

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.012, F.S.; providing an additional duty of
4 the Secretary of State; amending s. 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 elector after registration; providing
18 exceptions; amending s. 97.071, F.S.; providing
19 that voter registration cards be mailed to
20 voter registration address; providing
21 exceptions; amending s. 98.0975, F.S.;
22 providing periodic list maintenance to the
23 central voter file; amending s. 98.461, F.S.;
24 providing forms of picture identification
25 included on precinct register; amending s.
26 98.471, F.S.; requiring photo identification to
27 vote at the polls; providing an exception;
28 amending s. 100.041, F.S.; providing for the
29 terms of charter county commissioners; amending
30 s. 101.5611, F.S.; requiring a notice of
31 penalties for voting fraud be posted at each

1 polling place; amending s. 101.62, F.S.;
2 restricting telephone requests for absentee
3 ballots; revising methods of delivery of
4 absentee ballots; amending s. 101.64, F.S.;
5 revising the voter's certificate; providing
6 reasons for voting absentee; requiring
7 additional information from the voter and the
8 witness; creating s. 101.647, F.S.; providing
9 for the return of absentee ballots; amending s.
10 101.65, F.S.; revising instructions to absentee
11 electors to conform; creating s. 101.657, F.S.;
12 providing for in-person absentee voting;
13 creating s. 101.66, F.S.; requiring absentee
14 voters to personally mark their ballot;
15 providing exceptions; amending s. 101.665,
16 F.S.; providing that supervisors of elections
17 and other specified persons may administer
18 oaths; amending s. 101.68, F.S.; relating to
19 canvassing of absentee ballots; revising the
20 requirements for legal ballots; requiring the
21 supervisor of elections to notify certain
22 absent electors whose ballots are rejected;
23 creating s. 101.685, F.S.; providing for
24 designation of absentee ballot coordinators to
25 witness absentee ballots; amending s. 102.012,
26 F.S.; provides 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 to 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. 117.054, 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 effective date.

7
8 Be It Enacted by the Legislature of the State of Florida:

9
10 Section 1. Subsection (12) is added to section 97.012,
11 Florida Statutes, to read:

12 97.012 Secretary of State as chief election
13 officer.--The Secretary of State is the chief election officer
14 of the state, and it is his or her responsibility to:

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

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

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

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

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

31

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:

31

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.

31

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 remove from the registration books by the next
16 subsequent election the name of any person who is deceased,
17 convicted of a felony, or adjudicated mentally incapacitated
18 with respect to voting.

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

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

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

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

31

1 98.471 Use of precinct register at polls.--The
2 precinct register, as prescribed in s. 98.461, may be used at
3 the polls in lieu of the registration books for the purpose of
4 identifying the elector at the polls prior to allowing him or
5 her to vote. The clerk or inspector shall require each
6 elector, upon entering the polling place, to present a Florida
7 driver's license, a Florida identification card issued under
8 s. 322.051, or another form of picture identification ~~one of~~
9 ~~the forms of identification which are on the list of forms~~
10 approved by the Department of State pursuant to ~~s. 98.461~~.
11 The elector shall sign his or her name in the space provided,
12 and the clerk or inspector shall compare the signature with
13 that on the identification provided by the elector and enter
14 his or her initials in the space provided and allow the
15 elector to vote if the clerk or inspector is satisfied as to
16 the identity of the elector. If the elector fails to furnish
17 the required identification, or if the clerk or inspector is
18 in doubt as to the identity of the elector, such clerk or
19 inspector shall follow the procedure prescribed in s. 101.49.
20 The precinct register may also contain the information set
21 forth in s. 101.47(8) and, if so, the inspector shall follow
22 the procedure required in s. 101.47, except that the
23 identification provided by the elector shall be used for the
24 signature comparison.

