

1
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. 98.015,
5 F.S.; requiring supervisors of elections to
6 notify property appraisers of voters who are
7 registered at an address other than the voters
8 homestead address; amending s. 97.021, F.S.;
9 revising the definition of absent elector;
10 amending s. 97.052, F.S.; modifying uniform
11 statewide voter registration application;
12 amending s. 97.053, F.S.; amending the
13 standards for accepting the uniform statewide
14 voter registration application; creating s.
15 97.056, F.S.; providing that persons who
16 register to vote by mail must vote in person at
17 first election after registration; providing
18 exceptions; amending s. 97.071, F.S.; providing
19 that voter registration cards be mailed to the
20 legal residence address on the voter
21 registration form; providing exceptions;
22 creating s. 98.0975, F.S.; providing periodic
23 list maintenance to the central voter file;
24 amending s. 98.461, F.S.; providing forms of
25 picture identification included on precinct
26 register; amending s. 98.471, F.S.; requiring
27 photo identification to vote at the polls;
28 providing an exception; amending s. 100.041,
29 F.S.; providing for the terms of charter county
30 commissioners; amending s. 101.5611, F.S.;
31 requiring a notice of penalties for voting

1 fraud be posted at each polling place; amending
2 s. 101.62, F.S.; restricting telephone requests
3 for absentee ballots; revising methods of
4 delivery of absentee ballots; amending s.
5 101.64, F.S.; revising the voter's certificate;
6 providing reasons for voting absentee;
7 requiring additional information from the voter
8 and the witness; creating s. 101.647, F.S.;
9 providing for the return of absentee ballots;
10 amending s. 101.65, F.S.; revising instructions
11 to absentee electors to conform; creating s.
12 101.657, F.S.; providing for in-person absentee
13 voting; creating s. 101.66, F.S.; requiring
14 absentee voters to personally mark their
15 ballot; providing exceptions; amending s.
16 101.665, F.S.; providing that supervisors of
17 elections and other specified persons may
18 administer oaths; amending s. 101.68, F.S.;
19 relating to canvassing of absentee ballots;
20 revising the requirements for legal ballots;
21 requiring the supervisor of elections to notify
22 certain absent electors whose ballots are
23 rejected; creating s. 101.685, F.S.; providing
24 for designation of absentee ballot coordinators
25 to witness absentee ballots; amending s.
26 102.012, F.S.; providing that persons who are
27 preregistered to vote may serve on election
28 boards; amending s. 104.012, F.S.; increasing
29 the penalty for paying someone to register,
30 interfering with registration, paying someone
31 to solicit registrations on a contingent fee

1 basis, or altering a voter registration;
2 amending s. 104.013, F.S.; increasing the
3 penalty for unauthorized use, possession, or
4 destruction of a voter registration
5 identification card; amending s. 104.045, F.S.;
6 increasing the penalty for vote selling;
7 creating s. 104.47, F.S.; providing penalties
8 for offenses relating to absentee ballots and
9 voting; amending s. 104.051, F.S.; increasing
10 the penalty for an election official
11 interfering with voting; amending s. 104.0515,
12 F.S.; increasing the penalty for deprivation of
13 voting rights; amending s. 104.061; increasing
14 the penalty for corruptly influencing voting;
15 amending s. 104.081, F.S.; increasing the
16 penalty for employers who threaten employees
17 regarding voting; amending s. 104.24, F.S.;
18 increasing the penalty for using a false name
19 in connection with voting; amending s. 104.42,
20 F.S.; authorizing supervisors of elections to
21 investigate fraud in registration and voting;
22 amending s. 117.05, F.S.; providing that a
23 notary may not charge a fee for witnessing an
24 absentee ballot and may not refuse to witness
25 an absentee ballot; amending ss. 106.25,
26 106.26, 106.265, 106.27, F.S.; authorizing the
27 Florida Elections Commission to investigate
28 violations of chapter 104, F.S.; providing
29 procedures; providing a time period for filing
30 complaints with the commission; providing for
31 civil penalties; amending s. 196.141, F.S.;

1 requiring property appraiser examine the
2 homestead exemption of persons referred by the
3 supervisor of elections to determine lawfulness
4 and to initiate procedures to terminate the
5 exemption and assess back taxes if appropriate;
6 providing an appropriation; providing an
7 effective date.

