

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.071, F.S.; deleting procedures for mailing
4 voter registration identification cards;
5 repealing s. 97.056, F.S.; relating to
6 registration by mail and persons required to
7 vote in person; amending s. 101.64, F.S.;
8 modifying absentee ballot certificates;
9 amending s. 97.021, F.S.; modifying definition
10 of absent elector, to conform; amending s.
11 101.65, F.S.; modifying instructions to absent
12 electors; amending s. 101.68, F.S.; modifying
13 information that must be included on an
14 absentee ballot; amending s. 101.647, F.S.;
15 prescribing information that an absent
16 elector's designee must include with an
17 absentee ballot; amending s. 104.047, F.S.;
18 prohibiting the receipt of a fee or benefit for
19 witnessing an absentee ballot; providing a
20 criminal penalty; amending s. 104.31, F.S.;
21 prohibiting use of public facilities for the
22 purpose of promoting a candidate or issue;
23 providing exceptions; amending s. 105.031,
24 F.S.; providing that filing fees paid by
25 judicial candidates shall be deposited in the
26 Elections Commission Trust Fund; providing that
27 filing fees paid by school board candidates be
28 deposited in the Elections Commission Trust
29 Fund; amending s. 106.011, F.S.; redefining the
30 term "contribution"; amending s. 106.071, F.S.;
31 reducing the amount of allowable contribution

1 for an independent expenditure; amending s.
2 106.15, F.S.; prohibiting candidates from using
3 county, municipality, school board, or special
4 district employees in their campaigns during
5 working hours; amending s. 106.17, F.S.;
6 prohibiting state agencies from soliciting
7 pledges or authorizing or conducting polls or
8 surveys relating to candidacies for public
9 office; exempting polls or surveys conducted by
10 institutions of higher learning for research
11 purposes; providing effective dates.
12

13 Be It Enacted by the Legislature of the State of Florida:
14

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16 Supplement, is repealed effective July 1, 1999.

17 Section 2. Paragraph (a) of subsection (1) of section
18 97.021, Florida Statutes, 1998 Supplement, is amended to read:

19 97.021 Definitions.--For the purposes of this code,
20 except where the context clearly indicates otherwise, the
21 term:

22 (1) "Absent elector" means any registered and
23 qualified voter who:

24 (a) Is unable to attend the polls on election day
25 ~~without another's assistance to attend the polls.~~

26 Section 3. Section 97.071, Florida Statutes, 1998
27 Supplement, is amended to read:

28 97.071 Registration identification card.--

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

- 1 (a) Voter's registration number.
- 2 (b) Date of registration.
- 3 (c) Full name.
- 4 (d) Party affiliation.
- 5 (e) Date of birth.
- 6 (f) Race or ethnicity, if provided by the applicant.
- 7 (g) Sex, if provided by the applicant.
- 8 (h) Address of legal residence.
- 9 (i) Precinct number.
- 10 (j) Signature of supervisor.
- 11 (k) Place for voter's signature.
- 12 (l) Other information deemed necessary by the
- 13 department.

14 ~~(2)(a) Except as provided in paragraph (b), the~~
15 ~~supervisor of elections shall mail a registration~~
16 ~~identification card to the voter at the address listed as the~~
17 ~~legal residence on the voter's registration application. The~~
18 ~~card must be sent by nonforwardable, return-if-undeliverable~~
19 ~~mail. If the identification card is returned as undeliverable~~
20 ~~and the voter has indicated a different mailing address on the~~
21 ~~registration application, the supervisor must mail a notice to~~
22 ~~the mailing address, notifying the voter that his or her~~
23 ~~registration identification card was returned and that the~~
24 ~~voter may appear in person at the supervisor's office to pick~~
25 ~~up the identification card. The supervisor must surrender the~~
26 ~~identification card to the elector upon presentation of a~~
27 ~~Florida driver's license, a Florida identification card issued~~
28 ~~under s. 322.051, or another form of picture identification~~
29 ~~approved by the Department of State. If the elector fails to~~
30 ~~furnish the required identification, or if the supervisor has~~
31 ~~doubts as to the identity of the elector, the supervisor must~~

1 ~~require the elector to swear an oath substantially similar to~~
2 ~~the one prescribed in s. 101.49 prior to surrendering the~~
3 ~~identification card. The supervisor must keep the~~
4 ~~identification card on file for 45 days following return of~~
5 ~~the card as undeliverable.~~

6 ~~(b) The supervisor shall mail the voter identification~~
7 ~~card by forwardable mail to voters who are covered by the~~
8 ~~Uniformed and Overseas Citizens Absentee Voting Act.~~

9 (2)~~(3)~~ A voter may receive a replacement of a
10 registration identification card by providing a signed,
11 written request for a replacement card to the supervisor. Upon
12 verification of registration, the supervisor shall issue the
13 voter a duplicate card without charge.

