

By the Committee on Election Reform and Representative  
Diaz de la Portilla

1                                   A bill to be entitled  
2           An act relating to elections; providing a short  
3           title that designates the act the "Truth in  
4           Voting Act of 1998"; amending s. 98.015, F.S.;  
5           providing that supervisors of elections shall  
6           provide information to property appraisers  
7           regarding homestead exemptions; requiring  
8           supervisors to provide for certain training in  
9           handwriting comparison; amending s. 97.052,  
10          F.S.; requiring certain information relating to  
11          homestead exemption and an applicant's social  
12          security number to be included in and elicited  
13          by the uniform statewide voter registration  
14          application; creating s. 98.0975, F.S.;  
15          providing for periodic list maintenance of the  
16          central voter file; requiring the Division of  
17          Elections to compare information in the central  
18          voter file with other computer databases for  
19          the sole purpose of determining voter  
20          eligibility; amending s. 98.471, F.S.;  
21          requiring photo identification of electors at  
22          the polls; amending ss. 101.045, 101.111,  
23          101.22, 101.47, 101.49 and 101.5608, F.S.,  
24          relating to various voting procedures at the  
25          polls, to conform; amending s. 101.5611, F.S.;  
26          requiring the posting of notice at polling  
27          places explaining penalties for certain crimes;  
28          amending s. 101.64, F.S.; revising the form of  
29          the voter's certificate to include a warning of  
30          the penalties for voting fraud, a warning of  
31          the penalties for false swearing, and a space

1 for witnesses to provide their full printed  
2 name and required identification type and  
3 number; amending s. 101.65, F.S.; providing  
4 that instructions to absentee voters include  
5 the requirement that witnesses provide their  
6 full printed name and the type and number of an  
7 authorized form of identification; specifying  
8 the authorized forms of identification in the  
9 instructions sent to absent electors; amending  
10 s. 101.68, F.S.; providing that an absentee  
11 ballot is illegal if it does not include the  
12 full printed name and type and number of an  
13 authorized form of identification of an  
14 attesting witness; requiring that supervisors  
15 of elections notify each elector whose ballot  
16 was rejected as illegal based on discrepancies  
17 in signatures; requiring supervisors of  
18 elections to request updated signatures;  
19 amending s. 163.511, F.S., relating to  
20 referenda on special neighborhood improvement  
21 districts; revising the form of the voter's  
22 certificate to include a warning of the  
23 penalties for voting fraud, a warning of the  
24 penalties for false swearing, and a space for  
25 witnesses to provide their full printed name  
26 and the type and number of an authorized form  
27 of identification; specifying the authorized  
28 forms of identification in the voter  
29 instructions; amending s. 102.012, F.S.;  
30 authorizing any person who is preregistered and  
31 otherwise qualified to be appointed and serve

1 as a member of an election board; amending s.  
2 104.012, F.S.; increasing the penalty for  
3 giving anything redeemable in cash in  
4 consideration for registration, for interfering  
5 with registration, for soliciting registration  
6 for compensation, and for altering a voter  
7 registration application; amending s. 104.013,  
8 F.S.; increasing the penalty for the  
9 unauthorized use, possession, or destruction of  
10 a voter registration identification card;  
11 creating s. 104.036, F.S.; providing a penalty  
12 for presenting fraudulent photo identification  
13 at the polls; amending s. 104.045, F.S.;  
14 increasing the penalty applicable for vote  
15 selling; creating s. 104.047, F.S.; providing  
16 penalties for offenses relating to absentee  
17 ballots and voting; amending s. 104.051, F.S.;  
18 changing the standard of proof for conviction  
19 of an election official or employee influencing  
20 or interfering with an elector voting a ballot  
21 and increasing the applicable penalty; amending  
22 s. 104.24, F.S.; increasing the penalty for  
23 fraudulently using a name other than one's own  
24 in any part of the election process or in  
25 voting; creating s. 104.45, F.S.; disqualifying  
26 candidates and public officers from holding  
27 office upon a finding of guilt for certain  
28 violations; creating s. 101.667, F.S.;  
29 providing for certification of certain absentee  
30 ballot witnesses; providing a penalty for undue  
31 influence or interference with an elector in

1 the process of voting by such a witness;  
2 amending s. 196.141, F.S.; providing that  
3 property appraisers shall review referrals from  
4 supervisors of elections in order to determine  
5 if homestead exemption is illegal; providing an  
6 appropriation; providing severability;  
7 providing effective dates.

