 104.013 Unauthorized use, possession, or destruction  
16 of voter registration identification card.--

17 (1) It is unlawful for any person knowingly to have in  
18 his or her possession any blank, forged, stolen, fictitious,  
19 counterfeit, or unlawfully issued voter registration  
20 identification card unless possession by such person has been  
21 duly authorized by the supervisor.

22 (2) It is unlawful for any person to barter, trade,  
23 sell, or give away a voter registration identification card  
24 unless said person has been duly authorized to issue a  
25 registration identification card.

26 (3) It is unlawful for any person willfully to destroy  
27 or deface the registration identification card of a duly  
28 registered voter.

29 (4) Any person who violates any of the provisions of  
30 this section commits a felony ~~misdemeanor~~ of the third ~~first~~  
31

1 degree, punishable as provided in s. 775.082,~~or~~ s. 775.083,  
2 or s. 775.084.

3 Section 25. Section 104.031, Florida Statutes, is  
4 amended to read:

5 104.031 False declaration to secure assistance in  
6 preparing ballot.--Any person who makes a false declaration  
7 for assistance in voting, or in the preparation of his or her  
8 ballot, in any election is guilty of a felony ~~misdemeanor~~ of  
9 the third ~~first~~ degree, punishable as provided in s. 775.082,  
10 ~~or~~ s. 775.083, or s. 775.084.

11 Section 26. Section 104.045, Florida Statutes, is  
12 amended to read:

13 104.045 Vote selling.--Any person who:

14 (1) Corruptly offers to vote for or against, or to  
15 refrain from voting for or against, any candidate in any  
16 election in return for pecuniary or other benefit; or

17 (2) Accepts a pecuniary or other benefit in exchange  
18 for a promise to vote for or against, or to refrain from  
19 voting for or against, any candidate in any election,  
20

21 is guilty of a felony ~~misdemeanor~~ of the third ~~first~~ degree,  
22 punishable as provided in s. 775.082,~~or~~ s. 775.083, or s.  
23 775.084.

24 Section 27. Section 104.0515, Florida Statutes, is  
25 amended to read:

26 104.0515 Voting rights; deprivation of, or  
27 interference with, prohibited; penalty.--

28 (1) All citizens of this state who are otherwise  
29 qualified by law to vote at any election by the people in this  
30 state or in any district, county, city, town, municipality,  
31 school district, or other subdivision of this state shall be

1 entitled and allowed to vote at all such elections without  
2 distinction according to race, color, or previous condition of  
3 servitude, notwithstanding any law, ordinance, regulation,  
4 custom, or usage to the contrary.

5 (2) No person acting under color of law shall:

6 (a) In determining whether any individual is qualified  
7 under law to vote in any election, apply any standard,  
8 practice, or procedure different from the standards,  
9 practices, or procedures applied under law to other  
10 individuals within the same political subdivision who have  
11 been found to be qualified to vote; or

12 (b) Deny the right of any individual to vote in any  
13 election because of an error or omission on any record or  
14 paper relating to any application, registration, or other act  
15 requisite to voting, if such error or omission is not material  
16 in determining whether such individual is qualified under law  
17 to vote in such election. This paragraph shall apply to  
18 absentee ballots only if there is a pattern or history of  
19 discrimination on the basis of race, color, or previous  
20 condition of servitude in regard to absentee ballots.

21 (3) No person, whether acting under color of law or  
22 otherwise, shall intimidate, threaten, or coerce, or attempt  
23 to intimidate, threaten, or coerce, any other person for the  
24 purpose of interfering with the right of such other person to  
25 vote or not to vote as that person may choose, or for the  
26 purpose of causing such other person to vote for, or not vote  
27 for, any candidate for any office at any general, special, or  
28 primary election held solely or in part for the purpose of  
29 selecting or electing any such candidate.

30 (4) No voting qualification or prerequisite to voting,  
31 and no standard, practice, or procedure, shall be imposed or

1 applied by any political subdivision of this state to deny or  
2 abridge the right of any citizen to vote on account of race or  
3 color.