8
9 Be It Enacted by the Legislature of the State of Florida:

10

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

13 97.012 Secretary of State as chief election
14 officer.--The Secretary of State is the chief election officer
15 of the state, and it is his or her responsibility to:

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

18 Section 2. Subsection (11) is added to section 98.015,
19 Florida Statutes, to read:

20 98.015 Supervisor of elections; election, tenure of
21 office, compensation, custody of books, office hours,
22 successor, seal; appointment of deputy supervisors; duties.--

23 (11) Each supervisor of elections shall forward, to
24 the property appraiser for the county in which the homestead
25 is claimed, the name of the person and the address of the
26 homestead of each person who registers to vote at an address
27 other than that at which the person claims a homestead
28 exemption, as disclosed on the uniform statewide voter
29 registration application pursuant to s. 97.052.

30 Section 3. Subsection (1) of section 97.021, Florida
31 Statutes, is amended to read:

1 97.021 Definitions.--For the purposes of this code,
2 except where the context clearly indicates otherwise, the
3 term:

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

7 (a) Is unable without another's assistance to attend
8 the polls.

9 (b) Is an inspector, a poll worker, a deputy voting
10 machine custodian, a deputy sheriff, a supervisor of
11 elections, or a deputy supervisor who is assigned to a
12 different precinct than that in which he or she is registered
13 to vote.

14 (c) On account of the tenets of his or her religion,
15 cannot attend the polls on the day of the general, special, or
16 primary election.

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

20 (e) Has changed his or her residency to another county
21 in this state within the time period during which the
22 registration books are closed for the election for which the
23 ballot is requested.

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

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

30 97.052 Uniform statewide voter registration
31 application.--

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

4 (a) Full name.

5 (b) Date of birth.

6 (c) Address of legal residence.

7 (d) Mailing address, if different.

8 (e) County of legal residence.

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

11 (g)~~(f)~~ Race or ethnicity that best describes the
12 applicant:

13 1. American Indian or Alaskan Native.

14 2. Asian or Pacific Islander.

15 3. Black, not Hispanic.

16 4. White, not Hispanic.

17 5. Hispanic.

18 (h)~~(g)~~ Sex.

19 (i)~~(h)~~ Party affiliation.

20 (j)~~(i)~~ Whether the applicant needs assistance in
21 voting.

22 (k)~~(j)~~ Name and address where last registered.

23 (l)~~(k)~~ Last four digits of the applicant's social
24 security number~~(optional)~~.

25 (m) Florida Driver's license number or the
26 identification number from a Florida identification card
27 issued under s. 322.051.

28 (n)~~(l)~~ Telephone number (optional).

29 (o)~~(m)~~ Signature of applicant under penalty for false
30 swearing pursuant to s. 104.011, by which the person
31 subscribes to the oath required by s. 3, Art. VI of the State

1 Constitution and s. 97.051, and swears or affirms that the
2 information contained in the registration application is true.

3 (p)~~(n)~~ Whether the application is being used for
4 initial registration, to update a voter registration record,
5 or to request a replacement registration identification card.

6 (q)~~(o)~~ Whether the applicant is a citizen of the
7 United States.

8 (r)~~(p)~~ That the applicant has not been convicted of a
9 felony or, if convicted, has had his or her civil rights
10 restored.

11 (s)~~(q)~~ That the applicant has not been adjudicated
12 mentally incapacitated with respect to voting or, if so
13 adjudicated, has had his or her right to vote restored.

14

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

20 (3) The uniform statewide voter registration
21 application must also contain:

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

24 (b) A statement specifying each eligibility
25 requirement under s. 97.041.

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

28 ~~(d) A statement that the disclosure of a social~~
29 ~~security number is voluntary, a citation of the statutory~~
30 ~~authority under which the social security number is being~~
31 ~~solicited, a delineation of the uses that will be made of the~~

1 ~~social security number, and a notice that the social security~~
2 ~~number will be open to public inspection.~~

3 (d)~~(e)~~ A statement that, if an applicant declines to
4 register to vote, the fact that the applicant has declined to
5 register will remain confidential and may be used only for
6 voter registration purposes.

7 (e)~~(f)~~ A statement that informs the applicant who
8 chooses to register to vote or update a voter registration
9 record that the office at which the applicant submits a voter
10 registration application or updates a voter registration
11 record will remain confidential and may be used only for voter
12 registration purposes.

13 (f) A statement that informs the applicant that any
14 person who has been granted a homestead exemption in this
15 state, and who registers to vote in any precinct other than
16 the one in which the property for which the homestead
17 exemption has been granted, shall have that information
18 forwarded to the property appraiser where such property is
19 located, which may result in the person's homestead exemption
20 being terminated and the person being subject to assessment of
21 back taxes under s. 193.092, unless the homestead granted the
22 exemption is being maintained as the permanent residence of a
23 legal or natural dependent of the owner and the owner resides
24 elsewhere.

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

27 97.053 Acceptance of voter registration
28 applications.--

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

31 1. The applicant's name.