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

27 100.041 Officers chosen at general election.--

28 (2)(a) Each county commissioner from an odd-numbered
29 district shall be elected at the general election in each year
30 the number of which is a multiple of 4, for a 4-year term
31 commencing on the second Tuesday following such election, and

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

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

12 Section 12. Subsection (3) is added to section
13 101.5611, Florida Statutes, to read:

14 101.5611 Instructions to electors.--

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

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

24 101.62 Request for absentee ballots.--

25 (1)(a) The supervisor may accept a request for an
26 absentee ballot from an elector in person or in writing.~~or~~
27 ~~for an elector from any person designated by such elector.~~
28 ~~Such request may be made in person, by mail, or by telephone.~~
29 One request shall be deemed sufficient to receive an absentee
30 ballot for all elections which are held within a calendar
31 year, unless the elector or the elector's designee indicates

1 at the time the request is made the elections for which the
2 elector desires to receive an absentee ballot. Such request
3 may be considered canceled when any first-class mail sent by
4 the supervisor to the elector is returned as undeliverable.

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

12 1. The name of the elector for whom the ballot is
13 requested;

14 2. The elector's address;

15 3. The last four digits of the elector's social
16 security number;

17 4. The registration number on the elector's
18 registration identification card;

19 5. The requester's name;

20 6. The requester's address;

21 7. The requester's social security number and, if
22 available, driver's license number;

23 8. The requester's relationship to the elector; and

24 9. The requester's signature (written requests only).

25 (4)(a) To each absent qualified elector overseas who
26 has requested an absentee ballot, the supervisor of elections
27 shall, not fewer than 35 days before the first primary
28 election, mail an absentee ballot. Not fewer than 45 days
29 before the second primary and general election, the supervisor
30 of elections shall mail an advance absentee ballot to those
31 persons requesting ballots for such elections. The advance

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

26 (b) As soon as the remainder of the absentee ballots
 27 are printed, the supervisor shall provide ~~deliver or mail~~ an
 28 absentee ballot to each elector by whom a request for that
 29 ballot has been made by one of the following means:
 30
 31

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

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

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

9 c. The elector is in a hospital, assisted-living
10 facility, nursing home, short-term medical or rehabilitation
11 facility, or correctional facility,

12
13 in which case the supervisor shall mail the ballot
14 nonforwardable, return-if-undeliverable mail to any other
15 address the elector specifies in the request.

16 2. By forwardable mail to voters who are entitled to
17 vote by absentee ballot under the Uniformed and Overseas
18 Citizens Voting Act.

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

21 4. By delivery to a designee on election day or up to
22 4 days prior to the day of an election.Any elector may
23 designate in writing a person to pick up the ballot for the
24 elector; however, the person designated may not pick up more
25 than two absentee ballots per election, other than the
26 designee's own ballot, except that additional ballots may be
27 picked up for members of the designee's immediate family. For
28 purposes of this section, "immediate family" means the
29 designee's spouse or the parent, child, grandparent, or
30 sibling of the designee or of the designee's spouse. The
31 designee shall provide to the supervisor the written

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

12 Section 14. 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 VOTER'S CERTIFICATE

27 I,, am a qualified and registered voter of
28 County, Florida. I understand that if I commit or attempt to
29 commit any fraud in connection with voting, vote a fraudulent
30 ballot, or vote more than once in an election, I can be
31 convicted of a felony of the third degree and fined up to

1 \$5,000 and/or imprisoned for up to 5 years. I also understand
2 that failure to sign this certificate and have my signature
3 witnessed will invalidate my ballot. I am entitled to vote an
4 absentee ballot for one of the following reasons:

5
6 1. I am unable without another's assistance to attend
7 the polls.

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

10 3. I am an inspector, a poll worker, a deputy voting
11 machine custodian, a deputy sheriff, a supervisor of
12 elections, or a deputy supervisor who is assigned to a
13 different precinct than that in which I am registered.

14 4. On account of the tenets of my religion, I cannot
15 attend the polls on the day of the general, special, or
16 primary election.

