

Amendment No. 1 (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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3		.	
4		.	

ORIGINAL STAMP BELOW

The Committee on Election Reform offered the following:

Amendment (with title amendment)

Remove from the bill: Everything after the enacting clause
and insert in lieu thereof:

Section 1. Section 97.056, Florida Statutes, 1998 Supplement, is repealed effective July 1, 1999.

Section 2. Section 97.071, Florida Statutes, 1998 Supplement, is amended to read:

97.071 Registration identification card.--

(1) A registration identification card must be furnished to all voters registering under the permanent single registration system and must contain:

- (a) Voter's registration number.
- (b) Date of registration.
- (c) Full name.
- (d) Party affiliation.
- (e) Date of birth.
- (f) Race or ethnicity, if provided by the applicant.
- (g) Sex, if provided by the applicant.

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- 1 (h) Address of legal residence.
2 (i) Precinct number.
3 (j) Signature of supervisor.
4 (k) Place for voter's signature.
5 (l) Other information deemed necessary by the
6 department.
7 ~~(2)(a) Except as provided in paragraph (b), the~~
8 ~~supervisor of elections shall mail a registration~~
9 ~~identification card to the voter at the address listed as the~~
10 ~~legal residence on the voter's registration application. The~~
11 ~~card must be sent by nonforwardable, return-if-undeliverable~~
12 ~~mail. If the identification card is returned as undeliverable~~
13 ~~and the voter has indicated a different mailing address on the~~
14 ~~registration application, the supervisor must mail a notice to~~
15 ~~the mailing address, notifying the voter that his or her~~
16 ~~registration identification card was returned and that the~~
17 ~~voter may appear in person at the supervisor's office to pick~~
18 ~~up the identification card. The supervisor must surrender the~~
19 ~~identification card to the elector upon presentation of a~~
20 ~~Florida driver's license, a Florida identification card issued~~
21 ~~under s. 322.051, or another form of picture identification~~
22 ~~approved by the Department of State. If the elector fails to~~
23 ~~furnish the required identification, or if the supervisor has~~
24 ~~doubts as to the identity of the elector, the supervisor must~~
25 ~~require the elector to swear an oath substantially similar to~~
26 ~~the one prescribed in s. 101.49 prior to surrendering the~~
27 ~~identification card. The supervisor must keep the~~
28 ~~identification card on file for 45 days following return of~~
29 ~~the card as undeliverable.~~
30 ~~(b) The supervisor shall mail the voter identification~~
31 ~~card by forwardable mail to voters who are covered by the~~

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1 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~

2 (2)~~(3)~~ A voter may receive a replacement of a
3 registration identification card by providing a signed,
4 written request for a replacement card to the supervisor. Upon
5 verification of registration, the supervisor shall issue the
6 voter a duplicate card without charge.

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

14 Section 3. Section 101.64, Florida Statutes, 1998
15 Supplement, is amended to read:

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

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

25

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

28 VOTER'S CERTIFICATE

29 I, , do solemnly swear or affirm that I am a
30 qualified and registered voter of County, Florida. I
31 understand that if I commit or attempt to commit any fraud in

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1 connection with voting, vote a fraudulent ballot, or vote more
2 than once in an election, I can be convicted of a felony of
3 the third degree and fined up to \$5,000 and/or imprisoned for
4 up to 5 years. I also understand that failure to sign this
5 certificate and have my signature witnessed will invalidate my
6 ballot. I am entitled to vote an absentee ballot for one of
7 the following reasons:

- 8
- 9 1. I am unable without another's assistance to attend
10 the polls.
- 11 2. I may not be in the precinct of my residence during
12 the hours the polls are open for voting on election day.
- 13 3. I am an inspector, a poll worker, a deputy voting
14 machine custodian, a deputy sheriff, a supervisor of
15 elections, or a deputy supervisor who is assigned to a
16 different precinct than that in which I am registered.
- 17 4. On account of the tenets of my religion, I cannot
18 attend the polls on the day of the general, special, or
19 primary election.
- 20 5. I have changed my permanent residency to another
21 county in Florida within the time period during which the
22 registration books are closed for the election. I understand
23 that I am allowed to vote only for national and statewide
24 offices and on statewide issues.
- 25 6. I have changed my permanent residency to another
26 state and am unable under the laws of such state to vote in
27 the general election. I understand that I am allowed to vote
28 only for President and Vice President.
- 29 7. I am unable to attend the polls on election day and
30 am voting this ballot in person at the office of, and under
31 the supervision of, the county supervisor of elections.

