

By Senators Latvala and Dyer

19-900C-99

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 amending s. 99.092, F.S.; requiring that filing
6 fees paid by certain candidates be deposited in
7 the Elections Commission Trust Fund; amending
8 s. 101.64, F.S.; modifying absentee ballot
9 certificates; amending s. 101.65, F.S.;
10 modifying instructions to absent electors;
11 amending s. 101.68, F.S.; modifying information
12 that must be included on an absentee ballot;
13 amending s. 101.647, F.S.; prescribing
14 information that an absent elector's designee
15 must include with an absentee ballot; amending
16 s. 103.101, F.S.; moving the date for the
17 presidential preference primary to the first
18 Tuesday in March in each presidential election
19 year; amending s. 104.047, F.S.; prohibiting
20 the receipt of a fee or benefit for witnessing
21 an absentee ballot; providing a criminal
22 penalty; amending s. 105.031, F.S.; providing
23 that filing fees paid by judicial candidates
24 shall be deposited in the Elections Commission
25 Trust Fund; providing that filing fees paid by
26 school board candidates be deposited in the
27 Elections Commission Trust Fund; amending s.
28 106.011, F.S.; redefining the term
29 "contribution"; amending s. 106.071, F.S.;
30 reducing the amount of allowable contribution
31 for an independent expenditure; amending s.

1 106.15, F.S.; prohibiting candidates from using
2 county, municipality, or special district
3 employees in their campaigns during working
4 hours; providing an effective date.
5

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

8 Section 1. Section 97.071, Florida Statutes, 1998
9 Supplement, is amended to read:

10 97.071 Registration identification card.--

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

- 14 (a) Voter's registration number.
- 15 (b) Date of registration.
- 16 (c) Full name.
- 17 (d) Party affiliation.
- 18 (e) Date of birth.
- 19 (f) Race or ethnicity, if provided by the applicant.
- 20 (g) Sex, if provided by the applicant.
- 21 (h) Address of legal residence.
- 22 (i) Precinct number.
- 23 (j) Signature of supervisor.
- 24 (k) Place for voter's signature.
- 25 (l) Other information deemed necessary by the
26 department.

27 ~~(2)(a) Except as provided in paragraph (b), the~~
28 ~~supervisor of elections shall mail a registration~~
29 ~~identification card to the voter at the address listed as the~~
30 ~~legal residence on the voter's registration application. The~~
31 ~~card must be sent by nonforwardable, return-if-undeliverable~~

1 mail. If the identification card is returned as undeliverable
2 and the voter has indicated a different mailing address on the
3 registration application, the supervisor must mail a notice to
4 the mailing address, notifying the voter that his or her
5 registration identification card was returned and that the
6 voter may appear in person at the supervisor's office to pick
7 up the identification card. The supervisor must surrender the
8 identification card to the elector upon presentation of a
9 Florida driver's license, a Florida identification card issued
10 under s. 322.051, or another form of picture identification
11 approved by the Department of State. If the elector fails to
12 furnish the required identification, or if the supervisor has
13 doubts as to the identity of the elector, the supervisor must
14 require the elector to swear an oath substantially similar to
15 the one prescribed in s. 101.49 prior to surrendering the
16 identification card. The supervisor must keep the
17 identification card on file for 45 days following return of
18 the card as undeliverable.

19 (b) The supervisor shall mail the voter identification
20 card by forwardable mail to voters who are covered by the
21 Uniformed and Overseas Citizens Absentee Voting Act.

22 (2)~~(3)~~ A voter may receive a replacement of a
23 registration identification card by providing a signed,
24 written request for a replacement card to the supervisor. Upon
25 verification of registration, the supervisor shall issue the
26 voter a duplicate card without charge.

27 (3)~~(4)~~ In the case of a change of name, address, or
28 party affiliation, the supervisor must issue the voter a new
29 registration identification card. However, a registration
30 identification card indicating a party affiliation change made
31 between the book-closing date for the first primary election

1 and the date of the second primary election may not be issued
2 until after the second primary election.

3 Section 2. Subsection (1) of section 99.092, Florida
4 Statutes, is amended to read:

5 99.092 Qualifying fee of candidate; notification of
6 Department of State.--

7 (1) Each person seeking to qualify for nomination or
8 election to any office, except a person seeking to qualify
9 pursuant to s. 99.095 and except a person seeking to qualify
10 as a write-in candidate, shall pay a qualifying fee, which
11 shall consist of a filing fee and election assessment, to the
12 officer with whom the person qualifies, and any party
13 assessment levied, and shall attach the original or signed
14 duplicate of the receipt for his or her party assessment or
15 pay the same, in accordance with the provisions of s. 103.121,
16 at the time of filing his or her other qualifying papers. The
17 amount of the filing fee is 3 percent of the annual salary of
18 the office. The amount of the election assessment is 1
19 percent of the annual salary of the office sought. The
20 election assessment, and filing fees paid by minor party
21 candidates and candidates with no party affiliation, shall be
22 deposited into the Elections Commission Trust Fund. The
23 amount of the party assessment is 2 percent of the annual
24 salary. The annual salary of the office for purposes of
25 computing the filing fee, election assessment, and party
26 assessment shall be computed by multiplying 12 times the
27 monthly salary, excluding any special qualification pay,
28 authorized for such office as of July 1 immediately preceding
29 the first day of qualifying. No qualifying fee shall be
30 returned to the candidate unless the candidate withdraws his
31 or her candidacy before the last date to qualify. If a

1 candidate dies prior to an election and has not withdrawn his
2 or her candidacy before the last date to qualify, the
3 candidate's qualifying fee shall be returned to his or her
4 designated beneficiary, and, if the filing fee or any portion
5 thereof has been transferred to the political party of the
6 candidate, the Secretary of State shall direct the party to
7 return that portion to the designated beneficiary of the
8 candidate.