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

22 6. I have changed my permanent residency to another
23 state and am unable under the laws of such state to vote in
24 the general election. I understand that I am allowed to vote
25 only for President and Vice President.

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

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

30
31 ...(Last four digits of voter's social security number)...

1 Note: Your Signature Must Be Witnessed By Either:
2 a. A Notary or Officer Defined in Item 6.b. of the
3 Instruction Sheet.
4
5
6 ...(Signature of Applicant)...
7 Sworn to (or affirmed) and subscribed before me this
8 day of, ...(year)..., by ...(name of person
9 making statement).... My commission expires this day of
10, ...(year)....
11
12 ...(Signature of Official)...
13 ...(Print, Type, or Stamp Name)...
14 ...(State or Country of Commission)...
15 Personally Known OR Produced Identification
16
17 Type of Identification Produced.....
18
19 OR
20
21 b. One Witness, who is a registered voter in the
22 State.
23
24
25 I swear or affirm that the voter signed this Voter's
26 Certificate in my presence and that I have not witnessed more
27 than 5 ballots for this election.
28
29 WITNESS:
30
31 ...(Signature of Witness)...

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

2

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

5

6 ...(Address)...

7

...(City/State)...

8

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

11

~~VOTER'S CERTIFICATE~~

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

18

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

19

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

23

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

26

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

27

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

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

28

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

30

101.647 Return of absentee ballots.--

31

1 (1) Absentee ballots must be returned to the
2 supervisor of elections by the elector, either in person or by
3 mail, or by an absentee ballot coordinator as provided by s.
4 101.685.

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

17 Section 16. Section 101.65, Florida Statutes, is
18 amended to read:

19 101.65 Instructions to absent electors.--The
20 supervisor shall enclose with each absentee ballot separate
21 printed instructions in substantially the following form:

22
23 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

29 2. Mark your ballot in secret as instructed on the
30 ballot. You must mark your own ballot unless you are unable to

31

- 1 do so because of blindness, disability, or inability to read
2 or write.
- 3 3. Place your marked ballot in the enclosed secrecy
4 envelope.
- 5 4. Insert the secrecy envelope into the enclosed
6 mailing envelope which is addressed to the supervisor.
- 7 5. Seal the mailing envelope and completely fill out
8 the Voter's Certificate on the back of the mailing envelope.
- 9 6. VERY IMPORTANT. In order for your absentee ballot
10 to be counted, you must sign your name on the line above
11 “(Voter's Signature), and your ballot must be witnessed in
12 either of the following manners:—”
- 13 a. One witness, who is a registered voter in the
14 state, must affix his or her signature, printed name, address,
15 voter identification number, and county of registration on the
16 voter's certificate. Each witness is limited to witnessing 5
17 ballots per election. A candidate may not serve as an
18 attesting witness.
- 19 b. Any notary or other officer entitled to administer
20 oaths or any Florida supervisor of elections or deputy
21 supervisor of elections, other than a candidate, may serve as
22 an attesting witness.
- 23 ~~7. VERY IMPORTANT. In order for your absentee ballot~~
24 ~~to be counted, it must include the signature and address of a~~
25 ~~witness 18 years of age or older affixed to the Voter's~~
26 ~~Certificate. No candidate may serve as an attesting witness.~~
- 27 ~~7.8.~~ Mail, deliver, or have delivered the completed
28 mailing envelope. Be sure there is sufficient postage if
29 mailed.
- 30 8. FELONY NOTICE. It is a felony under Florida law to
31 accept any gift, payment, or gratuity in exchange for your

1 vote for a candidate. It is also a felony under Florida law to
2 vote in an election using a false identity or false address,
3 or under any other circumstances making your ballot false of
4 fraudulent.