1 2. The applicant's legal residence address.

2 3. The applicant's date of birth.

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

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

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

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

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

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

24 Section 6. Effective July 1, 1999, section 97.056,
25 Florida Statutes, is created to read:

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

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

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

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

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

12 Section 7. Present subsections (2) and (3) of section
13 97.071, Florida Statutes, are redesignated as subsections (3)
14 and (4), respectively, and a new subsection (2) is added to
15 that section to read:

16 97.071 Registration identification card.--

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

1 approved by the Department of State. If the elector fails to
2 furnish the required identification, or if the supervisor has
3 doubts as to the identity of the elector, the supervisor must
4 require the elector to swear an oath substantially similar to
5 the one prescribed in s. 101.49 prior to surrendering the
6 identification card. The supervisor must keep the
7 identification card on file for 45 days following return of
8 the card as undeliverable.

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

12 Section 8. Effective upon this act becoming a law,
13 section 98.0975, Florida Statutes, is created to read:

14 98.0975 Central voter file; periodic list
15 maintenance.--

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

22 (a) Is deceased;

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

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

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

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1 (3)(a) In order to meet its obligations under this
2 section, the division shall annually contract with a private
3 entity to compare information in the central voter file with
4 available information in other computer databases, including,
5 without limitation, databases containing reliable criminal
6 records and records of deceased persons.

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

14 (4) Upon receiving the list from the division, the
15 supervisor must attempt to verify the information provided. If
16 the supervisor does not determine that the information
17 provided by the division is incorrect, the supervisor must
18 remove from the registration books by the next subsequent
19 election the name of any person who is deceased, convicted of
20 a felony, or adjudicated mentally incapacitated with respect
21 to voting.

22 Section 9. Effective upon this act becoming a law,
23 section 98.461, Florida Statutes, is amended to read:

24 98.461 Registration form, precinct register;
25 contents.--A registration form, approved by the Department of
26 State, containing the information required in s. 97.052 shall
27 be filed alphabetically in the office of the supervisor as the
28 master list of electors of the county. However, the
29 registration forms may be microfilmed and such microfilms
30 substituted for the original registration forms; or, when
31 voter registration information, including the voter's

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

1 Section 10. Effective upon this act becoming a law,
2 section 98.471, Florida Statutes, is amended to read:

3 98.471 Use of precinct register at polls.--The
4 precinct register, as prescribed in s. 98.461, may be used at
5 the polls in lieu of the registration books for the purpose of
6 identifying the elector at the polls prior to allowing him or
7 her to vote. The clerk or inspector shall require each
8 elector, upon entering the polling place, to present a Florida
9 driver's license, a Florida identification card issued under
10 s. 322.051, or another form of picture identification ~~one of~~
11 ~~the forms of identification which are on the list of forms~~
12 ~~approved by the Department of State pursuant to s. 98.461.~~
13 The elector shall sign his or her name in the space provided,
14 and the clerk or inspector shall compare the signature with
15 that on the identification provided by the elector and enter
16 his or her initials in the space provided and allow the
17 elector to vote if the clerk or inspector is satisfied as to
18 the identity of the elector. If the elector fails to furnish
19 the required identification, or if the clerk or inspector is
20 in doubt as to the identity of the elector, such clerk or
21 inspector shall follow the procedure prescribed in s. 101.49.
22 The precinct register may also contain the information set
23 forth in s. 101.47(8) and, if so, the inspector shall follow
24 the procedure required in s. 101.47, except that the
25 identification provided by the elector shall be used for the
26 signature comparison.

27 Section 11. Effective upon becoming law, subsection
28 (2) of section 100.041, Florida Statutes, is amended to read:

29 100.041 Officers chosen at general election.--

30 (2)(a) Each county commissioner from an odd-numbered
31 district shall be elected at the general election in each year

1 the number of which is a multiple of 4, for a 4-year term
2 commencing on the second Tuesday following such election, and
3 each county commissioner from an even-numbered district shall
4 be elected at the general election in each even-numbered year
5 the number of which is not a multiple of 4, for a 4-year term
6 commencing on the second Tuesday following such election.

7 (b) Notwithstanding paragraph (a), the governing board
8 of a charter county may provide by ordinance, to be approved
9 by referendum, that the terms of its members shall commence on
10 a date later than the second Tuesday following general
11 elections, but in any case the date of commencement shall be
12 uniform for all members and shall be no later than the first
13 Tuesday after the first Monday in January following each
14 member's election.

