

By Representative Lawson

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.055, F.S.; eliminating the book-closing
4 period for voter registration; providing for
5 registration and changes in registration at the
6 polls on election day; amending ss. 97.021,
7 97.053, 97.071, 98.065, 98.081, 98.231,
8 101.045, and 101.663, F.S., to conform;
9 creating s. 101.657, F.S.; requiring the office
10 of the supervisor of elections and any branch
11 office to be open on the Saturday prior to any
12 statewide election or other election held in
13 conjunction therewith, for the purpose of
14 allowing early in-person absentee voting for
15 that election; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Section 97.055, Florida Statutes, is
20 amended to read:

21 97.055 Registration period open books; registration at
22 the polls ~~when closed for an election.--~~

23 (1) The registration books shall remain open for
24 purposes of registration and changes in registration as
25 authorized in this code and may not ~~must~~ ~~be closed on the 29th~~
26 ~~day~~ before any each election; and any person who is eligible
27 under s. 97.041 may register to vote or update a voter
28 registration at any time and in any manner authorized in this
29 code, including on the day of an election ~~must remain closed~~
30 ~~until after that election. If an election is called and there~~
31 ~~are fewer than 29 days before that election, the registration~~

1 ~~books must be closed immediately. When the registration books~~
2 ~~are closed for an election, voter registration and party~~
3 ~~changes must be accepted but only for the purpose of~~
4 ~~subsequent elections.~~ However, party changes received between
5 the ~~book-closing~~ date of the first primary election and the
6 date of the second primary election are not effective until
7 after the second primary election.

8 (2) Any person eligible under s. 97.041 who wishes to
9 register to vote or update a voter registration on the day of
10 an election may do so at the polls, while the polls are open,
11 by completing a voter registration application to provide the
12 required information. However, if the person has previously
13 attempted to register either by mail or through the division,
14 a driver license office, a voter registration agency, or an
15 armed forces recruitment office and that registration has not
16 been received by the supervisor in time to include the
17 person's name on the registration books or precinct register
18 for that election, the person shall, prior to completing the
19 voter registration application at the polls, inform the
20 supervisor, deputy supervisor, or other authorized
21 registration official of the prior attempt to register. Any
22 such prior registration or update of such a registration
23 received by the supervisor after the election shall be
24 considered obviated or superseded by the registration or
25 update of a registration at the polls on the day of that
26 election. ~~In computing the 29-day period for the closing of~~
27 ~~the registration books, the day of the election is excluded~~
28 ~~and all other days are included.~~ ~~If the 29th day preceding an~~
29 ~~election falls on a Sunday or a legal holiday, the~~
30 ~~registration books must be closed on the next day that is not~~
31 ~~a Sunday or a legal holiday.~~

1 Section 2. Subsection (8) of section 97.021, Florida
2 Statutes, 1996 Supplement, is amended to read:

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

6 (8) "Election costs" shall include, but not be limited
7 to, expenditures for all paper supplies such as envelopes,
8 instructions to voters, affidavits, reports, ballot cards,
9 ballot booklets for absentee voters, postage, notices to
10 voters; advertisements for ~~registration book closings~~, testing
11 of voting equipment, sample ballots, and polling places; forms
12 used to qualify candidates; polling site rental and equipment
13 delivery and pickup; data processing time and supplies;
14 election records retention; and labor costs, including those
15 costs uniquely associated with absentee ballot preparation,
16 poll workers, and election night canvass.

17 Section 3. Subsection (4) of section 97.053, Florida
18 Statutes, is amended to read:

19 97.053 Acceptance of voter registration
20 applications.--

21 (4) The registration date for a valid initial voter
22 registration application that has been mailed and bears a
23 clear postmark is the date of the postmark. If an initial
24 voter registration application that has been mailed does not
25 bear a postmark or if the postmark is unclear, the
26 registration date is the date the registration is received by
27 any supervisor or the division, ~~unless it is received within 5~~
28 ~~days after the closing of the books for an election, excluding~~
29 ~~Saturdays, Sundays, and legal holidays, in which case the~~
30 ~~registration date is the book-closing date.~~

31

1 Section 4. Subsection (3) of section 97.071, Florida
2 Statutes, is amended to read:

3 97.071 Registration identification card.--

4 (3) In the case of a change of name, address, or party
5 affiliation, the supervisor must issue the voter a new
6 registration identification card. However, a registration
7 identification card indicating a party affiliation change made
8 between the ~~book-closing~~ date for the first primary election
9 and the date of the second primary election may not be issued
10 until after the second primary election.