5 Section 17. Section 101.657, Florida Statutes, is
6 created to read:

7 101.657 Voting absentee ballots in
8 person.--Notwithstanding s. 97.021(1), any qualified and
9 registered elector who is unable to attend the polls on
10 election day may pick up and vote an absentee ballot in person
11 at the office of, and under the supervision of, the supervisor
12 of elections. Before receiving the ballot, the elector must
13 present a Florida driver's license, a Florida identification
14 card issued under s. 322.051, or another form of picture
15 identification approved by the Department of State. If the
16 elector fails to furnish the required identification, or if
17 the supervisor is in doubt as to the identity of the elector,
18 the supervisor must follow the procedure prescribed in s.
19 101.49.

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

22 101.66 Voting absentee ballots.--All electors must
23 personally mark or designate their choices on the absentee
24 ballot, except:

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

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

2 Section 19. Section 101.665, Florida Statutes, is
3 amended to read:

4 101.665 Administration of oaths; military personnel,
5 federal employees, and other absentee registrants.--For the
6 purposes of this code, oaths may be administered and attested
7 by any commissioned officer in the active service of the Armed
8 Forces, any member of the Merchant Marine of the United States
9 designated for this purpose by the Secretary of Commerce, any
10 civilian official empowered by state or federal law to
11 administer oaths, any supervisor of elections, deputy
12 supervisor of elections, or employee of the supervisor of
13 elections when designated by the supervisor of elections,or
14 any civilian employee designated by the head of any department
15 or agency of the United States, except when this code requires
16 an oath to be administered and attested by another official
17 specifically named.

18 Section 20. Section 101.68, Florida Statutes, is
19 amended to read:

20 101.68 Canvassing of absentee ballot.--

21 (1) The supervisor of the county where the absent
22 elector resides shall receive the voted ballot, at which time
23 the supervisor may compare the signature of the elector on the
24 voter's certificate with the signature of the elector in the
25 registration books to determine whether the elector is duly
26 registered in the county and may record on the elector's
27 registration certificate that the elector has voted. The
28 supervisor shall safely keep the ballot unopened in his or her
29 office until the county canvassing board canvasses the vote.

30 (2)(a) The county canvassing board may begin the
31 canvassing of absentee ballots at 7 a.m. on the fourth day

1 before the election, but not later than noon on the day
2 following the election. In addition, for any county using
3 electronic tabulating equipment, the processing of absentee
4 ballots through such tabulating equipment may begin upon the
5 opening of the polls on election day. However,
6 notwithstanding any such authorization to begin canvassing or
7 otherwise processing absentee ballots early, no result or
8 tabulation of absentee ballots shall be made until after the
9 close of the polls on election day.

10 (b) To ensure that all absentee ballots to be counted
11 by the canvassing board are accounted for, the canvassing
12 board shall compare the number of ballots in its possession
13 with the number of requests for ballots received to be counted
14 according to the supervisor's file or list.

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

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

26 b. The signature, printed name, address, voter
27 identification number, and county of registration of one
28 attesting witness, who is a registered voter in the state.~~the~~
29 ~~signature and address of an attesting witness.~~

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

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

19 (d) The canvassing board shall record the ballot upon
20 the proper record, unless the ballot has been previously
21 recorded by the supervisor. The mailing envelopes shall be
22 opened and the secrecy envelopes shall be mixed so as to make
23 it impossible to determine which secrecy envelope came out of
24 which signed mailing envelope; however, in any county in which
25 an electronic or electromechanical voting system is used, the
26 ballots may be sorted by ballot styles and the mailing
27 envelopes may be opened and the secrecy envelopes mixed
28 separately for each ballot style. The votes on absentee
29 ballots shall be included in the total vote of the county.

30 (3) The supervisor or the chair of the county
31 canvassing board shall, after the board convenes, have custody

1 of the absentee ballots until a final proclamation is made as
2 to the total vote received by each candidate.

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

12 Section 21. Section 101.685, Florida Statutes, is
13 created to read:

14 101.685 Absentee ballot coordinators.--

15 (1) At least 28 days before a general or special
16 election, each political party may designate in writing with
17 the county supervisor of elections the names of persons to
18 serve as absentee ballot coordinators. Each political party
19 may designate a number of absentee ballot coordinators for
20 each county equal to two times the number of Florida House of
21 Representatives districts, all or part of which lie within the
22 county.

