

By the Committee on Ethics and Elections; and Senators Posey, Lawson, Bronson and Sebesta

313-1611-01

1 A bill to be entitled
2 An act relating to certification deadlines;
3 amending s. 102.112, F.S.; revising deadlines
4 for certification of election results;
5 requiring the acceptance of late-filed election
6 returns in certain circumstances; increasing
7 the fine for filing late-filed election
8 returns; amending s. 102.111, F.S.; to conform;
9 amending s. 99.063, F.S.; revising the date
10 that a candidate for Governor must designate a
11 Lieutenant Governor as a running mate; amending
12 s. 102.166, F.S.; modifying the deadline for
13 requesting a manual recount; providing an
14 effective date.

15
16 Be It Enacted by the Legislature of the State of Florida:

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18 Section 1. Section 102.112, Florida Statutes, is
19 amended to read:

20 102.112 Deadline for submission of county returns to
21 the Department of State; penalties.--

22 (1) The county canvassing board or a majority thereof
23 shall file the county returns for the election of a federal or
24 state officer with the Department of State immediately after
25 certification of the election results. Returns must be filed
26 by 5 p.m. on the 7th day following the first primary and
27 second primary ~~general election~~ and by 5 3 p.m. on the 11th
28 ~~3rd~~ day following the general election ~~second primary~~. If the
29 county canvassing board is unable to timely certify the
30 results of an office or measure for which late-filed returns
31 must be accepted pursuant to subsection (2), the canvassing

1 board shall nevertheless certify by the deadline all races in
2 which returns are complete.~~if the returns are not received by~~
3 ~~the department by the time specified, such returns may be~~
4 ~~ignored and the results on file at that time may be certified~~
5 ~~by the department.~~

6 (2)(a) If the county returns are not received by the
7 Department of State by 5 p.m. of the 7th day following a
8 primary election, all missing counties shall be ignored, and
9 the results shown by the returns on file shall be certified.

10 (b)1. Following a general election, the Department of
11 State shall accept returns filed after the certification
12 deadline as follows:

13 a. For the office of United States Senate and United
14 States House of Representatives, until 5 p.m. on January 2 of
15 the year following the election.

16 b. For statewide offices, until 5 p.m. on the first
17 Monday in January following the election.

18 c. For state legislative offices, until 5 p.m. on the
19 13th day following the election.

20 d. For other state or multi-county offices, until 5
21 p.m. on the day prior to the date the successful candidate is
22 to take office.

23 e. For ballot measures, until 5 p.m. on the day prior
24 to the measure taking effect or until the certification
25 deadline, whichever is later.

26 2. Following a general election, the Department of
27 State shall not accept returns filed after the certification
28 deadline for the offices of United States President and Vice
29 President.

30 (c) If returns are missing from any county for an
31 office for which late-filed returns must be accepted pursuant

1 to paragraph (b), the Elections Canvassing Commission shall
2 nevertheless certify the results for all other offices for
3 which all returns have been received. Following receipt of
4 all late-filed returns accepted pursuant to paragraph (b), or
5 upon the expiration of the late-filing deadline for the office
6 in question, whichever occurs earlier, the Elections
7 Canvassing Commission shall separately certify the results of
8 that office.

9 ~~(3)(2)~~ The department shall fine each board member
10 ~~\$500~~~~\$200~~ for each day such returns are late, the fine to be
11 paid only from the board member's personal funds. Such fines
12 shall be deposited into the Election Campaign Financing Trust
13 Fund, created by s. 106.32.

14 ~~(4)(3)~~ Members of the county canvassing board may
15 appeal such fines to the Florida Elections Commission, which
16 shall adopt rules for such appeals.

17 Section 2. Section 102.111, Florida Statutes, is
18 amended to read:

19 102.111 Elections Canvassing Commission.--

20 ~~(1) Immediately after certification of any election by~~
21 ~~the county canvassing board, the results shall be forwarded to~~
22 ~~the Department of State concerning the election of any federal~~
23 ~~or state officer.~~The Governor, the Secretary of State, and
24 the Director of the Division of Elections shall be the
25 Elections Canvassing Commission. The Elections Canvassing
26 Commission shall, as soon as the official results are compiled
27 from all counties, certify the returns of the election and
28 determine and declare who has been elected for each federal,
29 state, and multi-county office. In the event that any member
30 of the Elections Canvassing Commission is unavailable to
31 certify the returns of any election, such member shall be

1 replaced by a substitute member of the Cabinet as determined
2 by the Director of the Division of Elections. ~~If the county~~
3 ~~returns are not received by the Department of State by 5 p.m.~~
4 ~~of the seventh day following an election, all missing counties~~
5 ~~shall be ignored, and the results shown by the returns on file~~
6 ~~shall be certified.~~

7 (2) The Division of Elections shall provide the staff
8 services required by the Elections Canvassing Commission.

9 Section 3. Subsections (1) and (2) of section 99.063,
10 Florida Statutes, are amended to read:

11 99.063 Candidates for Governor and Lieutenant
12 Governor.--

13 (1) No later than 5 p.m. of the 9th ~~6th~~ day following
14 the second primary election, each candidate for Governor shall
15 designate a Lieutenant Governor as a running mate. Such
16 designation must be made in writing to the Department of
17 State.

18 (2) No later than 5 p.m. of the 9th ~~6th~~ day following
19 the second primary election, each designated candidate for
20 Lieutenant Governor shall file with the Department of State:

21 (a) The candidate's oath required by s. 99.021, which
22 must contain the name of the candidate as it is to appear on
23 the ballot; the office sought; and the signature of the
24 candidate, duly acknowledged.

25 (b) The loyalty oath required by s. 876.05, signed by
26 the candidate and duly acknowledged.

27 (c) If the office sought is partisan, the written
28 statement of political party affiliation required by s.
29 99.021(1)(b).

30 (d) The full and public disclosure of financial
31 interests pursuant to s. 8, Art. II of the State Constitution.

1 Section 4. Paragraph (b) of subsection (4) of section
2 102.166, Florida Statutes, is amended to read:

3 102.166 Protest of election returns; procedure.--

4 (4)

5 (b) Such request must be filed with the canvassing
6 board ~~prior to the time the canvassing board certifies the~~
7 ~~results for the office being protested or~~ within 72 hours
8 after midnight of the date the election was held, ~~whichever~~
9 ~~occurs later.~~

10 Section 5. This act shall take effect January 1, 2002.

11
12 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
13 COMMITTEE SUBSTITUTE FOR
14 SB 1116

15 The committee substitute differs from the original bill in
16 that it: modifies certification deadlines for the second
17 primary and general elections; removes the Secretary of
18 State's discretion with regard to late-filed election returns
19 by detailing the specific circumstances of when the Department
20 of State must accept late-filed returns and when it must
21 reject late-filed returns; and, increases the personal fines
22 on canvassing board members for failing to certify election
23 returns by the certification deadline, from \$200/day to
24 \$500/day for each day late.
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