

1 A bill to be entitled
2 An act relating to elections; amending s.
3 100.361, F.S.; providing for municipal recall
4 petitions to be attested to by a witness;
5 removing determination of facial validity by
6 the clerk; amending s. 101.657, F.S.; providing
7 an alternative procedure for voting by absentee
8 ballot; amending s. 102.012, F.S.; eliminating
9 a requirement that election boards be composed
10 of three inspectors and a clerk; eliminating
11 the requirement that pollworkers be trained at
12 formal classes; amending s. 102.021, F.S., to
13 conform; amending s. 102.031, F.S.; providing
14 for a deputy sheriff to be present at each
15 polling place; providing an effective date.

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

18
19 Section 1. Subsections (1) and (7) of section 100.361,
20 Florida Statutes, are amended to read:

21 100.361 Municipal recall.--

22 (1) RECALL PETITION.--Any member of the governing body
23 of a municipality or charter county, hereinafter referred to
24 in this section as "municipality," may be removed from office
25 by the electors of the municipality. When the official
26 represents a district and is elected only by electors residing
27 in that district, only electors from that district are
28 eligible to sign the petition to recall that official and are
29 entitled to vote in the recall election. When the official
30 represents a district and is elected at-large by the electors
31 of the municipality, all electors of the municipality are

1 eligible to sign the petition to recall that official and are
2 entitled to vote in the recall election. Where used in this
3 section, the term "district" shall be construed to mean the
4 area or region of a municipality from which a member of the
5 governing body is elected by the electors from such area or
6 region. Members may be removed from office by the following
7 procedure:

8 (a) A petition shall be prepared naming the person
9 sought to be recalled and containing a statement of grounds
10 for recall in not more than 200 words limited solely to the
11 grounds specified in paragraph (b). If more than one member
12 of the governing body is sought to be recalled, whether such
13 member is elected by the electors of a district or by the
14 electors of the municipality at-large, a separate recall
15 petition shall be prepared for each member sought to be
16 recalled.

17 1. In a municipality or district of fewer than 500
18 electors, the petition shall be signed by at least 50 electors
19 or by 10 percent of the total number of registered electors of
20 the municipality or district as of the preceding municipal
21 election, whichever is greater.

22 2. In a municipality or district of 500 or more but
23 fewer than 2,000 registered electors, the petition shall be
24 signed by at least 100 electors or by 10 percent of the total
25 number of registered electors of the municipality or district
26 as of the preceding municipal election, whichever is greater.

27 3. In a municipality or district of 2,000 or more but
28 fewer than 5,000 registered electors, the petition shall be
29 signed by at least 250 electors or by 10 percent of the total
30 number of registered electors of the municipality or district
31 as of the preceding municipal election, whichever is greater.

1 4. In a municipality or district of 5,000 or more but
2 fewer than 10,000 registered electors, the petition shall be
3 signed by at least 500 electors or by 10 percent of the total
4 number of registered electors of the municipality or district
5 as of the preceding municipal election, whichever is greater.

6 5. In a municipality or district of 10,000 or more but
7 fewer than 25,000 registered electors, the petition shall be
8 signed by at least 1,000 electors or by 10 percent of the
9 total number of registered electors of the municipality or
10 district as of the preceding municipal election, whichever is
11 greater.

12 6. In a municipality or district of 25,000 or more
13 registered electors, the petition shall be signed by at least
14 1,000 electors or by 5 percent of the total number of
15 registered electors of the municipality or district as of the
16 preceding municipal election, whichever is greater.

17
18 Electors of the municipality or district making charges
19 contained in the statement of grounds for recall and those
20 signing the recall petition shall be designated as the
21 "committee." A specific person shall be designated in the
22 petition as chair of the committee to act for the committee.
23 Electors of the municipality or district are eligible to sign
24 the petition. Signatures and oaths of witnesses ~~circulators~~
25 shall be executed as provided in paragraph (c). All
26 signatures shall be obtained within a period of 30 days, and
27 the petition shall be filed within 30 days after the date the
28 first signature is obtained on the petition.