23 (2) Notwithstanding any other provision of this
24 chapter, an absentee ballot coordinator may:

- 25 (a) witness an unlimited number of absentee ballots;
26 (b) request absentee ballots on behalf of registered
27 voters, either in writing or by telephone; and,
28 (c) return an unlimited number of voted absentee
29 ballots to the supervisor of elections.

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

1 102.012 Inspectors and clerks to conduct elections.--

2 (2) Each member of the election board shall be able to
3 read and write the English language and shall be a registered
4 qualified elector of the county in which the member is
5 appointed or a person who has preregistered to vote, pursuant
6 to s. 97.041(1)(b), in the county in which the member is
7 appointed. No election board shall be composed solely of
8 members of one political party; however, in any primary in
9 which only one party has candidates appearing on the ballot,
10 all clerks and inspectors may be of that party. Any person
11 whose name appears as an opposed candidate for any office
12 shall not be eligible to serve on an election board.

13 Section 23. Section 104.012, Florida Statutes, is
14 amended to read:

15 104.012 Consideration for registration; interference
16 with registration; soliciting registrations for compensation;
17 alteration of registration application.--

18 (1) Any person who gives anything of value that is
19 redeemable in cash to any person in consideration for his or
20 her becoming a registered voter commits a felony ~~misdemeanor~~
21 of the third ~~first~~ degree, punishable as provided in s.
22 775.082, or s. 775.083, or s. 775.084. This section shall not
23 be interpreted, however, to exclude such services as
24 transportation to the place of registration or baby-sitting in
25 connection with the absence of an elector from home for
26 registering.

27 (2) A person who by bribery, menace, threat, or other
28 corruption, directly or indirectly, influences, deceives, or
29 deters or attempts to influence, deceive, or deter any person
30 in the free exercise of that person's right to register to
31 vote at any time, upon the first conviction, commits a felony

1 ~~misdemeanor~~ of the third first degree, punishable as provided
2 in s. 775.082,~~or~~ s. 775.083, or s. 775.084, and, upon any
3 subsequent conviction, commits a felony of the second third
4 degree, punishable as provided in s. 775.082, s. 775.083, or
5 s. 775.084.

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

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

17 Section 24. Section 104.013, Florida Statutes, is
18 amended to read:

19 104.013 Unauthorized use, possession, or destruction
20 of voter registration identification card.--

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

26 (2) It is unlawful for any person to barter, trade,
27 sell, or give away a voter registration identification card
28 unless said person has been duly authorized to issue a
29 registration identification card.

30
31

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

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

8 Section 25. Section 104.045, Florida Statutes, is
9 amended to read:

10 104.045 Vote selling.--Any person who:

11 (1) Corruptly offers to vote for or against, or to
12 refrain from voting for or against, any candidate in any
13 election in return for pecuniary or other benefit; or

14 (2) Accepts a pecuniary or other benefit in exchange
15 for a promise to vote for or against, or to refrain from
16 voting for or against, any candidate in any election,

17
18 is guilty of a felony ~~misdemeanor~~ of the third ~~first~~ degree,
19 punishable as provided in s. 775.082, ~~or~~ s. 775.083, or s.
20 775.084.

21 Section 26. Section 104.047, Florida Statutes, is
22 created to read:

23 104.047 Absentee voting.--

24 (1) Any person who provides or offers to provide, and
25 any person who accepts, a pecuniary or other benefit in
26 exchange for distributing, ordering, requesting, collecting,
27 delivering, or otherwise physically possessing absentee
28 ballots, except as provided in ss. 101.6105-101.694, is guilty
29 of a felony of the third degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084.

1 (2) Except as provided in s. 101.62, s. 101.655, or s.
2 101.685, any person who requests an absentee ballot on behalf
3 of an elector is guilty of a felony of the third degree,
4 punishable as provided in s. 775.082, s. 775.083, or s.
5 775.084.

