

By Representative Morse

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.041, F.S., relating to qualifications to
4 register or vote; providing that holders of a
5 homestead exemption may only be registered in
6 the county and precinct in which the property
7 for which the homestead exemption has been
8 granted is located; providing an exception;
9 amending s. 97.052, F.S.; requiring certain
10 information relating to homestead exemptions
11 and an applicant's social security number to be
12 included in and elicited by the uniform
13 statewide voter registration application;
14 amending s. 97.053, F.S.; requiring the last
15 four digits of an applicant's social security
16 number to be included on a voter registration
17 application for the application to be complete;
18 amending s. 101.64, F.S.; revising absentee
19 ballot requirements relating to the voter's
20 certificate and witnesses; requiring notice of
21 the penalty for fraud in connection with voting
22 to be included on the voter's certificate;
23 providing a space for inclusion of the last
24 four digits of the voter's social security
25 number; revising the requirements to be a
26 witness for an absentee ballot; limiting the
27 number of absentee ballots a person can witness
28 per election; providing exceptions; requiring
29 notice to witnesses of the penalty for false
30 swearing; requiring the printed name of each
31 witness; revising the witness oath, to conform;

1 amending s. 101.65, F.S., relating to the
2 instructions to absent electors enclosed with
3 each absentee ballot; expanding notice
4 requirements relating to what must be included
5 in order for an absentee ballot to be counted,
6 to include the requirement for the printed name
7 and, when applicable, Florida voter
8 registration number of each witness and for the
9 last four digits of a voter's social security
10 number and to include notice of the restriction
11 on the number of ballots that may be witnessed
12 per election; amending s. 101.68, F.S.;
13 requiring county canvassing boards to declare
14 an absentee ballot illegal if it does not
15 include the last four digits of the elector's
16 social security number and the printed name
17 and, when applicable, voter registration number
18 of the attesting witness; providing that an
19 absentee ballot will not be declared illegal if
20 the attesting witness witnesses more than two
21 absentee ballots per election; creating s.
22 104.125, F.S.; providing a penalty for
23 witnessing more than two absentee ballots per
24 election; providing exceptions; amending s.
25 196.111, F.S.; requiring property appraisers to
26 notify persons entitled to homestead exemptions
27 of the requirements relating to voter
28 registration and the potential loss of
29 homestead exemption; creating s. 196.115, F.S.;
30 providing for termination of homestead
31 exemption upon registration as an elector in

1 another precinct and providing for assessment
2 of back taxes as a result thereof; providing an
3 exception; amending s. 196.121, F.S.; requiring
4 homestead exemption forms to include notice of
5 the requirements for factual determination of
6 permanent residency by the property appraiser
7 and notice of the requirements relating to
8 voter registration and the potential loss of
9 homestead exemption; providing an effective
10 date.

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

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14 Section 1. Subsection (1) of section 97.041, Florida
15 Statutes, is amended to read:

16 97.041 Qualifications to register or vote.--

17 (1)(a) A person may become a registered voter only if
18 that person:

- 19 1. Is at least 18 years of age;
- 20 2. Is a citizen of the United States;
- 21 3. Is a legal resident of the State of Florida;
- 22 4. Is a legal resident of the county in which that
23 person seeks to be registered; and
- 24 5. Registers pursuant to the Florida Election Code.

25 (b) For purposes of the residency requirements of
26 paragraph (a), a person granted a homestead exemption in this
27 state may register to vote only in the county and precinct in
28 which the property for which the homestead exemption has been
29 granted is located. This paragraph does not apply if the
30 homestead granted the exemption is being maintained as the

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1 permanent residence of a legal or natural dependent of the
2 owner and the owner resides elsewhere.

3 (c)~~(b)~~ A person who is otherwise qualified may
4 preregister on or after that person's 17th birthday and may
5 vote in any election occurring on or after that person's 18th
6 birthday.

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

9 97.052 Uniform statewide voter registration
10 application.--

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

14 (a) Full name.

15 (b) Date of birth.

16 (c) Address of legal residence.

17 (d) Mailing address, if different.

18 (e) County of legal residence.