4 (5) Any person who violates the provisions of this  
5 section is guilty of a felony ~~misdemeanor~~ of the third ~~first~~  
6 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083,  
7 or s. 775.084.

8 Section 28. Subsection (1) of section 104.061, Florida  
9 Statutes, is amended to read:

10 104.061 Corruptly influencing voting.--

11 (1) Whoever by bribery, menace, threat, or other  
12 corruption whatsoever, either directly or indirectly, attempts  
13 to influence, deceive, or deter any elector in voting or  
14 interferes with him or her in the free exercise of the  
15 elector's right to vote at any election is guilty of a  
16 ~~misdemeanor of the first degree, punishable as provided in s.~~  
17 ~~775.082 or s. 775.083 for the first conviction, and a felony~~  
18 of the third degree, punishable as provided in s. 775.082, s.  
19 775.083, or s. 775.084, ~~for any subsequent conviction.~~

20 Section 29. Section 104.081, Florida Statutes, is  
21 amended to read:

22 104.081 Threats of employers to control votes of  
23 employees.--It is ~~shall be~~ unlawful for any person having one  
24 or more persons in his or her service as employees to  
25 discharge or threaten to discharge any employee in his or her  
26 service for voting or not voting in any election, state,  
27 county, or municipal, for any candidate or measure submitted  
28 to a vote of the people. Any person who violates the  
29 provisions of this section is guilty of a felony ~~misdemeanor~~  
30 of the third ~~first~~ degree, punishable as provided in s.  
31 775.082, ~~or~~ s. 775.083, or s. 775.084.

1           Section 30. Section 104.24, Florida Statutes, is  
2 amended to read:

3           104.24 Penalty for assuming name.--A person may not ~~No~~  
4 ~~registered elector shall~~, in connection with any part of the  
5 election process, fraudulently call himself or herself, or  
6 fraudulently pass by, any other name than the name by which  
7 the person ~~elector~~ is registered or fraudulently use the name  
8 of another in voting. Any person who violates this section is  
9 guilty of a felony ~~misdemeanor~~ of the third ~~first~~ degree,  
10 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.  
11 775.084.

12           Section 31. Section 104.42, Florida Statutes, is  
13 amended to read:

14           104.42 Fraudulent registration and illegal voting;  
15 investigation.--

16           (1) The supervisor of elections is authorized to  
17 investigate fraudulent registrations and illegal voting and to  
18 report his or her findings to the local state attorney and the  
19 Florida Elections Commission.

20           (2) The board of county commissioners in any county  
21 may appropriate funds to the supervisor of elections for the  
22 purpose of investigating fraudulent registrations and illegal  
23 voting.

24           Section 32. Subsection (2) of section 117.05, Florida  
25 Statutes, is amended to read:

26           117.05 Use of notary commission; unlawful use; notary  
27 fee; seal; duties; employer liability; name change;  
28 advertising; photocopies; penalties.--

29           (2)(a) The fee of a notary public may not exceed \$10  
30 for any one notarial act, except as provided in s. 117.04.

31

1           (b) A notary public may not charge a fee for  
2 witnessing an absentee ballot in an election, and must witness  
3 such a ballot upon the request of an elector, provided the  
4 notarial act is in accordance with the provisions of this  
5 chapter.

6           Section 33. Section 106.25, Florida Statutes, is  
7 amended to read:

8           106.25 Reports of alleged violations to Florida  
9 Elections Commission; disposition of findings.--

10           (1) Jurisdiction to investigate and determine  
11 violations of this chapter and chapter 104 is vested in the  
12 Florida Elections Commission; however, nothing in this section  
13 limits the jurisdiction of any other officers or agencies of  
14 government empowered by law to investigate, act upon, or  
15 dispose of alleged violations of this code.