6 (3) Any person, other than a notary or other officer
7 entitled to administer oaths or an absentee ballot coordinator
8 as provided by s. 101.685, who witnesses more than 5 ballots
9 in any single election, is guilty of a misdemeanor of the
10 first degree, punishable as provided in s. 775.082 or s.
11 775.083.

12 (4) Any person who marks or designates a choice on the
13 ballot of another person, except as provided in s. 101.051, s.
14 101.655, or s. 101.66, is guilty of a felony of the third
15 degree, punishable as provided in s. 775.082, s. 775.083, or
16 s. 775.084.

17 (5) Any person, other than an absentee ballot
18 coordinator under s. 101.685, who returns more than 2 absentee
19 ballots to the supervisors of elections in violation of s.
20 101.647 is guilty of a misdemeanor of the first degree,
21 punishable as provided in s. 775.082 or s. 775.083.

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

24 104.051 Violations; neglect of duty; corrupt
25 practices.--

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

31

1 Section 28. Section 104.0515, Florida Statutes, is
2 amended to read:

3 104.0515 Voting rights; deprivation of, or
4 interference with, prohibited; penalty.--

5 (1) All citizens of this state who are otherwise
6 qualified by law to vote at any election by the people in this
7 state or in any district, county, city, town, municipality,
8 school district, or other subdivision of this state shall be
9 entitled and allowed to vote at all such elections without
10 distinction according to race, color, or previous condition of
11 servitude, notwithstanding any law, ordinance, regulation,
12 custom, or usage to the contrary.

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

14 (a) In determining whether any individual is qualified
15 under law to vote in any election, apply any standard,
16 practice, or procedure different from the standards,
17 practices, or procedures applied under law to other
18 individuals within the same political subdivision who have
19 been found to be qualified to vote; or

20 (b) Deny the right of any individual to vote in any
21 election because of an error or omission on any record or
22 paper relating to any application, registration, or other act
23 requisite to voting, if such error or omission is not material
24 in determining whether such individual is qualified under law
25 to vote in such election. This paragraph shall apply to
26 absentee ballots only if there is a pattern or history of
27 discrimination on the basis of race, color, or previous
28 condition of servitude in regard to absentee ballots.

29 (3) No person, whether acting under color of law or
30 otherwise, shall intimidate, threaten, or coerce, or attempt
31 to intimidate, threaten, or coerce, any other person for the

1 purpose of interfering with the right of such other person to
2 vote or not to vote as that person may choose, or for the
3 purpose of causing such other person to vote for, or not vote
4 for, any candidate for any office at any general, special, or
5 primary election held solely or in part for the purpose of
6 selecting or electing any such candidate.

7 (4) No voting qualification or prerequisite to voting,
8 and no standard, practice, or procedure, shall be imposed or
9 applied by any political subdivision of this state to deny or
10 abridge the right of any citizen to vote on account of race or
11 color.

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

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

18 104.061 Corruptly influencing voting.--

19 (1) Whoever by bribery, menace, threat, or other
20 corruption whatsoever, either directly or indirectly, attempts
21 to influence, deceive, or deter any elector in voting or
22 interferes with him or her in the free exercise of the
23 elector's right to vote at any election commits ~~is guilty of a~~
24 felony ~~misdemeanor~~ of the third ~~first~~ degree, punishable as
25 provided in s. 775.082, ~~or~~ s. 775.083, or s. 775.084 for the
26 first conviction, and a felony of the second ~~third~~ degree,
27 punishable as provided in s. 775.082, s. 775.083, or s.
28 775.084, for any subsequent conviction.