8

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

10

11 Section 1. This act may be cited as the "Truth in  
12 Voting Act of 1998."

13

14 Section 2. Subsections (11) and (12) are added to  
15 section 98.015, Florida Statutes, to read:

16

17 98.015 Supervisor of elections; election, tenure of  
18 office, compensation, custody of books, office hours,  
19 successor, seal; appointment of deputy supervisors; duties.--

20

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

28

29 (12) Each supervisor must provide for adequate  
30 training in handwriting comparison for members of the county  
31 canvassing board and employees who verify signatures of  
voters.

32

33 Section 3. Subsections (2) and (3) of section 97.052,  
34 Florida Statutes, are amended to read:

35

1           97.052 Uniform statewide voter registration  
2 application.--  
3           (2) The uniform statewide voter registration  
4 application must be designed to elicit the following  
5 information from the applicant:  
6           (a) Full name.  
7           (b) Date of birth.  
8           (c) Address of legal residence.  
9           (d) Mailing address, if different.  
10          (e) County of legal residence.  
11          (f) Address of property for which the applicant has  
12 been granted a homestead exemption, if any.  
13          ~~(g)~~(f) Race or ethnicity that best describes the  
14 applicant:  
15           1. American Indian or Alaskan Native.  
16           2. Asian or Pacific Islander.  
17           3. Black, not Hispanic.  
18           4. White, not Hispanic.  
19           5. Hispanic.  
20          ~~(h)~~(g) Sex.  
21          ~~(i)~~(h) Party affiliation.  
22          ~~(j)~~(i) Whether the applicant needs assistance in  
23 voting.  
24          ~~(k)~~(j) Name and address where last registered.  
25          ~~(l)~~(k) Last four digits of the applicant's social  
26 security number~~(optional)~~.  
27          ~~(m)~~(l) Telephone number (optional).  
28          ~~(n)~~(m) Signature of applicant under penalty for false  
29 swearing pursuant to s. 104.011, by which the person  
30 subscribes to the oath required by s. 3, Art. VI of the State  
31

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

3 (o)~~(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 (p)~~(o)~~ Whether the applicant is a citizen of the  
7 United States.

8 (q)~~(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 (r)~~(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 shall be in plain language and designed  
16 so that convicted felons whose civil rights have been restored  
17 and persons who have been adjudicated mentally incapacitated  
18 and have had their voting rights restored are not required to  
19 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. 196.015, 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 4. Effective upon this act becoming a law,  
26 section 98.0975, Florida Statutes, is created to read:

27 98.0975 Central voter file; periodic list  
28 maintenance.--

29 (1) By August 1, 1998, the division shall provide to  
30 each county supervisor of elections a list containing the  
31 name, address, date of birth, race, gender, and any other

1 available identifying information of each person included in  
2 the central voter file as a registered voter in the  
3 supervisor's county who:

4 (a) Is deceased;

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

7 (c) Has been adjudicated mentally incompetent and  
8 whose mental capacity with respect to voting has not been  
9 restored.

10 (2) The division shall annually update the information  
11 required in subsection (1) and forward the updated list to  
12 each supervisor of elections by June 1 of each year.

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

19 (b) The entity contracted by the division is  
20 designated as an agent of the division for purposes of  
21 administering the contract and must be limited to seeking only  
22 that information which is necessary for the division to meet  
23 its obligations under this section. Information obtained under  
24 this section may not be used for any purpose other than  
25 determining voter eligibility.

26 (4) Upon receiving the list from the division, the  
27 supervisor must remove from the registration books by the next  
28 subsequent election the name of each person on the list who is  
29 deceased, convicted of a felony, or adjudicated mentally  
30 incapacitated with respect to voting.