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

21 (g)~~(f)~~ Race or ethnicity that best describes the
22 applicant:

23 1. American Indian or Alaskan Native.

24 2. Asian or Pacific Islander.

25 3. Black, not Hispanic.

26 4. White, not Hispanic.

27 5. Hispanic.

28 (h)~~(g)~~ Sex.

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

30 (j)~~(i)~~ Whether the applicant needs assistance in
31 voting.

1 (k)~~(j)~~ Name and address where last registered.
2 (l)~~(k)~~ Last four digits of the applicant's social
3 security number~~(optional)~~.
4 (m)~~(l)~~ Telephone number (optional).
5 (n)~~(m)~~ Signature of applicant under penalty for false
6 swearing pursuant to s. 104.011, by which the person
7 subscribes to the oath required by s. 3, Art. VI of the State
8 Constitution and s. 97.051, and swears or affirms that the
9 information contained in the registration application is true.
10 (o)~~(n)~~ Whether the application is being used for
11 initial registration, to update a voter registration record,
12 or to request a replacement registration identification card.
13 (p)~~(o)~~ Whether the applicant is a citizen of the
14 United States.
15 (q)~~(p)~~ That the applicant has not been convicted of a
16 felony or, if convicted, has had his or her civil rights
17 restored.
18 (r)~~(q)~~ That the applicant has not been adjudicated
19 mentally incapacitated with respect to voting or, if so
20 adjudicated, has had his or her right to vote restored.
21
22 The registration form shall be in plain language and designed
23 so that convicted felons whose civil rights have been restored
24 and persons who have been adjudicated mentally incapacitated
25 and have had their voting rights restored are not required to
26 reveal their prior conviction or adjudication.
27 (3) The uniform statewide voter registration
28 application must also contain:
29 (a) The oath required by s. 3, Art. VI of the State
30 Constitution and s. 97.051.
31

1 (b) A statement specifying each eligibility
2 requirement under s. 97.041, including the requirement with
3 respect to registration and homestead exemption under s.
4 97.041(1)(b).

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

7 ~~(d) A statement that the disclosure of a social~~
8 ~~security number is voluntary, a citation of the statutory~~
9 ~~authority under which the social security number is being~~
10 ~~solicited, a delineation of the uses that will be made of the~~
11 ~~social security number, and a notice that the social security~~
12 ~~number will be open to public inspection.~~

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

17 (e)(f) A statement that informs the applicant who
18 chooses to register to vote or update a voter registration
19 record that the office at which the applicant submits a voter
20 registration application or updates a voter registration
21 record will remain confidential and may be used only for voter
22 registration purposes.

23 (f) A statement that informs the applicant that any
24 person who has been granted a homestead exemption in this
25 state and who registers to vote in any precinct other than the
26 one in which the property for which the homestead exemption
27 has been granted is located, in violation of s. 97.041(1)(b),
28 shall have the person's homestead exemption terminated and may
29 be subject to assessment of back taxes under s. 196.115,
30 unless the homestead granted the exemption is being maintained
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1 as the permanent residence of a legal or natural dependent of
2 the owner and the owner resides elsewhere.

3 Section 3. Paragraph (a) of subsection (5) of section
4 97.053, Florida Statutes, is amended to read:

5 97.053 Acceptance of voter registration
6 applications.--

7 (5)(a) A voter registration application is complete if
8 it contains:

- 9 1. The applicant's name.
- 10 2. The applicant's legal residence address.
- 11 3. The applicant's date of birth.
- 12 4. An indication that the applicant is a citizen of
- 13 the United States.
- 14 5. The last four digits of the applicant's social
- 15 security number.

16 ~~6.5.~~ An indication that the applicant has not been
17 convicted of a felony or that, if convicted, has had his or
18 her civil rights restored.

19 ~~7.6.~~ An indication that the applicant has not been
20 adjudicated mentally incapacitated with respect to voting or
21 that, if so adjudicated, has had his or her right to vote
22 restored.

23 ~~8.7.~~ Signature of the applicant swearing or affirming
24 under the penalty for false swearing pursuant to s. 104.011
25 that the information contained in the registration application
26 is true and subscribing to the oath required by s. 3, Art. VI
27 of the State Constitution and s. 97.051.