11 Section 5. Subsection (5) of section 98.065, Florida
12 Statutes, is amended to read:

13 98.065 Registration list maintenance programs.--

14 (5) The supervisor must designate as inactive all
15 voters who have been sent an address confirmation final notice
16 and who have not returned the postage prepaid preaddressed
17 return form within 30 days. A voter on the inactive list must
18 be allowed to vote and to change the voter's name or address
19 of legal residence at the polls ~~pursuant to s. 101.045~~. Names
20 on the inactive list may not be used to calculate the number
21 of signatures needed on any petition or the quantity of voting
22 equipment needed.

23 Section 6. Subsections (1) and (3) of section 98.081,
24 Florida Statutes, are amended to read:

25 98.081 Names removed from registration books;
26 restrictions on reregistering; recordkeeping; restoration of
27 erroneously or illegally removed names.--

28 (1) Any person who requested that his or her name be
29 removed from the registration books between the ~~book-closing~~
30 date of the first primary and the date of the second primary
31

1 may not register in a different political party until after
2 the date of the second primary election.

3 (3) When the name of any elector has been erroneously
4 or illegally removed from the registration books, the name of
5 the elector shall be restored by the supervisor upon
6 satisfactory proof, ~~even though the registration period for~~
7 ~~that election is closed.~~

8 Section 7. Section 98.231, Florida Statutes, is
9 amended to read:

10 98.231 Supervisor of elections to furnish Department
11 of State number of registered electors.--The supervisor of
12 each county, not less than ~~within~~ 15 days ~~after the closing of~~
13 ~~registration books~~ prior to the election, shall, for the
14 county and for each legislative and congressional district in
15 which such county or any portion thereof is located, advise
16 the Department of State of the total number of registered
17 electors of each political party in which any elector has
18 registered and the number of electors registered as
19 independents or without party affiliation.

20 Section 8. Section 101.045, Florida Statutes, is
21 amended to read:

22 101.045 Electors must be registered in precinct;
23 provisions for residence or name change.--

24 (1) No person shall be permitted to vote in any
25 election precinct or district other than the one in which the
26 person has his or her legal residence and in which the person
27 is registered. However, a person temporarily residing outside
28 the county shall be registered in the precinct in which the
29 main office of the supervisor, as designated by the
30 supervisor, is located when the person has no permanent
31 address in the county and it is the person's intention to

1 remain a resident of Florida and of the county in which he or
2 she is registered to vote. Such persons who are registered in
3 the precinct in which the main office of the supervisor, as
4 designated by the supervisor, is located and who are residing
5 outside the county with no permanent address in the county
6 shall not be registered electors of a municipality and
7 therefore shall not be permitted to vote in any municipal
8 election.

9 (2)(a) An elector who moves from the precinct within
10 the county in which the elector is registered may be permitted
11 to vote in the precinct to which he or she has moved his or
12 her legal residence, or ~~provided such elector completes an~~
13 ~~affirmation in substantially the following form:~~

14
15 ~~Change of Legal Residence of Registered~~
16 ~~Voter~~
17

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

30
31 ~~... (Signature of voter whose address of legal residence has~~

1 ~~changed)...~~
2
3 **(b)** an elector whose name changes because of marriage
4 or other legal process may be permitted to vote, provided such
5 elector completes ~~an affirmation in substantially the~~
6 ~~following form:~~
7
8 ~~Change of Name of Registered~~
9 ~~Voter~~
10
11 ~~Under penalties for false swearing, I, ... (New name of~~
12 ~~voter)...~~, swear (or affirm) that my name has been changed
13 because of marriage or other legal process. My former name and
14 address of legal residence appear on the registration books of
15 precinct as follows:
16 Name.....
17 Address.....
18 Municipality.....
19 County.....
20 Florida, Zip.....
21 My present name and address of legal residence are as follows:
22 Name.....
23 Address.....
24 Municipality.....
25 County.....
26 Florida, Zip.....
27 and I further swear (or affirm) that I am otherwise legally
28 registered and entitled to vote.
29
30 _____ ~~...(Signature of voter whose name has changed)...~~
31