31



1           Section 5. Section 98.471, Florida Statutes, is  
2 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 both a  
9 form of photo identification and one of the forms of  
10 identification which are on the list of forms approved by the  
11 Department of State pursuant to s. 98.461; however, if the  
12 form of identification authorized under s. 98.461 and  
13 presented at the polling place is also a form of photo  
14 identification, only that form of identification is required.  
15 After presenting such identification,the elector shall sign  
16 his or her name in the space provided, and the clerk or  
17 inspector shall compare the signature with that on the  
18 identification provided by the elector and enter his or her  
19 initials in the space provided and allow the elector to vote  
20 if the clerk or inspector is satisfied as to the identity of  
21 the elector. If the elector fails to furnish the required  
22 identification, or if the clerk or inspector is in doubt as to  
23 the identity of the elector, such clerk or inspector shall  
24 follow the procedure prescribed in s. 101.49. The precinct  
25 register may also contain the information set forth in s.  
26 101.47(8) and, if so, the inspector shall follow the procedure  
27 required in s. 101.47, except that the identification provided  
28 by the elector shall be used for the signature comparison.

29           Section 6. Subsection (2) of section 101.045, Florida  
30 Statutes, is amended to read:

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1           101.045 Electors must be registered in precinct;  
2 provisions for residence or name change.--

3           (2)(a) An elector who moves from the precinct within  
4 the county in which the elector is registered may be permitted  
5 to vote in the precinct to which he or she has moved his or  
6 her legal residence, provided such elector completes an  
7 affirmation in substantially the following form:

8

9                           Change of Legal Residence of Registered  
10   Voter

11

12 Under penalties for false swearing, I, ...(Name of voter)...,  
13 swear (or affirm) that the former address of my legal  
14 residence was ...(Address of legal residence)... in the  
15 municipality of ....., in .... County, Florida, and I was  
16 registered to vote in the .... precinct of .... County,  
17 Florida; that I have not voted in the precinct of my former  
18 registration in this election; that I now reside at  
19 ...(Address of legal residence)... in the Municipality of  
20 ....., in .... County, Florida, and am therefore eligible to  
21 vote in the .... precinct of .... County, Florida; and I  
22 further swear (or affirm) that I am otherwise legally  
23 registered and entitled to vote.

24

25           ...(Signature of voter whose address of legal residence has  
26 changed)...

27

28           (b) An elector whose name changes because of marriage  
29 or other legal process may be permitted to vote, provided such  
30 elector completes an affirmation in substantially the  
31 following form:

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Change of Name of Registered  
Voter

Under penalties for false swearing, I, ...(New name of voter)..., swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct .... as follows:

Name.....  
Address.....  
Municipality.....  
County.....  
Florida, Zip.....

My present name and address of legal residence are as follows:  
Name.....  
Address.....  
Municipality.....  
County.....  
Florida, Zip.....

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

...(Signature of voter whose name has changed)...

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, shall entitle such elector to vote as provided in this subsection, provided the elector has otherwise satisfied the identification requirements of s. 98.471. Upon receipt of an affirmation certifying a change in address of legal residence

1 or name, the supervisor shall as soon as practicable make the  
2 necessary changes in the registration records of the county to  
3 indicate the change in address of legal residence or name of  
4 such elector.

5 (d) Instead of the affirmation contained in paragraph  
6 (a) or paragraph (b), an elector may complete a voter  
7 registration application that indicates the change of name or  
8 change of address of legal residence.

9 (e) A request for an absentee ballot pursuant to s.  
10 101.62 which indicates that the elector has had a change of  
11 address of legal residence from that in the supervisor's  
12 records shall be sufficient as the notice to the supervisor of  
13 change of address of legal residence required by this section.  
14 Upon receipt of such request for an absentee ballot from an  
15 elector who has changed his or her address of legal residence,  
16 the supervisor shall provide the elector with the proper  
17 ballot for the precinct in which the elector then has his or  
18 her legal residence.