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

....(Printed Name of Voter)....

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

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

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

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

~~...(Signature of Official)...~~

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

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

~~Personally Known OR Produced Identification~~

~~.....~~

~~Type of Identification Produced.....~~

OR

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

I swear or affirm that the voter signed this Voter's
Certificate in my presence and that, unless I am an officer
entitled to administer oaths or unless I have been certified
as an absentee ballot coordinator, I have not witnessed more

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1 than 5 ballots for this election.

2

3 ~~WITNESS:~~

4

5 ...(Signature of Witness)...

6

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

7

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

10

11 ...(Address)...

12

...(City/State/Country)...

13

14 (2) The certificate shall be arranged on the back of
15 the mailing envelope so that the lines for the signatures of
16 the absent elector and the attesting witness are across the
17 seal of the envelope; however, no statement shall appear on
18 the envelope which indicates that a signature of the voter or
19 witness must cross the seal of the envelope. The absent
20 elector and the attesting witness shall execute the
21 certificate on the envelope.

22

Section 4. Section 101.65, Florida Statutes, 1998
23 Supplement, is amended to read:

24

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

27

28 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

29

1. VERY IMPORTANT. In order to ensure that your
30 absentee ballot will be counted, it should be completed and
31 returned as soon as possible so that it can reach the

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- 1 supervisor of elections of the county in which your precinct
2 is located no later than 7 p.m. on the day of the election.
- 3 2. Mark your ballot in secret as instructed on the
4 ballot. You must mark your own ballot unless you are unable to
5 do so because of blindness, disability, or inability to read
6 or write.
- 7 3. Place your marked ballot in the enclosed secrecy
8 envelope.
- 9 4. Insert the secrecy envelope into the enclosed
10 mailing envelope which is addressed to the supervisor.
- 11 5. Seal the mailing envelope and completely fill out
12 the Voter's Certificate on the back of the mailing envelope.
- 13 6. VERY IMPORTANT. In order for your absentee ballot
14 to be counted, you must sign your name on the line above
15 (Voter's Signature) and print your name legibly on the line
16 above....(Printed Name of Voter)....., ~~place the last four~~
17 ~~digits of your Social Security number in the space provided,~~
18 ~~and your ballot must be witnessed in either of the following~~
19 ~~manners:~~
- 20 a. ~~One witness, who is a registered voter in the~~
21 ~~state, must affix his or her signature, printed name, address,~~
22 ~~voter identification number, and county of registration on the~~
23 ~~voter's certificate. Each witness is limited to witnessing~~
24 ~~five ballots per election unless certified as an absentee~~
25 ~~ballot coordinator. A candidate may not serve as an attesting~~
26 ~~witness.~~
- 27 b. ~~Any notary or other officer entitled to administer~~
28 ~~oaths or any Florida supervisor of elections or deputy~~
29 ~~supervisor of elections, other than a candidate, may serve as~~
30 ~~an attesting witness.~~
- 31 7. VERY IMPORTANT. In order for your absentee ballot

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1 to be counted, it must include the signature, legibly printed
2 name, and address of a witness 18 years of age or older
3 affixed to the voter's certificate. Each witness is limited to
4 witnessing 5 ballots per election unless certified as an
5 absentee ballot coordinator or unless the witness is an
6 officer entitled to administer oaths. A candidate may not
7 serve as an attesting witness.

8 8.7. Mail, deliver, or have delivered the completed
9 mailing envelope. Be sure there is sufficient postage if
10 mailed.

11 9.8. FELONY NOTICE. It is a felony under Florida law
12 to accept any gift, payment, or gratuity in exchange for your
13 vote for a candidate. It is also a felony under Florida law to
14 vote in an election using a false identity or false address,
15 or under any other circumstances making your ballot false or
16 fraudulent.