15 Section 12. Subsection (3) is added to section
16 101.5611, Florida Statutes, to read:

17 101.5611 Instructions to electors.--

18 (3) The supervisor of elections shall have posted at
19 each polling place a notice that reads: "A person who commits
20 or attempts to commit any fraud in connection with voting,
21 votes a fraudulent ballot, or votes more than once in an
22 election can be convicted of a felony of the third degree and
23 fined up to \$5,000 and/or imprisoned for up to 5 years."

24 Section 13. Effective upon this act becoming a law,
25 subsections (1) and (4) of section 101.62, Florida Statutes,
26 are amended to read:

27 101.62 Request for absentee ballots.--

28 (1)(a) The supervisor may accept a request for an
29 absentee ballot from an elector in person or in writing.~~or~~
30 ~~for an elector from any person designated by such elector.~~
31 ~~Such request may be made in person, by mail, or by telephone.~~

1 One request shall be deemed sufficient to receive an absentee
2 ballot for all elections which are held within a calendar
3 year, unless the elector or the elector's designee indicates
4 at the time the request is made the elections for which the
5 elector desires to receive an absentee ballot. Such request
6 may be considered canceled when any first-class mail sent by
7 the supervisor to the elector is returned as undeliverable.

8 (b) The supervisor may accept a written or telephonic
9 request for an absentee ballot from the elector, or, if
10 directly instructed by the elector, a member of the elector's
11 immediate family, or the elector's legal guardian. For
12 purposes of this section, the term "immediate family" has the
13 same meaning as specified in paragraph (4)(b). The person
14 making the request must disclose:

- 15 1. The name of the elector for whom the ballot is
16 requested;
- 17 2. The elector's address;
- 18 3. The last four digits of the elector's social
19 security number;
- 20 4. The registration number on the elector's
21 registration identification card;
- 22 5. The requester's name;
- 23 6. The requester's address;
- 24 7. The requester's social security number and, if
25 available, driver's license number;
- 26 8. The requester's relationship to the elector; and
27 9. The requester's signature (written requests only).

28 (4)(a) To each absent qualified elector overseas who
29 has requested an absentee ballot, the supervisor of elections
30 shall, not fewer than 35 days before the first primary
31 election, mail an absentee ballot. Not fewer than 45 days

1 before the second primary and general election, the supervisor
2 of elections shall mail an advance absentee ballot to those
3 persons requesting ballots for such elections. The advance
4 absentee ballot for the second primary shall be the same as
5 the first primary absentee ballot as to the names of
6 candidates, except that for any offices where there are only
7 two candidates, those offices and all political party
8 executive committee offices shall be omitted. The advance
9 absentee ballot for the general election shall be as specified
10 in s. 101.151, except that in the case of candidates of
11 political parties where nominations were not made in the first
12 primary, the names of the candidates placing first and second
13 in the first primary election shall be printed on the advance
14 absentee ballot. The advance absentee ballot or advance
15 absentee ballot information booklet shall be of a different
16 color for each election and also a different color from the
17 absentee ballots for the first primary, second primary, and
18 general election. The supervisor shall mail an advance
19 absentee ballot for the second primary and general election to
20 each qualified absent elector for whom a request is received
21 until the absentee ballots are printed. The supervisor shall
22 enclose with the advance second primary absentee ballot and
23 advance general election absentee ballot an explanation
24 stating that the absentee ballot for the election will be
25 mailed as soon as it is printed; and, if both the advance
26 absentee ballot and the absentee ballot for the election are
27 returned in time to be counted, only the absentee ballot will
28 be counted.

29 (b) As soon as the remainder of the absentee ballots
30 are printed, the supervisor shall provide ~~deliver or mail~~ an
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1 absentee ballot to each elector by whom a request for that
2 ballot has been made by one of the following means:-
3 1. By nonforwardable, return-if-undeliverable mail to
4 the elector's current mailing address on file with the
5 supervisor, unless the elector specifies in the request that:
6 a. The elector is absent from the county and does not
7 plan to return before the day of the election;
8 b. The elector is temporarily unable to occupy the
9 residence because of hurricane, tornado, flood, fire, or other
10 emergency or natural disaster; or
11 c. The elector is in a hospital, assisted-living
12 facility, nursing home, short-term medical or rehabilitation
13 facility, or correctional facility,
14
15 in which case the supervisor shall mail the ballot
16 nonforwardable, return-if-undeliverable mail to any other
17 address the elector specifies in the request.
18 2. By forwardable mail to voters who are entitled to
19 vote by absentee ballot under the Uniformed and Overseas
20 Citizens Voting Act.
21 3. By personal delivery to the elector, upon
22 presentation of the identification required in s. 101.657.
23 4. By delivery to a designee on election day or up to
24 4 days prior to the day of an election.Any elector may
25 designate in writing a person to pick up the ballot for the
26 elector; however, the person designated may not pick up more
27 than two absentee ballots per election, other than the
28 designee's own ballot, except that additional ballots may be
29 picked up for members of the designee's immediate family. For
30 purposes of this section, "immediate family" means the
31 designee's spouse or the parent, child, grandparent, or