14 (3)~~(4)~~ In the case of a change of name, address, or
15 party affiliation, the supervisor must issue the voter a new
16 registration identification card. However, a registration
17 identification card indicating a party affiliation change made
18 between the book-closing date for the first primary election
19 and the date of the second primary election may not be issued
20 until after the second primary election.

21 Section 4. Section 101.64, Florida Statutes, 1998
22 Supplement, is amended to read:

23 101.64 Delivery of absentee ballots; envelopes;
24 form.--

25 (1) The supervisor shall enclose with each absentee
26 ballot two envelopes: a secrecy envelope, into which the
27 absent elector shall enclose his or her marked ballot; and a
28 mailing envelope, into which the absent elector shall then
29 place the secrecy envelope, which shall be addressed to the
30 supervisor and also bear on the back side a certificate in
31 substantially the following form:

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

VOTER'S CERTIFICATE

I, , do solemnly swear or affirm that I am a
qualified and registered voter of County, Florida. I
understand that if I commit or attempt to commit any fraud in
connection with voting, vote a fraudulent ballot, or vote more
than once in an election, I can be convicted of a felony of
the third degree and fined up to \$5,000 and/or imprisoned for
up to 5 years. I also understand that failure to sign this
certificate and have my signature witnessed will invalidate my
ballot. I am entitled to vote an absentee ballot for one of
the following reasons:

1. I am unable to attend the polls on election day.
~~without another's assistance to attend the polls.~~
2. I may not be in the precinct of my residence during
the hours the polls are open for voting on election day.
3. I am an inspector, a poll worker, a deputy voting
machine custodian, a deputy sheriff, a supervisor of
elections, or a deputy supervisor who is assigned to a
different precinct than that in which I am registered.
4. On account of the tenets of my religion, I cannot
attend the polls on the day of the general, special, or
primary election.
5. I have changed my permanent residency to another
county in Florida within the time period during which the
registration books are closed for the election. I understand
that I am allowed to vote only for national and statewide
offices and on statewide issues.

1 6. I have changed my permanent residency to another
2 state and am unable under the laws of such state to vote in
3 the general election. I understand that I am allowed to vote
4 only for President and Vice President.

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

8
9 ...(Voter's Signature)...

10 (Printed Name of Voter)....

11
12 ~~...(Last four digits of voter's social security number)...~~

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

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

18
19 ~~Sworn to (or affirmed) and subscribed before me this~~
20 ~~.... day of, ...(year)..., by ...(name of person~~
21 ~~making statement).... My commission expires this day of~~
22 ~~....., ...(year)....~~

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

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

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

26 ~~Personally Known OR Produced Identification~~

27 ~~.....~~

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

29
30 OR

CODING:Words ~~stricken~~ are deletions; words underlined are additions.

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

3
4 I swear or affirm that the voter signed this Voter's
5 Certificate in my presence and that, unless I am an officer
6 entitled to administer oaths or unless I have been certified
7 as an absentee ballot coordinator, I have not witnessed more
8 than 5 ballots for this election.

9
10 ~~WITNESS:~~

11
12 ...(Signature of Witness)...

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

14
15 ~~...(Voter I.D. Number of Witness and County of~~
16 ~~Registration)...~~

17
18 ...(Address)...

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

20
21 (2) The certificate shall be arranged on the back of
22 the mailing envelope so that the lines for the signatures of
23 the absent elector and the attesting witness are across the
24 seal of the envelope; however, no statement shall appear on
25 the envelope which indicates that a signature of the voter or
26 witness must cross the seal of the envelope. The absent
27 elector and the attesting witness shall execute the
28 certificate on the envelope.