28 Section 4. Subsection (1) of section 101.64, Florida
29 Statutes, is amended to read:

30 101.64 Delivery of absentee ballots; envelopes;
31 form.--

1 United States military, or a foreign service officer of either
2 the United States Department of State or the United States
3 Information Agency, as provided in item 7. of the instruction
4 sheet. Except for notaries public, commissioned officers of
5 the United States military, or foreign service officers of
6 either the United States Department of State or the United
7 States Information Agency, no person may serve as an attesting
8 witness on more than two absentee ballots per election.

9
10 I swear or affirm that the elector signed this Voter's
11 Certificate in my presence and that I have not witnessed more
12 than two absentee ballots per election, if applicable. I
13 understand that a person who willfully swears or affirms
14 information that is false in connection with or arising out of
15 voting or elections commits a felony of the third degree,
16 which is punishable by a fine of up to \$5,000 and/or
17 imprisonment for up to 5 years. I understand further that any
18 person, other than a notary public, a commissioned officer of
19 the United States military, or a foreign service officer of
20 either the United States Department of State or the United
21 States Information Agency, who witnesses more than two
22 absentee ballots per election commits a misdemeanor of the
23 first degree, which is punishable by a fine of up to \$1,000
24 and/or imprisonment for up to 1 year.

25
26 ...(Print name of witness)(Signature of witness)(For
27 witnesses other than notaries public, commissioned officers of
28 the United States military, or foreign service officers of
29 either the United States Department of State or the United
30 States Information Agency, please include your Florida voter
31 registration number)...

1 the Voter's Certificate. Witnesses other than notaries
2 public, commissioned officers of the United States military,
3 or foreign service officers of either the United States
4 Department of State or the United States Information Agency
5 must also include their Florida voter registration number.
6 Except for notaries public, commissioned officers of the
7 United States military, and foreign service officers of either
8 the United States Department of State or the United States
9 Information Agency, no person may serve as an attesting
10 witness on more than two ballots per election. No candidate
11 may serve as an attesting witness.

12 8. VERY IMPORTANT. In order for your absentee ballot
13 to be counted, it must include the last four digits of your
14 social security number.

15 ~~9.8.~~ Mail, deliver, or have delivered the completed
16 mailing envelope. Be sure there is sufficient postage if
17 mailed.

18 Section 6. Paragraph (c) of subsection (2) of section
19 101.68, Florida Statutes, is amended to read:

20 101.68 Canvassing of absentee ballot.--

21 (2)

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

1 be considered illegal if the attesting witness does not
2 include his or her Florida voter registration number, unless
3 the attesting witness is either a notary public, a
4 commissioned officer of the United States military, or a
5 foreign service officer of either the United States Department
6 of State or the United States Information Agency. However, an
7 absentee ballot shall not be considered illegal if the
8 signature of the elector or attesting witness does not cross
9 the seal of the mailing envelope or if the attesting witness
10 has witnessed more than two absentee ballots in the election.
11 If the canvassing board determines that any ballot is illegal,
12 a member of the board shall, without opening the envelope,
13 mark across the face of the envelope: "rejected as illegal."
14 The envelope and the ballot contained therein shall be
15 preserved in the manner that official ballots voted are
16 preserved.

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

26 Section 7. Section 104.125, Florida Statutes, is
27 created to read:

28 104.125 Witnessing ballots.--A person who knowingly
29 witnesses more than two absentee ballots per election commits
30 a misdemeanor of the first degree, punishable as provided in
31 s. 775.082 or s. 775.083. This section does not apply to

1 attesting witnesses who are notaries public, commissioned
2 officers of the United States military, or foreign service
3 officers of either the United States Department of State or
4 the United States Information Agency.

5 Section 8. Section 196.111, Florida Statutes, is
6 amended to read:

7 196.111 Property appraisers may notify persons
8 entitled to homestead exemption; publication of notice;
9 costs.--

10 (1) As soon as practicable after February 5 of each
11 current year, the property appraisers of the several counties
12 may mail to each person to whom homestead exemption was
13 granted for the year immediately preceding and whose
14 application for exemption for the current year has not been
15 filed as of February 1 thereof, a form for application for
16 homestead exemption, together with a notice reading
17 substantially as follows:

18
19 NOTICE TO TAXPAYERS ENTITLED
20 TO HOMESTEAD EXEMPTION
21

22 Records in this office indicate that you have not filed
23 an application for homestead exemption for the current year.