1 ~~(c) Such affirmation, when completed and presented at~~
2 ~~the precinct in which such elector is entitled to vote, shall~~
3 ~~entitle such elector to vote as provided in this subsection.~~
4 ~~Upon receipt of an affirmation certifying a change in address~~
5 ~~of legal residence or name, the supervisor shall as soon as~~
6 ~~practicable make the necessary changes in the registration~~
7 ~~records of the county to indicate the change in address of~~
8 ~~legal residence or name of such elector.~~

9 ~~(d) Instead of the affirmation contained in paragraph~~
10 ~~(a) or paragraph (b), an elector may complete a voter~~
11 registration application that indicates the change of ~~name or~~
12 change of address of legal residence or change of name.

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

23 (3) When an elector's name does not appear on the
24 registration books or precinct register of the election
25 precinct in which the elector claims to be ~~is~~ registered and
26 when the elector cannot present a valid registration
27 identification card, the elector may have his or her name
28 restored by completing a voter registration application to
29 provide the required information indicating eligibility under
30 s. 97.041 ~~if the supervisor is otherwise satisfied that the~~
31 ~~elector is validly registered, that the elector's name has~~

1 ~~been erroneously omitted from the books, and that the elector~~
2 ~~is entitled to have his or her name restored.~~ The supervisor,
3 ~~if he or she is satisfied as to the elector's previous~~
4 ~~registration,~~ shall then allow such person to vote and shall
5 thereafter issue a duplicate registration identification card.

6 Section 9. Section 101.663, Florida Statutes, is
7 amended to read:

8 101.663 Electors; change of residence.--

9 (1) An elector who changes his or her residence to
10 another county in Florida from the county in Florida in which
11 he or she is registered as an elector must register in the
12 county of his or her new residence prior to being allowed to
13 vote in any election and may ~~after the books in the county to~~
14 ~~which the elector has changed his or her residence are closed~~
15 ~~for any general, primary, or special election shall be~~
16 ~~permitted to vote absentee in the county of his or her former~~
17 ~~residence in that election for President and Vice President,~~
18 ~~United States Senator, statewide offices, and statewide~~
19 ~~issues. Such person shall not be permitted to vote, either in~~
20 person or by absentee ballot, in the county of his or her the
21 person's former residence after the general election.

22 (2) An elector registered in this state who moves his
23 or her permanent residence to another state and who is
24 prohibited by the laws of that state from voting for the
25 offices of President and Vice President of the United States
26 may ~~shall be permitted to~~ vote absentee in the county of his
27 or her former residence for those offices.

28 Section 10. Section 101.657, Florida Statutes, is
29 created to read:

30 101.657 Early in-person absentee voting.--The office
31 of the supervisor of elections and each branch office must be

1 open from 9 a.m. until 5 p.m., using the customary time in
2 standard use in the locality, on the Saturday prior to any
3 statewide election or other election held in conjunction
4 therewith, for the purpose of permitting voters to cast their
5 ballots for that election on a day prior to the election that
6 is not a standard workday and that might, therefore, be more
7 convenient. Such voters shall be considered absentee voters
8 voting in person, and the ballots for such early voting shall
9 be absentee ballots prepared for that purpose and canvassed as
10 other absentee ballots voted in person are canvassed. The
11 division may adopt rules as necessary to carry out the
12 provisions of this section.

13 Section 11. This act shall take effect January 1,
14 1998.

15
16 *****

17 HOUSE SUMMARY

18 Eliminates the book-closing period for voter
19 registration, and provides for registration and changes
20 in registration at the polls on election day.

21 Requires the office of the supervisor of elections and
22 each branch office to be open on the Saturday prior to
23 any statewide election or other election held in
conjunction therewith, for the purpose of allowing early
in-person absentee voting for that election.

24 See bill for details.
25
26
27
28
29
30
31