

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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The Conference Committee on CS for SB 1118, 1st Eng.  
recommended the following amendment:

**Conference Committee Amendment (with title amendment)**  
Delete everything after the enacting clause

and insert:

Section 1. This act shall be known as the "Florida Election Reform Act of 2001."

Section 2. Effective September 2, 2002, subsections (2), (35), and (36) of section 97.021, Florida Statutes, as amended by this act, are amended to read:

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

(2) "Ballot" or "official ballot" when used in reference to:

~~(a) "Voting machines," except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~statement of a proposed constitutional amendment or other~~  
2 ~~question or proposition submitted to the electorate at any~~  
3 ~~election.~~

4 (a)~~(b)~~ "Paper ballots" means that printed sheet of  
5 paper, used in conjunction with an electronic or  
6 electromechanical vote tabulation voting system, containing  
7 the names of candidates, or a statement of proposed  
8 constitutional amendments or other questions or propositions  
9 submitted to the electorate at any election, on which sheet of  
10 paper an elector casts his or her vote.

11 (b)~~(c)~~ "Electronic or electromechanical devices" means  
12 a ballot that ~~which~~ is voted by the process of electronically  
13 designating, including by touchscreen,~~punching~~ or marking  
14 with a marking device for tabulation by automatic tabulating  
15 equipment or data processing equipment.

16 (35) "Voting booth" or "booth" means that booth or  
17 enclosure wherein an elector casts his or her ballot, ~~be it a~~  
18 ~~paper ballot, a voting machine ballot, or a ballot cast for~~  
19 tabulation by an electronic or electromechanical device.

20 (36) "Voting system" means a method of casting and  
21 processing votes that functions wholly or partly by use of  
22 ~~mechanical,~~electromechanical, ~~or~~ electronic apparatus or by  
23 use of paper ballots and includes, but is not limited to, the  
24 procedures for casting and processing votes and the programs,  
25 operating manuals, tabulating cards, printouts, and other  
26 software necessary for the system's operation.

27 Section 3. Effective September 2, 2002, section  
28 98.471, Florida Statutes, is amended to read:

29 98.471 Use of precinct register at polls.--The  
30 precinct register, as prescribed in s. 98.461, may be used at  
31 the polls in lieu of the registration books for the purpose of

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 identifying the elector at the polls prior to allowing him or  
2 her to vote. The clerk or inspector shall require each  
3 elector, upon entering the polling place, to present a Florida  
4 driver's license, a Florida identification card issued under  
5 s. 322.051, or another form of picture identification approved  
6 by the Department of State. The elector shall sign his or her  
7 name in the space provided, and the clerk or inspector shall  
8 compare the signature with that on the identification provided  
9 by the elector and enter his or her initials in the space  
10 provided and allow the elector to vote if the clerk or  
11 inspector is satisfied as to the identity of the elector. If  
12 the elector fails to furnish the required identification, or  
13 if the clerk or inspector is in doubt as to the identity of  
14 the elector, such clerk or inspector shall follow the  
15 procedure prescribed in s. 101.49. ~~The precinct register may~~  
16 ~~also contain the information set forth in s. 101.47(8) and, if~~  
17 ~~so, the inspector shall follow the procedure required in s.~~  
18 ~~101.47, except that the identification provided by the elector~~  
19 ~~shall be used for the signature comparison.~~

20 Section 4. Section 100.341, Florida Statutes, is  
21 amended to read:

22 100.341 Bond referendum ballot.--The ballots used in  
23 bond referenda shall include a ~~be on plain white paper with~~  
24 printed description of the issuance of bonds to be voted on as  
25 prescribed by the authority calling the referendum. A separate  
26 statement of each issue of bonds to be approved, giving the  
27 amount of the bonds and interest rate thereon, together with  
28 other details necessary to inform the electors, shall be  
29 printed on the ballots in connection with the question "For  
30 Bonds" and "Against Bonds."