19 Section 7. Subsection (3) of section 101.111, Florida  
20 Statutes, is amended to read:

21 101.111 Person desiring to vote may be challenged;  
22 challenger to execute oath; oath of challenged elector;  
23 determination of challenge.--

24 (3) If the challenged person refuses to make and sign  
25 the affidavit, the clerk or inspector shall refuse to allow  
26 him or her to vote. If such person makes the affidavit, the  
27 inspectors and clerk of election shall compare the information  
28 in the affidavit with that entered on the registration books  
29 opposite the person's name, and, upon such comparison of the  
30 information and the person's signature, a comparison of the  
31 person's appearance with that on the photo identification

1 required by s. 98.471,and the taking of other evidence which  
2 may then be offered, the clerk and inspectors shall decide by  
3 a majority vote whether the challenged person may vote. If the  
4 challenged person is unable to write or sign his or her name,  
5 the clerk or inspector shall examine the precinct register to  
6 ascertain whether the person registered under the name of such  
7 person is represented to have signed his or her name. If the  
8 person is so represented, then he or she shall be denied  
9 permission to vote without further examination; but, if not,  
10 then the clerk or one of the inspectors shall place such  
11 person under oath and orally examine him or her upon the  
12 subject matter contained in the affidavit, and, if there is  
13 any doubt as to the identity of such person, the clerk or  
14 inspector shall compare the person's appearance with the image  
15 of the person on the photo identification required by s.  
16 98.471 and with the description of the person entered upon the  
17 precinct register opposite the person's name. The clerk or  
18 inspector shall then proceed as in other cases to determine  
19 whether the challenged person may vote.

20 Section 8. Section 101.22, Florida Statutes, is  
21 amended to read:

22 101.22 Voting procedure, paper ballots.--Before any  
23 paper ballot is delivered to an elector at the polls on  
24 election day, one of the inspectors shall affix his or her  
25 initials on the line provided on each of the two ballot stubs  
26 and the elector, after submitting the identification required  
27 by s. 98.471,shall sign his or her name on the line on the  
28 top stub, or, if the elector is unable to write, he or she  
29 shall sign his or her mark. The inspector shall compare the  
30 elector with the image of the elector on the photo  
31 identification provided by the elector and shall then compare

1 the signature on the ballot stub with the signature on the  
2 elector's registration and, if necessary, require other  
3 identification. If the inspector is reasonably sure that the  
4 person is entitled to vote, the inspector shall detach and  
5 retain the upper stub, and the elector shall go to the booth  
6 and mark his or her ballot and, after the elector has marked  
7 the ballot, he or she shall fold it so as to leave the stub  
8 remaining attached visible so that it can be detached without  
9 unfolding. The inspector shall compare it with the stub he or  
10 she retained and, if it is the ballot the inspector delivered  
11 to the elector, the inspector shall detach and retain the  
12 remaining stub, and the elector shall then deposit the folded  
13 ballot in the ballot box. But, if the marked ballot returned  
14 proves to be a different one from the one delivered to the  
15 elector, the inspector shall search the elector, and, if the  
16 original ballot is found on the elector's person, the  
17 inspector shall take possession of the ballot and discharge  
18 the elector from the polling place without permitting him or  
19 her to vote. An inspector of elections, where paper ballots  
20 are used, is clothed with such police power as is necessary to  
21 carry out the provisions of this section.

22 Section 9. Subsections (1) and (2) of section 101.47,  
23 Florida Statutes, are amended to read:

24 101.47 Requirements before elector enters voting  
25 machine booth.--

26 (1) Whenever voting machines are used, each elector  
27 desiring to vote shall identify himself or herself to the  
28 clerk or an inspector of the election as a duly qualified  
29 elector at such election by submitting the identification  
30 required by s. 98.471 and by signing his or her signature, in  
31

1 ink or indelible pencil, to an identification blank or slip  
2 which is in substantially the form provided by this code.

3 (2) The clerk or inspector shall compare the elector  
4 with the image of the elector on the photo identification  
5 provided by the elector, and, if satisfied that the person in  
6 the photo identification is the elector, the clerk or elector  
7 shall proceed to verify the signature of the elector on the  
8 identification slip.The clerk or inspector shall compare the  
9 signature with the signature of the elector upon the  
10 registration books, and, if satisfied that the signature is  
11 the same, the clerk or inspector then shall initial the slip  
12 in the place provided and the initials shall constitute an  
13 oath or affirmation of the fact stated by the clerk or  
14 inspector above his or her initials.