16           (2) The commission shall investigate all violations of  
17 this chapter and chapter 104, but only after having received  
18 either a sworn complaint or information reported to it by the  
19 Division of Elections. Any person, other than the division,  
20 having information of any violation of this chapter or chapter  
21 104 shall file a sworn complaint with the commission. Such  
22 sworn complaint shall state whether a complaint of the same  
23 violation has been made to any state attorney. Within 5 days  
24 after receipt of a sworn complaint, the commission shall  
25 transmit a copy of the complaint to the alleged violator. All  
26 sworn complaints alleging violations of the Florida Elections  
27 Code over which the commission has jurisdiction shall be filed  
28 with the commission within 2 years of the alleged violations.  
29 The period of limitations is tolled on the day a sworn  
30 complaint is filed with the commission.

31

1           (3) For the purposes of commission jurisdiction, a  
2 violation shall mean the willful performance of an act  
3 prohibited by this chapter or chapter 104 or the willful  
4 failure to perform an act required by this chapter or chapter  
5 104.

6           (4) The commission shall undertake a preliminary  
7 investigation to determine if the facts alleged in a sworn  
8 complaint or a matter initiated by the division constitute  
9 probable cause to believe that a violation has occurred. Upon  
10 completion of the preliminary investigation, the commission  
11 shall, by written report, find probable cause or no probable  
12 cause to believe that this chapter or chapter 104 ~~s. 104.271~~  
13 has been violated.

14           (a) If no probable cause is found, the commission  
15 shall dismiss the case and the case shall become a matter of  
16 public record, except as otherwise provided in this section,  
17 together with a written statement of the findings of the  
18 preliminary investigation and a summary of the facts which the  
19 commission shall send to the complainant and the alleged  
20 violator.

21           (b) If probable cause is found, the commission shall  
22 so notify the complainant and the alleged violator in writing.  
23 All documents made or received in the disposition of the  
24 complaint shall become public records upon a finding by the  
25 commission.

26  
27 In a case where probable cause is found, the commission shall  
28 make a preliminary determination to consider the matter or to  
29 refer the matter to the state attorney for the judicial  
30 circuit in which the alleged violation occurred.

31

1           (5) When there are disputed issues of material fact in  
2 a proceeding conducted under ss. 120.569 and 120.57, a person  
3 alleged by the Elections Commission to have committed a  
4 violation of this chapter or chapter 104 ~~the Florida Election~~  
5 ~~Code~~ may elect, within 30 days after the date of the filing of  
6 the commission's allegations, to have a hearing conducted by  
7 an administrative law judge in the Division of Administrative  
8 Hearings.

9           (6) It is the duty of a state attorney receiving a  
10 complaint referred by the commission to investigate the  
11 complaint promptly and thoroughly; to undertake such criminal  
12 or civil actions as are justified by law; and to report to the  
13 commission the results of such investigation, the action  
14 taken, and the disposition thereof. The failure or refusal of  
15 a state attorney to prosecute or to initiate action upon a  
16 complaint or a referral by the commission shall not bar  
17 further action by the commission under this chapter.

18           (7) Every sworn complaint filed pursuant to this  
19 chapter with the commission, every investigation and  
20 investigative report or other paper of the commission with  
21 respect to a violation of this chapter or chapter 104, and  
22 every proceeding of the commission with respect to a violation  
23 of this chapter or chapter 104 is confidential, is exempt from  
24 the provisions of ss. 119.07(1) and 286.011, and is exempt  
25 from publication in the Florida Administrative Weekly of any  
26 notice or agenda with respect to any proceeding relating to  
27 such violation, except under the following circumstances:

28           (a) As provided in subsection (6);

29           (b) Upon a determination of probable cause or no  
30 probable cause by the commission; or

31



1 (c) For proceedings conducted with respect to appeals  
2 of fines levied by filing officers for the late filing of  
3 reports required by this chapter.