29 Section 5. Section 101.65, Florida Statutes, 1998
30 Supplement, is amended to read:

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1 101.65 Instructions to absent electors.--The
2 supervisor shall enclose with each absentee ballot separate
3 printed instructions in substantially the following form:
4

5 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

11 2. Mark your ballot in secret as instructed on the
12 ballot. You must mark your own ballot unless you are unable to
13 do so because of blindness, disability, or inability to read
14 or write.

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

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

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

21 6. VERY IMPORTANT. In order for your absentee ballot
22 to be counted, you must sign your name on the line above
23 (Voter's Signature) and print your name legibly on the line
24 above....(Printed Name of Voter)....., ~~place the last four~~
25 ~~digits of your Social Security number in the space provided,~~
26 ~~and your ballot must be witnessed in either of the following~~
27 ~~manners:~~

28 a. ~~One witness, who is a registered voter in the~~
29 ~~state, must affix his or her signature, printed name, address,~~
30 ~~voter identification number, and county of registration on the~~
31 ~~voter's certificate. Each witness is limited to witnessing~~

1 ~~five ballots per election unless certified as an absentee~~
2 ~~ballot coordinator. A candidate may not serve as an attesting~~
3 ~~witness.~~

4 ~~b. Any notary or other officer entitled to administer~~
5 ~~oaths or any Florida supervisor of elections or deputy~~
6 ~~supervisor of elections, other than a candidate, may serve as~~
7 ~~an attesting witness.~~

8 7. VERY IMPORTANT. In order for your absentee ballot
9 to be counted, it must include the signature, legibly printed
10 name, and address of a witness 18 years of age or older
11 affixed to the voter's certificate. Each witness is limited to
12 witnessing 5 ballots per election unless certified as an
13 absentee ballot coordinator or unless the witness is an
14 officer entitled to administer oaths. A candidate may not
15 serve as an attesting witness.

16 ~~8.7.~~ Mail, deliver, or have delivered the completed
17 mailing envelope. Be sure there is sufficient postage if
18 mailed.

19 ~~9.8.~~ FELONY NOTICE. It is a felony under Florida law
20 to accept any gift, payment, or gratuity in exchange for your
21 vote for a candidate. It is also a felony under Florida law to
22 vote in an election using a false identity or false address,
23 or under any other circumstances making your ballot false or
24 fraudulent.

25 Section 6. Paragraph (c) of subsection (2) of section
26 101.68, Florida Statutes, 1998 Supplement, is amended to read:

27 101.68 Canvassing of absentee ballot.--

28 (2)

29 (c)1. The canvassing board shall, if the supervisor
30 has not already done so, compare the signature of the elector
31 on the voter's certificate with the signature of the elector

1 in the registration books to see that the elector is duly
2 registered in the county and to determine the legality of that
3 absentee ballot. An absentee ballot shall be considered
4 illegal if it does not include the signature ~~and the last four~~
5 ~~digits of the social security number~~ of the elector, as shown
6 by the registration records, and the signature, printed name,
7 which must be legible unless the name is plainly apparent from
8 the signature, and address of an attesting witness.~~either:~~

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

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

14
15 However, an absentee ballot shall not be considered illegal if
16 the signature of the elector or attesting witness does not
17 cross the seal of the mailing envelope or if the person
18 witnessing the ballot is in violation of s. 104.047(3). If the
19 canvassing board determines that any ballot is illegal, a
20 member of the board shall, without opening the envelope, mark
21 across the face of the envelope: "rejected as illegal." The
22 envelope and the ballot contained therein shall be preserved
23 in the manner that official ballots voted are preserved.

24 2. If any elector or candidate present believes that
25 an absentee ballot is illegal due to a defect apparent on the
26 voter's certificate, he or she may, at any time before the
27 ballot is removed from the envelope, file with the canvassing
28 board a protest against the canvass of that ballot, specifying
29 the precinct, the ballot, and the reason he or she believes
30 the ballot to be illegal. A challenge based upon a defect in
31

1 the voter's certificate may not be accepted after the ballot
2 has been removed from the mailing envelope.

3 Section 7. Section 101.647, Florida Statutes, 1998
4 Supplement, is amended to read:

5 101.647 Return of absentee ballots.--

6 (1) Absentee ballots must be returned to the
7 supervisor of elections by the elector, either in person or by
8 mail.