15 Section 10. Subsection (1) of section 101.49, Florida  
16 Statutes, is amended to read:

17 101.49 Procedure of election officers where photo  
18 identification is not conclusive or signatures differ.--

19 (1) Whenever any clerk or inspector, upon a just  
20 examination of the photo identification and a just comparison  
21 of the signature, doubts ~~shall doubt~~ that the person in the  
22 photo identification presented by an elector at the polls is  
23 that elector or that the handwriting affixed to a signature  
24 identification slip of any elector who presents himself or  
25 herself at the polls to vote is the same as the signature of  
26 the elector affixed in the registration book, the clerk or  
27 inspector shall deliver to the person an affidavit which shall  
28 be in substantially the following form:

29  
30 STATE OF FLORIDA,  
31 COUNTY OF .....

1 I do solemnly swear (or affirm) that my name is ....;  
2 that I am .... years old; that I was born in the State of  
3 ....; that I am registered to vote, and at the time I  
4 registered I resided on .... Street, in the municipality of  
5 ....., County of ....., State of Florida; that I am a qualified  
6 voter of the county and state aforesaid and have not voted in  
7 this election.

8 .....(Signature of voter)...

9 Sworn to and subscribed before me this .... day of  
10 ....., A. D. 19.....

11 .....(Clerk or inspector of election)...

12 Precinct No. ....

13 County of .....

14

15 Section 11. Subsection (1) of section 101.5608,  
16 Florida Statutes, is amended to read:

17 101.5608 Voting by electronic or electromechanical  
18 method; procedures.--

19 (1) Each elector desiring to vote shall be identified  
20 to the clerk or inspector of the election as a duly qualified  
21 elector of such election by submitting the identification  
22 required by s. 98.471 and shall then sign his or her name in  
23 ink or indelible pencil to an identification blank, signature  
24 slip, precinct register, or ballot stub on which the ballot  
25 serial number may be recorded. The inspector shall compare the  
26 elector with the image of the elector on the photo  
27 identification provided by the elector and shall then compare  
28 the signature on the identification blank, signature slip,  
29 precinct register, or ballot stub with the signature on the  
30 identification provided by the elector. If the inspector is  
31



1 reasonably sure that the person is entitled to vote, the  
2 inspector shall provide the person with a ballot.

3 Section 12. Subsection (3) is added to section  
4 101.5611, Florida Statutes, to read:

5 101.5611 Instructions to electors.--

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

12 Section 13. Subsection (1) of section 101.64, Florida  
13 Statutes, is amended to read:

14 101.64 Delivery of absentee ballots; envelopes;  
15 form.--

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

23  
24 Note: Please Read Instructions Carefully Before  
25 Marking Ballot and Completing Voter's Certificate.

26  
27 VOTER'S CERTIFICATE

28  
29 I, ...(print name)..., do solemnly swear or affirm that  
30 I am a qualified elector in this election, that I am unable to  
31 attend the polls on election day, and that I have not and will

1 not vote more than one ballot in this election. I understand  
2 that if I commit or attempt to commit any fraud in connection  
3 with voting, vote a fraudulent ballot, or vote more than once  
4 in an election, I can be convicted of a felony of the third  
5 degree and fined up to \$5,000 and/or imprisoned for up to 5  
6 years. I also understand that failure to sign this  
7 certificate and have my signature witnessed will invalidate my  
8 ballot.

9 ... (Voter's Signature) ...

10

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

14

15 I swear or affirm that the elector signed this Voter's  
16 Certificate in my presence. I understand that a person who  
17 willfully swears or affirms information that is false in  
18 connection with or arising out of voting or elections commits  
19 a felony of the third degree, which is punishable by a fine of  
20 up to \$5,000 and/or imprisonment for up to 5 years.

21

22 ... (Print Full Name of Witness) (Signature of Witness) ...

23 ... (Address) ... (City/State) ...

24

25 ... (Authorized identification type and number) ...