17 Section 5. Paragraph (c) of subsection (2) of section
18 101.68, Florida Statutes, 1998 Supplement, is amended to read:

19 101.68 Canvassing of absentee ballot.--

20 (2)

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

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1 ~~a. The subscription of a notary or officer defined in~~
2 ~~item 6.b. of the instruction sheet, or~~

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

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

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

25 Section 6. Section 101.647, Florida Statutes, is
26 amended to read:

27 101.647 Return of absentee ballots.--

28 (1) Absentee ballots must be returned to the
29 supervisor of elections by the elector, either in person or by
30 mail.

31 (2) If the elector is unable to mail or personally

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1 deliver the ballot, the elector may designate ~~in writing~~ a
2 person who may return the ballot for the elector; however, the
3 person designated may not return more than two absentee
4 ballots per election, other than the designee's own ballot,
5 except that additional ballots may be returned for members of
6 the designee's immediate family. For purposes of this
7 section, the term "immediate family" means the designee's
8 spouse or the parent, child, grandparent, or sibling of the
9 designee or of the designee's spouse. The designee must
10 provide to the supervisor ~~the written authorization by the~~
11 ~~elector and~~ a picture identification of the designee and must
12 complete an affidavit. The designee shall state in the
13 affidavit that the designee is authorized to return that
14 ballot and shall indicate if the elector is a member of the
15 designee's immediate family and, if so, the relationship. The
16 designee shall also state in the affidavit that the designee
17 has not and will not return more than two absentee ballots for
18 this election, other than the designee's own ballot and
19 ballots for the designee's immediate family. The department
20 shall prescribe the form of the affidavit. If the supervisor
21 is satisfied that the designee is authorized under law to
22 return the ballot, the supervisor shall accept receipt of the
23 ballot.

24 Section 7. Subsections (1) and (3) of section 104.047,
25 Florida Statutes, 1998 Supplement, are amended and a new
26 subsection (6) is added to said section, to read:

27 104.047 Absentee voting.--

28 (1) Any person who provides or offers to provide, and
29 any person who accepts, a pecuniary or other benefit in
30 exchange for distributing, ordering, requesting, witnessing,
31 collecting, delivering, or otherwise physically possessing

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1 absentee ballots, except as provided in ss. 101.6105-101.694,
2 is guilty of a felony of the third degree, punishable as
3 provided in s. 775.082, s. 775.083, or s. 775.084.

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

10 (6) Any person who by mail solicits an elector to mail
11 or give his or her absentee ballot or absentee ballot request
12 to anyone other than the supervisor of elections or an
13 authorized designee as provided in s. 101.62 or s. 101.647, is
14 guilty of a misdemeanor of the first degree, punishable as
15 provided in s. 775.082 or s. 775.083.

16 Section 8. Subsection (3) of section 105.031, Florida
17 Statutes, is amended to read:

18 105.031 Qualification; filing fee; candidate's oath;
19 items required to be filed.--

20 (3) QUALIFYING FEE.--Each candidate qualifying for
21 election to judicial office, except write-in judicial
22 candidates, shall, during the time for qualifying, pay to the
23 officer with whom he or she qualifies a qualifying fee, which
24 shall consist of a filing fee and an election assessment, or
25 qualify by the alternative method. The amount of the filing
26 fee is 3 percent of the annual salary of the office sought.
27 The amount of the election assessment is 1 percent of the
28 annual salary of the office sought. The qualifying officer
29 shall forward all filing fees to the Department of Revenue for
30 deposit in the Elections Commission Trust Fund ~~General Revenue~~
31 ~~Fund~~. The election assessment shall be deposited into the

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1 Elections Commission Trust Fund. The annual salary of the
2 office for purposes of computing the qualifying fee shall be
3 computed by multiplying 12 times the monthly salary authorized
4 for such office as of July 1 immediately preceding the first
5 day of qualifying. This subsection shall not apply to
6 candidates qualifying for retention to judicial office.