9 (2) If the elector is unable to mail or personally
10 deliver the ballot, the elector may designate ~~in writing~~ a
11 person who may return the ballot for the elector; however, the
12 person designated may not return more than two absentee
13 ballots per election, unless certified as an absentee ballot
14 coordinator, other than the designee's own ballot, except that
15 additional ballots may be returned for members of the
16 designee's immediate family. For purposes of this section,
17 the term "immediate family" means the designee's spouse or the
18 parent, child, grandparent, or sibling of the designee or of
19 the designee's spouse. The designee must provide to the
20 supervisor ~~the written authorization by the elector and a~~
21 picture identification of the designee and must complete an
22 affidavit. The designee shall state in the affidavit that the
23 designee is authorized to return that ballot and shall
24 indicate if the elector is a member of the designee's
25 immediate family and, if so, the relationship. The designee
26 shall also state in the affidavit that the designee has not
27 and will not return more than two absentee ballots for this
28 election, unless certified as an absentee ballot coordinator,
29 other than the designee's own ballot and ballots for the
30 designee's immediate family. The department shall prescribe
31 the form of the affidavit. If the supervisor is satisfied that

1 the designee is authorized under law to return the ballot, the
2 supervisor shall accept receipt of the ballot.

3 Section 8. Subsections (1) and (3) of section 104.047,
4 Florida Statutes, 1998 Supplement, are amended to read:

5 104.047 Absentee voting.--

6 (1) Any person who provides or offers to provide, and
7 any person who accepts, a pecuniary or other benefit in
8 exchange for distributing, ordering, requesting, witnessing,
9 collecting, delivering, or otherwise physically possessing
10 absentee ballots, except as provided in ss. 101.6105-101.694,
11 is guilty of a felony of the third degree, punishable as
12 provided in s. 775.082, s. 775.083, or s. 775.084.

13 (3) Any person, other than an ~~a notary or other~~
14 officer entitled to administer oaths or an absentee ballot
15 coordinator as provided by s. 101.685, who witnesses more than
16 five ballots in any single election, is guilty of a
17 misdemeanor of the first degree, punishable as provided in s.
18 775.082 or s. 775.083.

19 Section 9. Subsections (2) and (3) of section 104.31,
20 Florida Statutes, are renumbered as subsections (3) and (4),
21 respectively, and a new subsection (2) is added to said
22 section to read:

23 104.31 Political activities of state, county, and
24 municipal officers and employees.--

25 (2) No public officer, employee of any agency, or
26 local government attorney shall use or authorize the use of
27 any of the facilities of a public office or agency, directly
28 or indirectly, for the purpose of promoting or opposing a
29 candidate; an issue as defined in s. 106.011(7); or for
30 testimonials, thank you promotions, or other forms of paid
31 media advertising on behalf of a public official. For

1 purposes of this subsection facilities of public office or
2 agency include, but are not limited to, use of stationery,
3 postage, machines and equipment, use of employees of the
4 office or agency during working hours, vehicles, office space,
5 publications of the office or agency, and clientele lists of
6 persons served by the office or agency. This subsection shall
7 not apply to the following activities:

8 (a) Action taken at an open public meeting by members
9 of an elected legislative body as defined in s. 447.203(10) to
10 express a collective decision, or to actually vote upon a
11 motion, proposal, resolution, order, or ordinance, or to
12 support or oppose an issue as defined in s. 106.011(7).

13 (b) Lobbying before a legislative body for the purpose
14 of advocating the official position of an agency or public
15 office on matters of public interest, to the extent otherwise
16 permitted by law, specific appropriation or agency policy.

17 (c) A statement by an elected official in support of
18 or in opposition to an issue as defined in s. 106.011(7) at an
19 open press conference or in response to a specific inquiry.

20 (d) The use of a publicly-owned or publicly-controlled
21 building or office for a campaign for public office, or for
22 the promotion of an issue or legislation where the
23 governmental entity has clearly adopted and made generally
24 known a policy establishing the property as a public forum
25 open to all on equal terms on a nondiscriminatory basis.

26 (e) An elected official's communication during the
27 normal course of business with his or her constituents in
28 which information about legislative or public issues is
29 provided.

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1 For purposes of this subsection, "communications" include, but
2 are not limited to, providing information via Internet World
3 Wide Web home pages, newsletters, and other periodic
4 communications such as letters, surveys, questionnaires,
5 flyers, or postcards.