4  
5 However, a complainant is not bound by the confidentiality  
6 provisions of this section. In addition, confidentiality may  
7 be waived in writing by the person against whom the complaint  
8 has been filed or the investigation has been initiated. If a  
9 finding of probable cause in a case is entered within 30 days  
10 prior to the date of the election with respect to which the  
11 alleged violation occurred, such finding and the proceedings  
12 and records relating to such case shall not become public  
13 until noon of the day following such election. When two or  
14 more persons are being investigated by the commission with  
15 respect to an alleged violation of this chapter or chapter  
16 104, the commission may not publicly enter a finding of  
17 probable cause or no probable cause in the case until a  
18 finding of probable cause or no probable cause for the entire  
19 case has been determined. However, once the confidentiality of  
20 any case has been breached, the person or persons under  
21 investigation have the right to waive the confidentiality of  
22 the case, thereby opening up the proceedings and records to  
23 the public. Any person who discloses any information or  
24 matter made confidential by the provisions of this subsection  
25 commits a misdemeanor of the first degree, punishable as  
26 provided in s. 775.082 or s. 775.083.

27 (8) Any person who files a complaint pursuant to this  
28 section while knowing that the allegations contained in such  
29 complaint are false or without merit commits a misdemeanor of  
30 the first degree, punishable as provided in s. 775.082 or s.  
31 775.083.

1           Section 34. Subsection (11) of section 106.26, Florida  
2 Statutes, is amended to read:

3           106.26 Powers of commission; rights and  
4 responsibilities of parties; findings by commission.--

5           (11) At the conclusion of its hearings concerning an  
6 alleged violation, the commission shall immediately begin  
7 deliberations on the evidence presented at such hearings and  
8 shall proceed to determine by affirmative vote of a majority  
9 of the members present whether a violation of this chapter or  
10 chapter 104 has occurred. Such determination shall promptly be  
11 made public. The order shall contain a finding of violation or  
12 no violation, together with brief findings of pertinent facts,  
13 and the assessment of such civil penalties as are permitted by  
14 this chapter or no such assessment and shall bear the  
15 signature or facsimile signature of the chair or vice chair.

16           Section 35. Subsections (1) and (2) of section  
17 106.265, Florida Statutes, are amended to read:

18           106.265 Civil penalties.--

19           (1) The commission is authorized upon the finding of a  
20 violation of this chapter or chapter 104 to impose civil  
21 penalties in the form of fines not to exceed \$1,000 per count.  
22 In determining the amount of such civil penalties, the  
23 commission shall consider, among other mitigating and  
24 aggravating circumstances:

25           (a) The gravity of the act or omission;

26           (b) Any previous history of similar acts or omissions;

27           (c) The appropriateness of such penalty to the  
28 financial resources of the person, political committee,  
29 committee of continuous existence, or political party; and

30           (d) Whether the person, political committee, committee  
31 of continuous existence, or political party has shown good

1 faith in attempting to comply with the provisions of this  
2 chapter or chapter 104.

3 (2) If any person, political committee, committee of  
4 continuous existence, or political party fails or refuses to  
5 pay to the commission any civil penalties assessed pursuant to  
6 the provisions of this section, the Department of Revenue  
7 ~~State Comptroller~~ shall be responsible for collecting the  
8 civil penalties resulting from such action.

9 Section 36. Subsections (1) and (3) of section 106.27,  
10 Florida Statutes, are amended to read:

11 106.27 Determinations by commission; legal  
12 disposition.--

13 (1) Criminal proceedings for violations of this  
14 chapter or chapter 104 may be brought in the appropriate court  
15 of competent jurisdiction. Any such action brought under this  
16 chapter or chapter 104 shall be advanced on the docket of the  
17 court in which filed and put ahead of all other actions.

18 (3) Civil actions may be brought to enjoin temporarily  
19 the issuance of certificates of election to successful  
20 candidates who are alleged to have violated the provisions of  
21 this chapter or chapter 104. Such injunctions shall issue upon  
22 a showing of probable cause that such violation has occurred.  
23 Such actions shall be brought in the circuit court for the  
24 circuit in which is located the officer before whom the  
25 candidate qualified for office.

26 Section 37. The sum of \$4 million is appropriated from  
27 the General Revenue Fund to the Division of Elections of the  
28 Department of State for the purpose of meeting its obligations  
29 under this act.

30 Section 38. Except as otherwise expressly provided in  
31 this act, this act shall take effect July 1, 1998.