7 Section 9. The qualifying officer shall forward all
8 filing fees paid by candidates for school board office, except
9 write-in candidates, to the Department of Revenue for deposit
10 into the Elections Commission Trust Fund.

11 Section 10. Subsection (3) of section 106.011, Florida
12 Statutes, is amended to read:

13 106.011 Definitions.--As used in this chapter, the
14 following terms have the following meanings unless the context
15 clearly indicates otherwise:

16 (3) "Contribution" means:

17 (a) A gift, subscription, conveyance, deposit, loan,
18 payment, or distribution of money or anything of value,
19 including contributions in kind having an attributable
20 monetary value in any form, made for the purpose of
21 influencing the results of an election.

22 (b) A transfer of funds between political committees,
23 between committees of continuous existence, or between a
24 political committee and a committee of continuous existence.

25 (c) The payment, by any person other than a candidate
26 or political committee, of compensation for the personal
27 services of another person which are rendered to a candidate
28 or political committee without charge to the candidate or
29 committee for such services.

30 (d) The transfer of funds by a campaign treasurer or
31 deputy campaign treasurer between a primary depository and a

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1 separate interest-bearing account or certificate of deposit,
2 and the term includes any interest earned on such account or
3 certificate.

4
5 Notwithstanding the foregoing meanings of "contribution," the
6 word shall not be construed to include services, including,
7 but not limited to, legal and accounting services, provided
8 without compensation by individuals volunteering a portion or
9 all of their time on behalf of a candidate or political
10 committee. This definition shall not be construed to include
11 editorial endorsements by any newspaper, radio or television
12 station, or other recognized news medium.

13 Section 11. Subsection (3) of section 106.071, Florida
14 Statutes, is amended to read:

15 106.071 Independent expenditures; reports;
16 disclaimers.--

17 (3) No person may make a contribution in excess of
18 ~~\$500~~~~\$1,000~~ to any other person, to be used by such other
19 person to make an independent expenditure.

20 Section 12. Subsection (3) of section 106.15, Florida
21 Statutes, is amended to read:

22 106.15 Certain acts prohibited.--

23 (3) No candidate shall, in the furtherance of his or
24 her candidacy for nomination or election to public office in
25 any election, use the services of any officer or employee of
26 the state, county, municipality, or special district during
27 working hours.

28 Section 13. Except as otherwise provided herein, this
29 act shall take effect January 1, 2000.

30
31

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1 ===== T I T L E A M E N D M E N T =====

2 And the title is amended as follows:

3 On beginning on page 1, through page 2 line 4
4 remove the entire title of the bill:

5

6 and insert in lieu thereof:

7

A bill to be entitled

8

An act relating to elections; amending s.

9

97.071, F.S.; deleting procedures for mailing

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voter registration identification cards;

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repealing s. 97.056, F.S.; relating to

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registration by mail and persons required to

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vote in person; amending s. 101.64, F.S.;

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modifying absentee ballot certificates;

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amending s. 101.65, F.S.; modifying

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instructions to absent electors; amending s.

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101.68, F.S.; modifying information that must

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be included on an absentee ballot; amending s.

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101.647, F.S.; prescribing information that an

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absent elector's designee must include with an

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absentee ballot; amending s. 104.047, F.S.;

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prohibiting the receipt of a fee or benefit for

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witnessing an absentee ballot; providing a

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criminal penalty; prohibiting solicitation by

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mail to mail or give an absentee ballot or

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absentee ballot request to anyone other than

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the supervisor or an authorized designee;

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amending s. 105.031, F.S.; providing that

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filing fees paid by judicial candidates shall

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be deposited in the Elections Commission Trust

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Fund; providing that filing fees paid by school

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1 board candidates be deposited in the Elections
2 Commission Trust Fund; amending s. 106.011,
3 F.S.; redefining the term "contribution";
4 amending s. 106.071, F.S.; reducing the amount
5 of allowable contribution for an independent
6 expenditure; amending s. 106.15, F.S.;
7 prohibiting candidates from using county,
8 municipality, or special district employees in
9 their campaigns during working hours; providing
10 an effective dates.

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