29 (b) The grounds for removal of elected municipal
30 officials shall, for the purposes of this act, be limited to
31 the following and must be contained in the petition:

- 1 1. Malfeasance;
- 2 2. Misfeasance;
- 3 3. Neglect of duty;
- 4 4. Drunkenness;
- 5 5. Incompetence;
- 6 6. Permanent inability to perform official duties; and
- 7 7. Conviction of a felony involving moral turpitude.

8 (c) Each elector of the municipality signing a
9 petition shall sign his or her name in ink or indelible pencil
10 as registered in the office of the supervisor of elections and
11 shall state on the petition his or her place of residence and
12 voting precinct. Each petition shall contain appropriate
13 lines for the signatures, printed name and street address
14 ~~addresses~~ of the electors and an oath, to be executed by a
15 witness ~~the circulator~~ thereof, verifying the fact that the
16 witness ~~the circulator~~ saw each person sign the counterpart of
17 the petition, that each signature appearing thereon is the
18 genuine signature of the person it purports to be, and that
19 the petition was signed in the presence of the witness ~~the~~
20 ~~circulator~~ on the date indicated.

21 (d) The petition shall be filed with the auditor or
22 clerk of the municipality or charter county, or his or her
23 equivalent, hereinafter referred to as clerk, by the person
24 designated as chair of the committee, and, when the a facially
25 ~~valid petition meeting the requirements of paragraph (b)~~ is
26 filed, the clerk shall submit such petition to the county
27 supervisor of elections who shall, within a period of not more
28 than 30 days after the petition is filed with the supervisor,
29 determine whether the petition contains the required valid
30 signatures. ~~If it is determined by the clerk that the~~
31 ~~petition does not meet the requirements of paragraph (b) and~~

1 ~~therefore is not facially valid, the clerk shall so notify the~~
2 ~~governing body of the municipality or charter county and take~~
3 ~~no further action.~~ The petition cannot be amended after it is
4 filed with the clerk. The supervisor shall be paid by the
5 persons or committee seeking verification the sum of 10 cents
6 for each name checked.

7 (e) If it is determined that the petition does not
8 contain the required signatures, the clerk shall so certify to
9 the governing body of the municipality or charter county and
10 file the petition without taking further action, and the
11 matter shall be at an end. No additional names may be added
12 to the petition, and the petition shall not be used in any
13 other proceeding.

14 (f) If it is determined that the petition has the
15 required signatures, then the clerk shall at once serve upon
16 the person sought to be recalled a certified copy of the
17 petition. Within 5 days after service, the person sought to
18 be recalled may file with the clerk a defensive statement of
19 not more than 200 words. The clerk shall, within 5 days,
20 prepare a sufficient number of typewritten, printed, or
21 mimeographed copies of the recall petition and defensive
22 statement, as well as the names, addresses, and oaths on the
23 original petition, and deliver them to the person who has been
24 designated as chair of the committee and take his or her
25 receipt therefor. Such prepared copies shall be entitled
26 "Recall Petition and Defense" and shall contain lines and
27 spaces for signatures and printed names of registered
28 electors, place of residence, election precinct number, and
29 date of signing, together with oaths to be executed by the
30 witnesses ~~circulators~~ which conform to the provisions of

1 paragraph (c). The clerk shall deliver forms sufficient to
2 carry the signatures of 30 percent of the registered electors.

3 (g) Upon receipt of the "Recall Petition and Defense,"
4 the committee may circulate them to obtain the signatures of
5 15 percent of the electors. Any elector who signs a recall
6 petition shall have the right to demand in writing that his or
7 her name be stricken from the petition. A written demand
8 signed by the elector shall be filed with the clerk and upon
9 receipt of the demand the clerk shall strike the name of the
10 elector from the petition and place his or her initials to the
11 side of the signature stricken. However, no signature may be
12 stricken after the clerk has delivered the "Recall Petition
13 and Defense" to the supervisor of elections for verification.