6 Section 10. Subsection (3) of section 105.031, Florida
7 Statutes, is amended to read:

8 105.031 Qualification; filing fee; candidate's oath;
9 items required to be filed.--

10 (3) QUALIFYING FEE.--Each candidate qualifying for
11 election to judicial office, except write-in judicial
12 candidates, shall, during the time for qualifying, pay to the
13 officer with whom he or she qualifies a qualifying fee, which
14 shall consist of a filing fee and an election assessment, or
15 qualify by the alternative method. The amount of the filing
16 fee is 3 percent of the annual salary of the office sought.
17 The amount of the election assessment is 1 percent of the
18 annual salary of the office sought. The qualifying officer
19 shall forward all filing fees to the Department of Revenue for
20 deposit in the Elections Commission Trust Fund ~~General Revenue~~
21 ~~Fund~~. The election assessment shall be deposited into the
22 Elections Commission Trust Fund. The annual salary of the
23 office for purposes of computing the qualifying fee shall be
24 computed by multiplying 12 times the monthly salary authorized
25 for such office as of July 1 immediately preceding the first
26 day of qualifying. This subsection shall not apply to
27 candidates qualifying for retention to judicial office.

28 Section 11. The qualifying officer shall forward all
29 filing fees paid by candidates for school board office, except
30 write-in candidates, to the Department of Revenue for deposit
31 into the Elections Commission Trust Fund.

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

3 106.011 Definitions.--As used in this chapter, the
4 following terms have the following meanings unless the context
5 clearly indicates otherwise:

6 (3) "Contribution" means:

7 (a) A gift, subscription, conveyance, deposit, loan,
8 payment, or distribution of money or anything of value,
9 including contributions in kind having an attributable
10 monetary value in any form, made for the purpose of
11 influencing the results of an election.

12 (b) A transfer of funds between political committees,
13 between committees of continuous existence, or between a
14 political committee and a committee of continuous existence.

15 (c) The payment, by any person other than a candidate
16 or political committee, of compensation for the personal
17 services of another person which are rendered to a candidate
18 or political committee without charge to the candidate or
19 committee for such services.

20 (d) The transfer of funds by a campaign treasurer or
21 deputy campaign treasurer between a primary depository and a
22 separate interest-bearing account or certificate of deposit,
23 and the term includes any interest earned on such account or
24 certificate.

25
26 Notwithstanding the foregoing meanings of "contribution," the
27 word shall not be construed to include services, including,
28 but not limited to, legal and accounting services, provided
29 without compensation by individuals volunteering a portion or
30 all of their time on behalf of a candidate or political
31 committee. This definition shall not be construed to include

1 editorial endorsements by any newspaper, radio or television
2 station, or other recognized news medium.

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

5 106.071 Independent expenditures; reports;
6 disclaimers.--

7 (3) No person may make a contribution in excess of
8 ~~\$500~~~~\$1,000~~ to any other person, to be used by such other
9 person to make an independent expenditure.

10 Section 14. Subsection (3) of section 106.15, Florida
11 Statutes, is amended to read:

12 106.15 Certain acts prohibited.--

13 (3) No candidate shall, in the furtherance of his or
14 her candidacy for nomination or election to public office in
15 any election, use the services of any officer or employee of
16 the state, county, municipality, school board, or special
17 district during working hours.

18 Section 15. Section 106.17, Florida Statutes, is
19 amended to read:

20 106.17 Polls and surveys relating to candidacies;
21 prohibitions.--

22 (1) Any candidate, political committee, or state or
23 county executive committee of a political party may authorize
24 or conduct a political poll, survey, index, or measurement of
25 any kind relating to candidacy for public office so long as
26 the candidate, political committee, or political party
27 maintains complete jurisdiction over the poll in all its
28 aspects.

29 (2) A state agency may not solicit any pledge or
30 authorize or conduct any political poll, survey, index, or
31 measurement of any kind for the purpose of evaluating or

1 rating any candidate for public office. For the purpose of
2 this subsection, the term "state agency" means any official or
3 officer in his or her official capacity, commission,
4 authority, council, committee, department, division, bureau,
5 board, section, or other unit or entity of the executive
6 branch of state government which receives the majority of its
7 funding from the state. However, polls or surveys conducted by
8 institutions of higher learning for research purposes are
9 exempt from the provisions of this subsection.

10 Section 16. Except as otherwise provided herein, this
11 act shall take effect January 1, 2000.