9 Section 3. Section 101.64, Florida Statutes, 1998
10 Supplement, is amended to read:

11 101.64 Delivery of absentee ballots; envelopes;
12 form.--

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

20
21 Note: Please Read Instructions Carefully Before
22 Marking Ballot and Completing Voter's Certificate.

23 VOTER'S CERTIFICATE

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

1 ballot. I am entitled to vote an absentee ballot for one of
2 the following reasons:

3

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

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

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

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

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

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

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

27

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

29(Printed Name of Voter)....

30

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

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 print your name legibly on the line
12 above....(Printed Name of Voter)....., ~~place the last four~~
13 ~~digits of your Social Security number in the space provided,~~
14 ~~and your ballot must be witnessed in either of the following~~
15 ~~manners:~~

16 a. ~~One witness, who is a registered voter in the~~
17 ~~state, must affix his or her signature, printed name, address,~~
18 ~~voter identification number, and county of registration on the~~
19 ~~voter's certificate. Each witness is limited to witnessing~~
20 ~~five ballots per election unless certified as an absentee~~
21 ~~ballot coordinator. A candidate may not serve as an attesting~~
22 ~~witness.~~

23 b. ~~Any notary or other officer entitled to administer~~
24 ~~oaths or any Florida supervisor of elections or deputy~~
25 ~~supervisor of elections, other than a candidate, may serve as~~
26 ~~an attesting witness.~~

27 7. VERY IMPORTANT. In order for your absentee ballot
28 to be counted, it must include the signature, legibly printed
29 name, and address of a witness 18 years of age or older
30 affixed to the voter's certificate. Each witness is limited to
31 witnessing 5 ballots per election unless certified as an

1 absentee ballot coordinator or unless the witness is an
2 officer entitled to administer oaths. A candidate may not
3 serve as an attesting witness.

4 ~~8.7.~~ Mail, deliver, or have delivered the completed
5 mailing envelope. Be sure there is sufficient postage if
6 mailed.

7 ~~9.8.~~ FELONY NOTICE. It is a felony under Florida law
8 to accept any gift, payment, or gratuity in exchange for your
9 vote for a candidate. It is also a felony under Florida law to
10 vote in an election using a false identity or false address,
11 or under any other circumstances making your ballot false or
12 fraudulent.

13 Section 5. Paragraph (c) of subsection (2) of section
14 101.68, Florida Statutes, 1998 Supplement, is amended to read:

15 101.68 Canvassing of absentee ballot.--

16 (2)

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

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

30
31

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

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

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

23 Section 6. Section 101.647, Florida Statutes, is
24 amended to read:

25 101.647 Return of absentee ballots.--

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

29 (2) If the elector is unable to mail or personally
30 deliver the ballot, the elector may designate ~~in writing~~ a
31 person who may return the ballot for the elector; however, the

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

22 Section 7. Subsection (1) of section 103.101, Florida
23 Statutes, is amended to read:

24 103.101 Presidential preference primary.--

25 (1) Each political party other than a minor political
26 party shall, on the first ~~second~~ Tuesday in March in each year
27 the number of which is a multiple of 4, elect one person to be
28 the candidate for nomination of such party for President of
29 the United States or select delegates to the national
30 nominating convention, as provided by party rule.

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

3 104.047 Absentee voting.--

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

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

17 Section 9. Subsection (3) of section 105.031, Florida
18 Statutes, is amended to read:

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

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

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

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

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

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

17 (3) "Contribution" means:

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

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

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

31

1 (d) The transfer of funds by a campaign treasurer or
2 deputy campaign treasurer between a primary depository and a
3 separate interest-bearing account or certificate of deposit,
4 and the term includes any interest earned on such account or
5 certificate.

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

15 Section 12. Subsection (3) of section 106.071, Florida
16 Statutes, is amended to read:

17 106.071 Independent expenditures; reports;
18 disclaimers.--

19 (3) No person may make a contribution in excess of
20 ~~\$500~~~~\$1,000~~ to any other person, to be used by such other
21 person to make an independent expenditure.

22 Section 13. Subsection (3) of section 106.15, Florida
23 Statutes, is amended to read:

24 106.15 Certain acts prohibited.--

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

30 Section 14. This act shall take effect January 1,
31 2000.

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SENATE SUMMARY

Moves the date for the presidential preference primary to the first Tuesday in March in each presidential election year. Provides that filing fees paid by candidates of minor political parties, candidates with no party affiliation, judicial candidates, and school board candidates shall be deposited in the Elections Commission Trust Fund. Deletes procedures for mailing voter registration identification cards. Modifies absentee ballot certificates that appear on the back of the absentee ballot envelope. Modifies the instructions to be given to absent electors and the information that must be included on an absentee ballot. Prescribes information that an absent elector's designee must include with an absentee ballot. Provides that a person who accepts a pecuniary or other benefit for witnessing an absentee ballot is guilty of a third-degree felony. Modifies the definition of "contribution" for purposes of the campaign finance laws. Reduces to \$500 the amount of a contribution to be used to make an independent expenditure. Prohibits candidates from using county, municipality, or special district employees in their campaigns during working hours.