1 sibling of the designee or of the designee's spouse. The
2 designee shall provide to the supervisor the written
3 authorization by the elector and a picture identification of
4 the designee and must complete an affidavit. The designee
5 shall state in the affidavit that the designee is authorized
6 by the elector to pick up that ballot and shall indicate if
7 the elector is a member of the designee's immediate family
8 and, if so, the relationship. The department shall prescribe
9 the form of the affidavit. If the supervisor is satisfied that
10 the designee is authorized to pick up the ballot and that the
11 signature of the elector on the written authorization matches
12 the signature of the elector on file, the supervisor shall
13 give the ballot to that designee for delivery to the elector.

14 Section 14. Subsection (1) of section 101.64, Florida
15 Statutes, is amended to read:

16 101.64 Delivery of absentee ballots; envelopes;
17 form.--

18 (1) The supervisor shall enclose with each absentee
19 ballot two envelopes: a secrecy envelope, into which the
20 absent elector shall enclose his or her marked ballot; and a
21 mailing envelope, into which the absent elector shall then
22 place the secrecy envelope, which shall be addressed to the
23 supervisor and also bear on the back side a certificate in
24 substantially the following form:

25

26 Note: Please Read Instructions Carefully Before
27 Marking Ballot and Completing Voter's Certificate.

28 VOTER'S CERTIFICATE

29 I, . . . , am a qualified and registered voter of . . .
30 County, Florida. I understand that if I commit or attempt to
31 commit any fraud in connection with voting, vote a fraudulent

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...(Last four digits of voter's social security number)...

Note: Your Signature Must Be Witnessed By Either:

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

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

...(Signature of Official)...

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

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

Personally Known OR Produced Identification

Type of Identification Produced.....

OR

b. One Witness, who is a registered voter in the State.

I swear or affirm that the voter signed this Voter's Certificate in my presence and that, unless certified as an absentee ballot coordinator, I have not witnessed more than 5 ballots for this election.

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WITNESS:

...(Signature of Witness)...

...(Printed Name of Witness)...

...(Voter I.D. Number of Witness and County of
Registration)...

...(Address)...

...(City/State)...

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

~~VOTER'S CERTIFICATE~~

~~I, ...(print name)..., do solemnly swear or affirm that
I am a qualified elector in this election, that I am unable to
attend the polls on election day, and that I have not and will
not vote more than one ballot in this election. I understand
that failure to sign this certificate and have my signature
witnessed will invalidate my ballot.~~

~~...(Voter's Signature)...~~

~~Note: Your Signature Must Be Witnessed By One Witness 18
Years of Age or Older as provided in Item 7. of the
Instruction Sheet.~~

~~I swear or affirm that the elector signed this Voter's
Certificate in my presence.~~

~~...(Signature of Witness)...~~

~~...(Address)...~~

~~...(City/State)...~~

1 Section 15. Section 101.647, Florida Statutes, is
2 created to read:

3 101.647 Return of absentee ballots.--

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

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

19 Section 16. Section 101.65, Florida Statutes, is
20 amended to read:

21 101.65 Instructions to absent electors.--The
22 supervisor shall enclose with each absentee ballot separate
23 printed instructions in substantially the following form:

24
25 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

31

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), place the last four digits of your
14 Social Security number in the space provided, and your ballot
15 must be witnessed in either of the following manners:—”

16 a. One witness, who is a registered voter in the
17 state, must affix his or her signature, printed name, address,
18 voter identification number, and county of registration on the
19 voter's certificate. Each witness is limited to witnessing
20 five ballots per election unless certified as an absentee
21 ballot coordinator. A candidate may not serve as an attesting
22 witness.

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

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

31

1 ~~7.8.~~ Mail, deliver, or have delivered the completed
2 mailing envelope. Be sure there is sufficient postage if
3 mailed.

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

10 Section 17. Section 101.657, Florida Statutes, is
11 created to read:

12 101.657 Voting absentee ballots in
13 person.--Notwithstanding s. 97.021(1), any qualified and
14 registered elector who is unable to attend the polls on
15 election day may pick up and vote an absentee ballot in person
16 at the office of, and under the supervision of, the supervisor
17 of elections. Before receiving the ballot, the elector must
18 present a Florida driver's license, a Florida identification
19 card issued under s. 322.051, or another form of picture
20 identification approved by the Department of State. If the
21 elector fails to furnish the required identification, or if
22 the supervisor is in doubt as to the identity of the elector,
23 the supervisor must follow the procedure prescribed in s.
24 101.49.