29 Section 30. Section 104.081, Florida Statutes, is
30 amended to read:

31

1 104.081 Threats of employers to control votes of
2 employees.--It is ~~shall be~~ unlawful for any person having one
3 or more persons in his or her service as employees to
4 discharge or threaten to discharge any employee in his or her
5 service for voting or not voting in any election, state,
6 county, or municipal, for any candidate or measure submitted
7 to a vote of the people. Any person who violates the
8 provisions of this section is guilty of a felony ~~misdemeanor~~
9 of the third ~~first~~ degree, punishable as provided in s.
10 775.082, or s. 775.083, or s. 775.084.

11 Section 31. Section 104.24, Florida Statutes, is
12 amended to read:

13 104.24 Penalty for assuming name.--A person may not ~~No~~
14 ~~registered elector shall~~, in connection with any part of the
15 election process, fraudulently call himself or herself, or
16 fraudulently pass by, any other name than the name by which
17 the person ~~elector~~ is registered or fraudulently use the name
18 of another in voting. Any person who violates this section is
19 guilty of a felony ~~misdemeanor~~ of the third ~~first~~ degree,
20 punishable as provided in s. 775.082, ~~or s. 775.083, or s.~~
21 775.084.

22 Section 32. Section 104.42, Florida Statutes, is
23 amended to read:

24 104.42 Fraudulent registration and illegal voting;
25 investigation.--

26 (1) The supervisor of elections is authorized to
27 investigate fraudulent registrations and illegal voting and to
28 report his or her findings to the local state attorney and the
29 Florida Elections Commission.

30 (2) The board of county commissioners in any county
31 may appropriate funds to the supervisor of elections for the

1 purpose of investigating fraudulent registrations and illegal
2 voting.

3 Section 33. Subsection (2) of section 117.05, Florida
4 Statutes, is amended to read:

5 117.05 Use of notary commission; unlawful use; notary
6 fee; seal; duties; employer liability; name change;
7 advertising; photocopies; penalties.--

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

10 (b) A notary public may not charge a fee for
11 witnessing an absentee ballot in an election, and must witness
12 such a ballot upon the request of an elector, provided the
13 notarial act is in accordance with the provisions of this
14 chapter.

15 Section 34. Section 106.25, Florida Statutes, is
16 amended to read:

17 106.25 Reports of alleged violations to Florida
18 Elections Commission; disposition of findings.--

19 (1) Jurisdiction to investigate and determine
20 violations of this chapter and chapter 104 is vested in the
21 Florida Elections Commission; however, nothing in this section
22 limits the jurisdiction of any other officers or agencies of
23 government empowered by law to investigate, act upon, or
24 dispose of alleged violations of this code.

25 (2) The commission shall investigate all violations of
26 this chapter and chapter 104, but only after having received
27 either a sworn complaint or information reported to it by the
28 Division of Elections. Any person, other than the division,
29 having information of any violation of this chapter or chapter
30 104 shall file a sworn complaint with the commission. Such
31 sworn complaint shall state whether a complaint of the same

1 violation has been made to any state attorney. Within 5 days
2 after receipt of a sworn complaint, the commission shall
3 transmit a copy of the complaint to the alleged violator. All
4 sworn complaints alleging violations of the Florida Elections
5 Code over which the commission has jurisdiction shall be filed
6 with the commission within 2 years of the alleged violations.
7 The period of limitations is tolled on the day a sworn
8 complaint is filed with the commission.

9 (3) For the purposes of commission jurisdiction, a
10 violation shall mean the willful performance of an act
11 prohibited by this chapter or chapter 104 or the willful
12 failure to perform an act required by this chapter or chapter
13 104.

14 (4) The commission shall undertake a preliminary
15 investigation to determine if the facts alleged in a sworn
16 complaint or a matter initiated by the division constitute
17 probable cause to believe that a violation has occurred. Upon
18 completion of the preliminary investigation, the commission
19 shall, by written report, find probable cause or no probable
20 cause to believe that this chapter or chapter 104 ~~s. 104.271~~
21 has been violated.

22 (a) If no probable cause is found, the commission
23 shall dismiss the case and the case shall become a matter of
24 public record, except as otherwise provided in this section,
25 together with a written statement of the findings of the
26 preliminary investigation and a summary of the facts which the
27 commission shall send to the complainant and the alleged
28 violator.