26

27 Section 14. Section 101.65, Florida Statutes, is  
28 amended to read:

29 101.65 Instructions to absent electors.--The  
30 supervisor shall enclose with each absentee ballot separate  
31 printed instructions in substantially the following form:

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READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

2. Mark your ballot in secret as instructed on the ballot.

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

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

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

6. VERY IMPORTANT. Sign your name on the line above "(Voter's Signature)."

7. VERY IMPORTANT. In order for your absentee ballot to be counted, it must include the full printed name, signature, and address, and type and number of an authorized form of identification of a witness 18 years of age or older affixed to the Voter's Certificate; however, no candidate may serve as an attesting witness. Authorized forms of identification are as follows:

a. A voter registration identification card issued by a supervisor of elections in this state;

b. An identification card or driver's license issued by the Department of Highway Safety and Motor Vehicles;

c. A passport issued by the Department of State of the United States; or

1           d. Any other form of identification approved by the  
2 Department of State as provided in s. 98.461.

3           8. Mail, deliver, or have delivered the completed  
4 mailing envelope. Be sure there is sufficient postage if  
5 mailed.

6           Section 15. Paragraph (c) of subsection (2) of section  
7 101.68, Florida Statutes, is amended, and subsection (4) is  
8 added to said section, to read:

9           101.68 Canvassing of absentee ballot.--

10           (2)

11           (c)1. The canvassing board shall, if the supervisor  
12 has not already done so, compare the signature of the elector  
13 on the voter's certificate with the signature of the elector  
14 in the registration books to see that the elector is duly  
15 registered in the county and to determine the legality of that  
16 absentee ballot. An absentee ballot shall be considered  
17 illegal if it does not include the signature of the elector,  
18 as shown by the registration records, and the full printed  
19 name, signature, and address, and type and number of an  
20 authorized form of identification of an attesting witness.  
21 However, an absentee ballot shall not be considered illegal if  
22 the signature of the elector or attesting witness does not  
23 cross the seal of the mailing envelope. If the canvassing  
24 board determines that any ballot is illegal, a member of the  
25 board shall, without opening the envelope, mark across the  
26 face of the envelope: "rejected as illegal." The envelope  
27 and the ballot contained therein shall be preserved in the  
28 manner that official ballots voted are preserved.

29           2. If any elector or candidate present believes that  
30 an absentee ballot is illegal due to a defect apparent on the  
31 voter's certificate, he or she may, at any time before the

1 ballot is removed from the envelope, file with the canvassing  
2 board a protest against the canvass of that ballot, specifying  
3 the precinct, the ballot, and the reason he or she believes  
4 the ballot to be illegal. A challenge based upon a defect in  
5 the voter's certificate may not be accepted after the ballot  
6 has been removed from the mailing envelope.

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

16 Section 16. Paragraph (a) of subsection (5) and  
17 subsection (6) of section 163.511, Florida Statutes, are  
18 amended to read:

19 163.511 Special neighborhood improvement districts;  
20 creation; referendum; board of directors; duration;  
21 extension.--

22 (5)(a) The city clerk or the supervisor of elections,  
23 whichever is appropriate, shall enclose with each ballot sent  
24 pursuant to this section two envelopes: a secrecy envelope,  
25 into which the elector or freeholder shall enclose the marked  
26 ballot; and a mailing envelope, into which the elector or  
27 freeholder shall then place the secrecy envelope, which shall  
28 be addressed to the city clerk or the supervisor of elections.  
29 The back side of the mailing envelope shall bear a certificate  
30 in substantially the following form:

31

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

3

4 VOTER'S CERTIFICATE

5

6 I, . . . . , am a duly qualified and registered ...(voter  
7 or freeholder, whichever is appropriate)... of the proposed  
8 ...(name)... ...(Special Residential or Business, whichever is  
9 appropriate)... Neighborhood Improvement District; and I am  
10 entitled to vote this ballot. I do solemnly swear or affirm  
11 that I have not and will not vote more than one ballot in this  
12 election. I understand that if I commit or attempt to commit  
13 any fraud in connection with voting, vote a fraudulent ballot,  
14 or vote more than once in an election, I can be convicted of a  
15 felony of the third degree and fined up to \$5,000 and/or  
16 imprisoned for up to 5 years. I also understand that failure  
17 to sign this certificate and have my signature witnessed will  
18 invalidate my ballot.