25 Section 18. Effective upon this act becoming a law,
26 section 101.66, Florida Statutes, is created to read:

27 101.66 Voting absentee ballots.--All electors must
28 personally mark or designate their choices on the absentee
29 ballot, except:

30 (1) Electors who require assistance to vote because of
31 blindness, disability, or inability to read or write, who may

1 have some person of the elector's choice, other than the
2 elector's employer, an agent of the employer, or an officer or
3 agent of the elector's union, mark the elector's choices or
4 assist the elector in marking his or her choices on the
5 ballot.

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

7 Section 19. Section 101.665, Florida Statutes, is
8 amended to read:

9 101.665 Administration of oaths; military personnel,
10 federal employees, and other absentee registrants.--For the
11 purposes of this code, oaths may be administered and attested
12 by any commissioned officer in the active service of the Armed
13 Forces, any member of the Merchant Marine of the United States
14 designated for this purpose by the Secretary of Commerce, any
15 civilian official empowered by state or federal law to
16 administer oaths, any supervisor of elections, deputy
17 supervisor of elections, or employee of the supervisor of
18 elections when designated by the supervisor of elections,or
19 any civilian employee designated by the head of any department
20 or agency of the United States, except when this code requires
21 an oath to be administered and attested by another official
22 specifically named.

23 Section 20. Section 101.68, Florida Statutes, is
24 amended to read:

25 101.68 Canvassing of absentee ballot.--

26 (1) The supervisor of the county where the absent
27 elector resides shall receive the voted ballot, at which time
28 the supervisor may compare the signature of the elector on the
29 voter's certificate with the signature of the elector in the
30 registration books to determine whether the elector is duly
31 registered in the county and may record on the elector's

1 registration certificate that the elector has voted. The
2 supervisor shall safely keep the ballot unopened in his or her
3 office until the county canvassing board canvasses the vote.

4 (2)(a) The county canvassing board may begin the
5 canvassing of absentee ballots at 7 a.m. on the fourth day
6 before the election, but not later than noon on the day
7 following the election. In addition, for any county using
8 electronic tabulating equipment, the processing of absentee
9 ballots through such tabulating equipment may begin upon the
10 opening of the polls on election day. However,
11 notwithstanding any such authorization to begin canvassing or
12 otherwise processing absentee ballots early, no result or
13 tabulation of absentee ballots shall be made until after the
14 close of the polls on election day.

15 (b) To ensure that all absentee ballots to be counted
16 by the canvassing board are accounted for, the canvassing
17 board shall compare the number of ballots in its possession
18 with the number of requests for ballots received to be counted
19 according to the supervisor's file or list.

20 (c)1. The canvassing board shall, if the supervisor
21 has not already done so, compare the signature of the elector
22 on the voter's certificate with the signature of the elector
23 in the registration books to see that the elector is duly
24 registered in the county and to determine the legality of that
25 absentee ballot. An absentee ballot shall be considered
26 illegal if it does not include the signature and the last four
27 digits of the social security number of the elector, as shown
28 by the registration records, and either:

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

31

1 b. The signature, printed name, address, voter
2 identification number, and county of registration of one
3 attesting witness, who is a registered voter in the state.~~the~~
4 ~~signature and address of an attesting witness.~~

5
6 However, an absentee ballot shall not be considered illegal if
7 the signature of the elector or attesting witness does not
8 cross the seal of the mailing envelope or if the person
9 witnessing the ballot is in violation of s. 104.047(3). If the
10 canvassing board determines that any ballot is illegal, a
11 member of the board shall, without opening the envelope, mark
12 across the face of the envelope: "rejected as illegal." The
13 envelope and the ballot contained therein shall be preserved
14 in the manner that official ballots voted are preserved.

15 2. If any elector or candidate present believes that
16 an absentee ballot is illegal due to a defect apparent on the
17 voter's certificate, he or she may, at any time before the
18 ballot is removed from the envelope, file with the canvassing
19 board a protest against the canvass of that ballot, specifying
20 the precinct, the ballot, and the reason he or she believes
21 the ballot to be illegal. A challenge based upon a defect in
22 the voter's certificate may not be accepted after the ballot
23 has been removed from the mailing envelope.

24 (d) The canvassing board shall record the ballot upon
25 the proper record, unless the ballot has been previously
26 recorded by the supervisor. The mailing envelopes shall be
27 opened and the secrecy envelopes shall be mixed so as to make
28 it impossible to determine which secrecy envelope came out of
29 which signed mailing envelope; however, in any county in which
30 an electronic or electromechanical voting system is used, the
31 ballots may be sorted by ballot styles and the mailing

1 envelopes may be opened and the secrecy envelopes mixed
2 separately for each ballot style. The votes on absentee
3 ballots shall be included in the total vote of the county.