29 (b) If probable cause is found, the commission shall
30 so notify the complainant and the alleged violator in writing.
31 All documents made or received in the disposition of the

1 complaint shall become public records upon a finding by the
2 commission.

3
4 In a case where probable cause is found, the commission shall
5 make a preliminary determination to consider the matter or to
6 refer the matter to the state attorney for the judicial
7 circuit in which the alleged violation occurred.

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

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

25 (7) Every sworn complaint filed pursuant to this
26 chapter with the commission, every investigation and
27 investigative report or other paper of the commission with
28 respect to a violation of this chapter or chapter 104, and
29 every proceeding of the commission with respect to a violation
30 of this chapter or chapter 104 is confidential, is exempt from
31 the provisions of ss. 119.07(1) and 286.011, and is exempt

1 from publication in the Florida Administrative Weekly of any
2 notice or agenda with respect to any proceeding relating to
3 such violation, except under the following circumstances:

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

5 (b) Upon a determination of probable cause or no
6 probable cause by the commission; or

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

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

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1 commits a misdemeanor of the first degree, punishable as
2 provided in s. 775.082 or s. 775.083.

3 (8) Any person who files a complaint pursuant to this
4 section while knowing that the allegations contained in such
5 complaint are false or without merit commits a misdemeanor of
6 the first degree, punishable as provided in s. 775.082 or s.
7 775.083.

8 Section 35. Subsection (11) of section 106.26, Florida
9 Statutes, is amended to read:

10 106.26 Powers of commission; rights and
11 responsibilities of parties; findings by commission.--

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

23 Section 36. Subsections (1) and (2) of section
24 106.265, Florida Statutes, are amended to read:

25 106.265 Civil penalties.--

26 (1) The commission is authorized upon the finding of a
27 violation of this chapter or chapter 104 to impose civil
28 penalties in the form of fines not to exceed \$1,000 per count.
29 In determining the amount of such civil penalties, the
30 commission shall consider, among other mitigating and
31 aggravating circumstances:

- 1 (a) The gravity of the act or omission;
2 (b) Any previous history of similar acts or omissions;
3 (c) The appropriateness of such penalty to the
4 financial resources of the person, political committee,
5 committee of continuous existence, or political party; and
6 (d) Whether the person, political committee, committee
7 of continuous existence, or political party has shown good
8 faith in attempting to comply with the provisions of this
9 chapter or chapter 104.

10 (2) If any person, political committee, committee of
11 continuous existence, or political party fails or refuses to
12 pay to the commission any civil penalties assessed pursuant to
13 the provisions of this section, the Department of Revenue
14 ~~State Comptroller~~ shall be responsible for collecting the
15 civil penalties resulting from such action.

16 Section 37. Subsections (1) and (3) of section 106.27,
17 Florida Statutes, are amended to read:

18 106.27 Determinations by commission; legal
19 disposition.--

20 (1) Criminal proceedings for violations of this
21 chapter or chapter 104 may be brought in the appropriate court
22 of competent jurisdiction. Any such action brought under this
23 chapter or chapter 104 shall be advanced on the docket of the
24 court in which filed and put ahead of all other actions.

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

3 Section 38. Section 196.141, Florida Statutes, is
4 amended to read:

5 196.141 Homestead exemptions; duty of property
6 appraiser.--

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

12 (2) The property appraiser shall examine each
13 referral, of a person registering to vote at an address
14 different from the one where the person has filed for a
15 homestead exemption, which has been provided by a supervisor
16 of elections pursuant to s. 98.015. The property appraiser
17 shall initiate procedures to terminate a person's homestead
18 exemption and assess back taxes, if appropriate, if the person
19 claiming such exemption is not entitled to the exemption under
20 law.

21 Section 39. Except as otherwise expressly provided in
22 this act, this act shall take effect July 1, 1998.

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