14 (h) Within 60 days after delivery of the "Recall
15 Petition and Defense" to the chair, the chair shall file with
16 the clerk the "Recall Petition and Defense" which bears the
17 signatures of electors. The clerk shall assemble all signed
18 petitions, check to see that each petition is properly
19 verified by the oath of a witness ~~the circulator~~, and submit
20 such petitions to the county supervisor of elections, who
21 shall determine the number of valid signatures, purge the
22 names withdrawn, certify within 30 days whether 15 percent of
23 the qualified electors of the municipality have signed the
24 petitions, and report his or her findings to the governing
25 body. The supervisor shall be paid by the persons or
26 committee seeking verification the sum of 10 cents for each
27 name checked.

28 (i) If the petitions do not contain the required
29 signatures, the clerk shall report such fact to the governing
30 body and file the petitions, the proceedings shall be
31 terminated, and the petitions shall not again be used. If the

1 signatures do amount to at least 15 percent of the qualified
 2 electors, the clerk shall serve notice of that fact upon the
 3 person sought to be recalled and deliver to the governing body
 4 a certificate as to the percentage of qualified voters who
 5 signed.

6 (7) OFFENSES RELATING TO PETITIONS.--No person shall
 7 impersonate another, purposely write his or her name or
 8 residence falsely in the signing of any petition for recall or
 9 forge any name thereto, or sign any paper with knowledge that
 10 he or she is not a qualified elector of the municipality. No
 11 expenditures for campaigning for or against an officer being
 12 recalled shall be made until the date on which the recall
 13 election is to be held is publicly announced. The committee
 14 and the officer being recalled shall be subject to chapter
 15 106. No person shall employ or pay another to accept
 16 employment or payment for circulating or witnessing a recall
 17 petition. Any person violating any of the provisions of this
 18 section shall be deemed guilty of a misdemeanor of the second
 19 degree and shall, upon conviction, be punished as provided by
 20 law.

21 Section 2. Section 101.657, Florida Statutes, is
 22 amended to read:

23 101.657 Voting absentee ballots in person.--

24 (1) Notwithstanding s. 97.021(1), any qualified and
 25 registered elector who is unable to attend the polls on
 26 election day may pick up and vote an absentee ballot in person
 27 at the office of, and under the supervision of, the supervisor
 28 of elections. Before receiving the ballot, the elector must
 29 present a Florida driver's license, a Florida identification
 30 card issued under s. 322.051, or another form of picture
 31 identification approved by the Department of State. If the

1 elector fails to furnish the required identification, or if
2 the supervisor is in doubt as to the identity of the elector,
3 the supervisor must follow the procedure prescribed in s.
4 101.49.

5 (2) As an alternative to the provisions of ss. 101.64,
6 101.647, and 101.65, the supervisor of elections may allow an
7 elector to cast an absentee ballot in the main or branch
8 office of the supervisor by depositing the voted ballot in a
9 voting device used by the supervisor to collect or tabulate
10 ballots. The results or tabulation may not be made before the
11 close of the polls on election day.

12 (3) The elector must provide picture identification
13 and must complete an In-Office Voter Certificate in
14 substantially the following form:

15 IN-OFFICE VOTER CERTIFICATE

16 I,, am a qualified and registered voter of County,
17 Florida. I do solemnly swear or affirm that I am the person so
18 listed on the voter registration rolls of County and that
19 I reside at the listed address. I understand that if I commit
20 or attempt to commit fraud in connection with voting, vote a
21 fraudulent ballot, or vote more than once in an election I
22 could be convicted of a felony of the third degree and both
23 fined up to \$5,000 and imprisoned for up to 5 years. I
24 understand that my failure to sign this certificate and have
25 my signature witnessed invalidates my ballot. I am entitled to
26 vote an absentee ballot because I am unable to attend the
27 polls on election day.

28
29
30(Voter's Signature)....
31

1(Address)....