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

8 (4) The supervisor of elections shall, on behalf of
9 the county canvassing board, notify each elector whose ballot
10 was rejected as illegal because of a difference between the
11 elector's signature on the ballot and that on the elector's
12 voter registration record. The supervisor shall mail a voter
13 registration application to the elector to be completed
14 indicating the elector's current signature. This section does
15 not prohibit the supervisor from providing additional methods
16 for updating an elector's signature.

17 Section 21. Section 101.685, Florida Statutes, is
18 created to read:

19 101.685 Absentee ballot coordinators.--

20 (1)(a) At least 28 days before a general or special
21 election, the state executive committee of any political party
22 having a candidate on the ballot may submit to the division a
23 list of persons to be absentee ballot coordinators. Each
24 state executive committee may designate a number of absentee
25 ballot coordinators equal to the number of state Senate
26 districts. However, for a special election for state senator
27 or member of the House of Representatives, each state
28 executive committee may designate no more than 10 absentee
29 ballot coordinators. Absentee ballot coordinators may not be
30 designated for primary elections or for elections involving
31 only municipal or nonpartisan candidates.

1 **(b) The Division of Elections shall investigate the**
2 **criminal background of each designee. Any designee who has**
3 **been convicted of a crime relating to elections shall not be**
4 **certified as an absentee ballot coordinator, and the division**
5 **shall so notify the designee and the appropriate political**
6 **party.**

7 **(2) The list must contain the full name, address and**
8 **Florida voter registration number of each absentee ballot**
9 **coordinator.**

10 **(3) An absentee ballot coordinator must submit to the**
11 **political party the information required in subsection (2) and**
12 **an affidavit from the absentee ballot coordinator that he or**
13 **she has read and understands chapter 104.**

14 **(4) Certification of an individual as an absentee**
15 **ballot coordinator under this section is valid until the polls**
16 **close on the day of the election for which the coordinator is**
17 **designated, and the state executive committee of a political**
18 **party submitting a list of absentee ballot coordinators under**
19 **this section must maintain the records required in subsection**
20 **(3) for 2 years.**

21 **(5) Notwithstanding any other provision of this**
22 **chapter, an absentee ballot coordinator may witness an**
23 **unlimited number of absentee ballots in the general or special**
24 **election for which designated.**

25 Section 22. Subsection (2) of section 102.012, Florida
26 Statutes, is amended to read:

27 102.012 Inspectors and clerks to conduct elections.--

28 (2) Each member of the election board shall be able to
29 read and write the English language and shall be a registered
30 qualified elector of the county in which the member is
31 appointed or a person who has preregistered to vote, pursuant

1 to s. 97.041(1)(b), in the county in which the member is
2 appointed. No election board shall be composed solely of
3 members of one political party; however, in any primary in
4 which only one party has candidates appearing on the ballot,
5 all clerks and inspectors may be of that party. Any person
6 whose name appears as an opposed candidate for any office
7 shall not be eligible to serve on an election board.

8 Section 23. Section 104.012, Florida Statutes, is
9 amended to read:

10 104.012 Consideration for registration; interference
11 with registration; soliciting registrations for compensation;
12 alteration of registration application.--

13 (1) Any person who gives anything of value that is
14 redeemable in cash to any person in consideration for his or
15 her becoming a registered voter commits a felony ~~misdemeanor~~
16 of the third ~~first~~ degree, punishable as provided in s.
17 775.082, or s. 775.083, or s. 775.084. This section shall not
18 be interpreted, however, to exclude such services as
19 transportation to the place of registration or baby-sitting in
20 connection with the absence of an elector from home for
21 registering.

22 (2) A person who by bribery, menace, threat, or other
23 corruption, directly or indirectly, influences, deceives, or
24 deters or attempts to influence, deceive, or deter any person
25 in the free exercise of that person's right to register to
26 vote at any time, upon the first conviction, commits a felony
27 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided
28 in s. 775.082, or s. 775.083, or s. 775.084, and, upon any
29 subsequent conviction, commits a felony of the second ~~third~~
30 degree, punishable as provided in s. 775.082, s. 775.083, or
31 s. 775.084.

1 (3) A person may not solicit or pay another person to
2 solicit voter registrations for compensation that is based
3 upon the number of registrations obtained. A person who
4 violates the provisions of this subsection commits a felony
5 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided
6 in s. 775.082, or s. 775.083, or s. 775.084.