19

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

20

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

24

25 I swear or affirm that the elector signed this Voter's  
26 Certificate in my presence. I understand that a person who  
27 willfully swears or affirms information that is false in  
28 connection with or arising out of voting or elections commits  
29 a felony of the third degree, which is punishable by a fine of  
30 up to \$5,000 and/or imprisonment for up to 5 years.

31



1 identification of a witness 18 years of age or older affixed  
2 to the Voter's Certificate. Authorized forms of identification  
3 are as follows:

4 a. A voter registration identification card issued by  
5 a supervisor of elections in this state;

6 b. An identification card or driver's license issued  
7 by the Department of Highway Safety and Motor Vehicles;

8 c. A passport issued by the Department of State of the  
9 United States; or

10 d. Any other form of identification approved by the  
11 Department of State as provided in s. 98.461.

12 8. Mail, deliver, or have delivered the completed  
13 mailing envelope. Be sure there is sufficient postage if  
14 mailed.

15 Section 17. Subsection (2) of section 102.012, Florida  
16 Statutes, is amended to read:

17 102.012 Inspectors and clerks to conduct elections.--

18 (2) Each member of the election board shall be able to  
19 read and write the English language and shall be a registered  
20 qualified elector of the county in which the member is  
21 appointed or a person who has preregistered to vote, pursuant  
22 to s. 97.041(1)(b), in the county in which the member is  
23 appointed. No election board shall be composed solely of  
24 members of one political party; however, in any primary in  
25 which only one party has candidates appearing on the ballot,  
26 all clerks and inspectors may be of that party. Any person  
27 whose name appears as an opposed candidate for any office  
28 shall not be eligible to serve on an election board.

29 Section 18. Section 104.012, Florida Statutes, is  
30 amended to read:

31



1           104.012 Consideration for registration; interference  
2 with registration; soliciting registrations for compensation;  
3 alteration of registration application.--

4           (1) Any person who gives anything of value that is  
5 redeemable in cash to any person in consideration for his or  
6 her becoming a registered voter commits a felony ~~misdemeanor~~  
7 of the third ~~first~~ degree, punishable as provided in s.  
8 775.082, ~~or~~ s. 775.083, or s. 775.084. This section shall not  
9 be interpreted, however, to exclude such services as  
10 transportation to the place of registration or baby-sitting in  
11 connection with the absence of an elector from home for  
12 registering.

13           (2) A person who by bribery, menace, threat, or other  
14 corruption, directly or indirectly, influences, deceives, or  
15 deters or attempts to influence, deceive, or deter any person  
16 in the free exercise of that person's right to register to  
17 vote at any time, upon the first conviction, commits a felony  
18 ~~misdemeanor~~ of the third ~~first~~ degree, punishable as provided  
19 in s. 775.082, ~~or~~ s. 775.083, or s. 775.084, and, upon any  
20 subsequent conviction, commits a felony of the second ~~third~~  
21 degree, punishable as provided in s. 775.082, s. 775.083, or  
22 s. 775.084.

23           (3) A person may not solicit or pay another person to  
24 solicit voter registrations for compensation that is based  
25 upon the number of registrations obtained. A person who  
26 violates the provisions of this subsection 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.

29           (4) A person who alters the voter registration  
30 application of any other person, without the other person's  
31 knowledge and consent, commits a felony ~~misdemeanor~~ of the

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

3 Section 19. Section 104.013, Florida Statutes, is  
4 amended to read:

5 104.013 Unauthorized use, possession, or destruction  
6 of voter registration identification card.--

7 (1) It is unlawful for any person knowingly to have in  
8 his or her possession any blank, forged, stolen, fictitious,  
9 counterfeit, or unlawfully issued voter registration  
10 identification card unless possession by such person has been  
11 duly authorized by the supervisor.

12 (2) It is unlawful for any person to barter, trade,  
13 sell, or give away a voter registration identification card  
14 unless said person has been duly authorized to issue a  
15 registration identification card.

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

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

23 Section 20. Section 104.036, Florida Statutes, is  
24 created to read:

25 104.036 Presenting fraudulent photo identification at  
26 the polls.--Any person who, upon entering the polling place to  
27 vote, knowingly and willfully presents to the clerk or an  
28 inspector a fraudulent photo identification commits a felony  
29 of the third degree, punishable as provided in s. 775.082, s.  
30 775.083, or s. 775.084.