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

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

29
30 ... (Property Appraiser) ...
31 County, Florida

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

6 ~~(3)(2)~~ The expenditure of funds for any of the
7 requirements of this section is hereby declared to be for a
8 county purpose; and the board of county commissioners of each
9 county shall, if notices are mailed under this section
10 ~~subsection (1)~~, appropriate and provide the necessary funds
11 for such purposes.

12 Section 9. Section 196.115, Florida Statutes, is
13 created to read:

14 196.115 Termination of homestead exemption;
15 registration of elector in other precinct.--Any person who has
16 been granted a homestead exemption in this state and who
17 registers to vote in any precinct other than the one in which
18 the property for which the homestead exemption has been
19 granted is located, in violation of the requirements of s.
20 97.041(1)(b), shall have that homestead exemption terminated
21 and shall be subject to assessment of back taxes as a result
22 thereof. This section does not apply if the homestead granted
23 the exemption is being maintained as the permanent residence
24 of a legal or natural dependent of the owner and the owner
25 resides elsewhere.

26 Section 10. Subsections (2) and (3) of section
27 196.121, Florida Statutes, are amended to read:

28 196.121 Homestead exemptions; forms.--

29 (2) The forms shall require the taxpayer to furnish
30 certain information to the property appraiser for the purpose
31 of determining that the taxpayer is a permanent resident as

1 defined in s. 196.012(17). Such information shall ~~may~~ include,
2 but need not be limited to, the factors enumerated in s.
3 196.015.

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

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

7 (b) Notice that information contained in the
8 application will be provided to the Department of Revenue and
9 may also be provided to any state in which the applicant has
10 previously resided.

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

13 (d)~~(c)~~ A requirement that the applicant read or have
14 read to him or her the contents of the form.

15 Section 11. This act shall take effect January 1 of
16 the year after the year in which enacted.

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HOUSE SUMMARY

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Provides that holders of a homestead exemption may only be registered in the county and precinct in which the property for which the homestead exemption has been granted is located, and provides for termination of homestead exemption upon registration as an elector in another precinct and for assessment of back taxes as a result thereof. Provides exemption where the homestead is being maintained as the permanent residence of a legal or natural dependent of the owner and the owner resides elsewhere. Requires property appraisers to notify persons entitled to homestead exemptions of the requirements relating to voter registration and the potential loss of homestead exemption. Requires homestead exemption forms to include such notice and notice of the requirements for factual determination of permanent residency by the property appraiser. Requires the last four digits of an applicant's social security number to be included on a voter registration application for the application to be complete. Revises the uniform statewide voter registration application to provide notice of and elicit this required information relating to homestead exemption and social security numbers.

Amends various provisions relating to absentee ballots. With respect to the voter's certificate, requires notice of the penalty for fraud in connection with voting, provides a space for inclusion of the last four digits of the voter's social security number, revises the requirements to be a witness to a signature on an absentee ballot, and limits the number of absentee ballots a person can witness per election to two, unless the witness is a notary public, a commissioned officer of the United States military, or a foreign service officer of either the United States Department of State or the United States Information Agency. With respect to the witness oath, includes notice to witnesses of the penalties for false swearing and witnessing more than two ballots, requires and provides a space for the printed name of each witness, and provides for inclusion of the Florida voter registration number, where required. Amends provisions relating to the instructions to absent electors enclosed with each absentee ballot, to include notice of such requirements to conform. Requires county canvassing boards to declare an absentee ballot illegal if it does not include the last four digits of the elector's social security number and the printed name and, when applicable, voter registration number of the attesting witness. Provides that an absentee ballot will not be declared illegal if the attesting witness witnesses more than two absentee ballots per election. Provides that witnessing more than two absentee ballots per election, unless exempt from such prohibition, is a misdemeanor of the first degree.