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

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

14 104.013 Unauthorized use, possession, or destruction
15 of voter registration identification card.--

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

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

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

28 (4) Any person who violates any of the provisions of
29 this section commits a felony ~~misdemeanor~~ of the third ~~first~~
30 degree, punishable as provided in s. 775.082, or s. 775.083,
31 or s. 775.084.

1 Section 25. Section 104.045, Florida Statutes, is
2 amended to read:

3 104.045 Vote selling.--Any person who:

4 (1) Corruptly offers to vote for or against, or to
5 refrain from voting for or against, any candidate in any
6 election in return for pecuniary or other benefit; or

7 (2) Accepts a pecuniary or other benefit in exchange
8 for a promise to vote for or against, or to refrain from
9 voting for or against, any candidate in any election,

10
11 is guilty of a felony ~~misdemeanor~~ of the third ~~first~~ degree,
12 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
13 775.084.

14 Section 26. Section 104.047, Florida Statutes, is
15 created to read:

16 104.047 Absentee voting.--

17 (1) Any person who provides or offers to provide, and
18 any person who accepts, a pecuniary or other benefit in
19 exchange for distributing, ordering, requesting, collecting,
20 delivering, or otherwise physically possessing absentee
21 ballots, except as provided in ss. 101.6105-101.694, is guilty
22 of a felony of the third degree, punishable as provided in s.
23 775.082, s. 775.083, or s. 775.084.

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

28 (3) Any person, other than a notary or other officer
29 entitled to administer oaths or an absentee ballot coordinator
30 as provided by s. 101.685, who witnesses more than 5 ballots
31 in any single election, is guilty of a misdemeanor of the

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

3 (4) Any person who marks or designates a choice on the
4 ballot of another person, except as provided in s. 101.051, s.
5 101.655, or s. 101.66, is guilty of a felony of the third
6 degree, punishable as provided in s. 775.082, s. 775.083, or
7 s. 775.084.

8 (5) Any person who returns more than 2 absentee
9 ballots to the supervisors of elections in violation of s.
10 101.647 is guilty of a misdemeanor of the first degree,
11 punishable as provided in s. 775.082 or s. 775.083.

12 Section 27. Subsection (4) of section 104.051, Florida
13 Statutes, is amended to read:

14 104.051 Violations; neglect of duty; corrupt
15 practices.--

16 (4) Any supervisor, deputy supervisor, or election
17 employee who attempts to influence or interfere with any
18 elector voting a ballot commits ~~is guilty of a felony~~
19 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided
20 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084.

21 Section 28. Section 104.0515, Florida Statutes, is
22 amended to read:

23 104.0515 Voting rights; deprivation of, or
24 interference with, prohibited; penalty.--

25 (1) All citizens of this state who are otherwise
26 qualified by law to vote at any election by the people in this
27 state or in any district, county, city, town, municipality,
28 school district, or other subdivision of this state shall be
29 entitled and allowed to vote at all such elections without
30 distinction according to race, color, or previous condition of
31

1 servitude, notwithstanding any law, ordinance, regulation,
2 custom, or usage to the contrary.

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

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

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

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

28 (4) No voting qualification or prerequisite to voting,
29 and no standard, practice, or procedure, shall be imposed or
30 applied by any political subdivision of this state to deny or
31

1 abridge the right of any citizen to vote on account of race or
2 color.

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

7 Section 29. Subsection (1) of section 104.061, Florida
8 Statutes, is amended to read:

9 104.061 Corruptly influencing voting.--

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

20 Section 30. 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 31. 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 32. 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 33. 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 34. 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

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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.

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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 35. 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 36. 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 37. 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 38. Section 196.141, Florida Statutes, is
27 amended to read:

28 196.141 Homestead exemptions; duty of property
29 appraiser.--

30 (1) The property appraiser shall examine each claim
31 for exemption filed with or referred to him or her and shall

1 allow the same, if found to be in accordance with law, by
2 marking the same approved and by making the proper deductions
3 on the tax books.

4 (2) The property appraiser shall examine each
5 referral, of a person registering to vote at an address
6 different from the one where the person has filed for a
7 homestead exemption, which has been provided by a supervisor
8 of elections pursuant to s. 98.015. The property appraiser
9 shall initiate procedures to terminate a person's homestead
10 exemption and assess back taxes, if appropriate, if the person
11 claiming such exemption is not entitled to the exemption under
12 law.

13 Section 39. The sum of \$4 million is appropriated from
14 the General Revenue Fund to the Division of Elections of the
15 Department of State for the purpose of meeting its obligations
16 under this act.

17 Section 40. Except as otherwise expressly provided in
18 this act, this act shall take effect July 1, 1998.

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