31

1           Section 21. 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 ~~commits is guilty of a felony misdemeanor~~ of the ~~third first~~  
12 degree, punishable as provided in s. 775.082, ~~or~~ s. 775.083,  
13 ~~or s. 775.084.~~

14           Section 22. Section 104.047, Florida Statutes, is  
15 created to read:

16           104.047 Absentee voting.--

17           (1) Any person who requests an absentee ballot on  
18 behalf of an elector without the elector's permission commits  
19 a felony of the third degree, punishable as provided in s.  
20 775.082, s. 775.083, or s. 775.084.

21           (2) Any person who marks or designates a choice on the  
22 ballot of another person, except as provided in s. 101.051 or  
23 s. 101.655, commits a felony of the third degree, punishable  
24 as provided in s. 775.082, s. 775.083, or s. 775.084.

25           Section 23. Subsection (4) of section 104.051, Florida  
26 Statutes, is amended to read:

27           104.051 Violations; neglect of duty; corrupt  
28 practices.--

29           (4) Any supervisor, deputy supervisor, or election  
30 employee who attempts to unduly influence or interfere with  
31 any elector while in the process of voting a ballot ~~commits is~~

1 ~~guilty of a felony misdemeanor~~ of the third first degree,  
2 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.  
3 775.084.

4 Section 24. Section 104.24, Florida Statutes, is  
5 amended to read:

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

15 Section 25. Section 104.45, Florida Statutes, is  
16 created to read:

17 104.45 Violations by candidates or public officers;  
18 additional penalties.--In addition to any criminal penalty or  
19 other civil penalty involved, any person found guilty of  
20 committing a violation of this chapter which occurred while  
21 the person was either a candidate or a public officer is  
22 disqualified from holding office for a period of 5 years from  
23 the date of disqualification or upon restoration of civil  
24 rights, whichever occurs first.

25 Section 26. Section 101.667, Florida Statutes, is  
26 created to read:

27 101.667 Certification of absentee ballot witnesses by  
28 political parties.--

29 (1) The state executive committee of any political  
30 party may submit to the division a list of persons certified  
31 by it to witness absentee ballots.

1       (2) The list must contain the full name, address,  
2 Florida voter registration number, and driver's license number  
3 of each witness certified.

4       (3) In order to be certified, the witness must submit  
5 to the political party the information required in subsection  
6 (2) and an affidavit from the witness that he or she has read  
7 and understands chapter 104.

8       (4) Certification of an individual as a witness under  
9 this section is valid for 1 year, and the state executive  
10 committee of a political party submitting a list of certified  
11 witnesses under this section must maintain the records  
12 required in subsection (3) for 2 years.

13       (5) Any person certified as an absentee ballot witness  
14 under this section who attempts to unduly influence or  
15 interfere with any elector while in the process of voting a  
16 ballot commits a felony of the third degree, punishable as  
17 provided in s. 775.082, s. 775.083, or s. 775.084.

18       Section 27. Section 196.141, Florida Statutes, is  
19 amended to read:

20       196.141 Homestead exemptions; duty of property  
21 appraiser.--

22       (1) The property appraiser shall examine each claim  
23 for exemption filed with or referred to him or her and shall  
24 allow the same, if found to be in accordance with law, by  
25 marking the same approved and by making the proper deductions  
26 on the tax books.

27       (2) The property appraiser shall examine each  
28 referral, of a person registering to vote at an address  
29 different from the one where the person has filed for a  
30 homestead exemption, which has been provided by a supervisor  
31 of elections pursuant to s. 98.015. The property appraiser

1 shall terminate a person's homestead exemption and assess back  
2 taxes, if appropriate, if the person claiming such exemption  
3 is not entitled to the exemption under law.

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

8           Section 29. If any provision of this act or the  
9 application thereof to any person or circumstance is held  
10 invalid, the invalidity shall not affect other provisions or  
11 applications of the act which can be given effect without the  
12 invalid provision or application, and to this end the  
13 provisions of this act are declared severable.

14           Section 30. Except as otherwise provided herein, this  
15 act shall take effect January 1 of the year after the year in  
16 which enacted.

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