2

3(City/State)....

4

5(Name of Witness)....

6

7(Signature of Witness)....

8

9(Type of identification provided)....

10

11 (4) Any elector may challenge an elector seeking to
12 cast an absentee ballot under the provisions of s. 101.111.
13 Any challenged ballot must be placed in a regular absentee
14 ballot envelope. The canvassing board shall review the ballot
15 and decide the validity of the ballot by majority vote.

16 (5) The canvass of returns for ballots cast under this
17 section shall be substantially the same as votes cast by
18 electors in precincts, as provided in s. 101.5614.

19 Section 3. Subsections (1) and (8) of section 102.012,
20 Florida Statutes, are amended to read:

21 102.012 Inspectors and clerks to conduct elections.--

22 (1) The supervisor of elections of each county, at
23 least 20 days prior to the holding of any election, shall
24 appoint two election boards for each precinct in the county;
25 however, the supervisor of elections may, in any election,
26 appoint one election board if the supervisor has reason to
27 believe that only one is necessary. ~~Each election board shall~~
28 ~~be composed of three inspectors and a clerk.~~ The clerk shall
29 be in charge of, and responsible for, seeing that the election
30 board carries out its duties and responsibilities. Each
31 inspector and each clerk shall take and subscribe to an oath

1 or affirmation, which shall be written or printed, to the
2 effect that he or she will perform the duties of inspector or
3 clerk of election, respectively, according to law and will
4 endeavor to prevent all fraud, deceit, or abuse in conducting
5 the election. The oath may be taken before an officer
6 authorized to administer oaths or before any of the persons
7 who are to act as inspectors, one of them to swear the others,
8 and one of the others sworn thus, in turn, to administer the
9 oath to the one who has not been sworn. The oaths shall be
10 returned with the poll list and the returns of the election to
11 the supervisor. In all questions that may arise before the
12 members of an election board, the decision of a majority of
13 them shall decide the question. The supervisor of elections
14 of each county shall be responsible for the attendance and
15 diligent performance of his or her duties by each clerk and
16 inspector.

17 (8) The supervisor of elections shall conduct training
18 ~~classes~~ for inspectors, clerks, and deputy sheriffs prior to
19 each first primary, general, and special election for the
20 purpose of instructing such persons in their duties and
21 responsibilities as election officials. A certificate may be
22 issued by the supervisor of elections to each person
23 completing such training. No person shall serve as an
24 inspector, clerk, or deputy sheriff for an election unless
25 such person has completed the training class as required. A
26 person who has attended previous training ~~classes~~ conducted
27 within 2 years of the election may be appointed by the
28 supervisor to fill a vacancy on election day. If no person
29 with prior training is available to fill such vacancy, the
30 supervisor of elections may fill such vacancy in accordance
31

1 with the provisions of subsection (9) from among persons who
2 have not received the training required by this section.

3 Section 4. Subsection (2) of section 102.021, Florida
4 Statutes, is amended to read:

5 102.021 Compensation of inspectors, clerks, and deputy
6 sheriffs.--

7 (2) Inspectors and clerks of election and deputy
8 sheriffs serving at the precincts may receive compensation and
9 travel expenses, as provided in s. 112.061, for attending the
10 poll worker training ~~classes~~ required by s. 102.012(8).

11 Section 5. Subsection (2) of section 102.031, Florida
12 Statutes, is amended to read:

13 102.031 Maintenance of good order at polls;
14 authorities; persons allowed in polling rooms; unlawful
15 solicitation of voters.--

16 (2) The sheriff shall deputize a deputy sheriff for
17 each polling place ~~precinct~~ who shall be present during the
18 time the polls are open and until the election is completed,
19 who shall be subject to all lawful commands of the clerk or
20 inspectors, and who shall maintain good order. The deputy may
21 summon assistance from among bystanders to aid him or her when
22 necessary to maintain peace and order at the polls.

23 Section 6. This act shall take effect July 1, 2000.
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