31 Section 5. Effective September 2, 2002, subsection (3)

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 of section 100.361, Florida Statutes, is amended to read:

2 100.361 Municipal recall.--

3 (3) BALLOTS.--The ballots at the recall election shall  
4 conform to the following: With respect to each person whose  
5 removal is sought, the question shall be submitted: "Shall  
6 .... be removed from the office of .... by recall?"

7 Immediately following each question there shall be printed on  
8 the ballots the two propositions in the order here set forth:

9 "... (name of person)... should be removed from office."

10 "... (name of person)... should not be removed from  
11 office."

12

13 ~~Immediately to the right of each of the propositions shall be~~  
14 ~~placed a square on which the electors, by making a crossmark~~  
15 ~~(X), may vote either of the propositions. Voting machines or~~  
16 ~~electronic or electromechanical equipment may be used.~~

17 Section 6. Effective upon this act becoming a law,  
18 subsection (7) is added to section 101.015, Florida Statutes,  
19 to read:

20 101.015 Standards for voting systems.--

21 (7) The Division of Elections shall review the voting  
22 systems certification standards and ensure that new  
23 technologies are available for selection by boards of county  
24 commissioners which meet the requirements for voting systems  
25 and meet user standards. The Division of Elections shall  
26 continuously review the voting systems certification standards  
27 to ensure that new technologies are appropriately certified  
28 for all elections in a timely manner. The division shall also  
29 develop methods to determine the will of the public with  
30 respect to voting systems.

31 Section 7. Section 101.151, Florida Statutes, is

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 amended to read:

2 101.151 Specifications for ballots ~~general election~~  
3 ~~ballot.--In counties in which voting machines are not used,~~  
4 ~~and in other counties for use as absentee ballots not designed~~  
5 ~~for tabulation by an electronic or electromechanical voting~~  
6 ~~system, the general election ballot shall conform to the~~  
7 ~~following specifications:~~

8 (1) Paper ballots ~~The ballot~~ shall be printed on paper  
9 of such thickness that the printing cannot be distinguished  
10 from the back.

11 ~~(2) Across the top of the ballot shall be printed~~  
12 ~~"Official Ballot, General Election," beneath which shall be~~  
13 ~~printed the county, the precinct number, and the date of the~~  
14 ~~election. The precinct number, however, shall not be required~~  
15 ~~for absentee ballots. Above the caption of the ballot shall~~  
16 ~~be two stubs with a perforated line between the stubs and~~  
17 ~~between the lower stub and the top of the ballot. The top~~  
18 ~~stub shall be stub No. 1 and shall have printed thereon,~~  
19 ~~"General Election, Official Ballot," and then shall appear the~~  
20 ~~name of the county, the precinct number, and the date of the~~  
21 ~~election. On the left side shall be a blank line under which~~  
22 ~~shall be printed "Signature of Voter." On the right side~~  
23 ~~shall be "Initials of Issuing Official," above which there~~  
24 ~~shall be a blank line. The second stub shall be the same,~~  
25 ~~except there shall not be a space for signature of the~~  
26 ~~elector. Both stubs No. 1 and No. 2 on ballots for each~~  
27 ~~precinct shall be prenumbered consecutively, beginning with~~  
28 ~~"No. 1." However, a second stub shall not be required for~~  
29 ~~absentee ballots.~~

30 (2)(3)(a) ~~Beneath the caption and preceding the names~~  
31 ~~of candidates shall be the following words: "To vote for a~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~candidate whose name is printed on the ballot, place a cross~~  
2 ~~(X) mark in the blank space at the right of the name of the~~  
3 ~~candidate for whom you desire to vote. To vote for a write-in~~  
4 ~~candidate, write the name of the candidate in the blank space~~  
5 ~~provided for that purpose."~~ The ballot shall have headings  
6 under which shall appear the names of the offices and names of  
7 duly nominated candidates for the respective offices in the  
8 following order: the heading "~~Electors for~~ President and Vice  
9 President" and thereunder the names of the candidates for  
10 President and Vice President of the United States nominated by  
11 the political party that ~~which~~ received the highest vote for  
12 Governor in the last general election of the Governor in this  
13 state, ~~above which shall appear the name of said party.~~ Then  
14 shall appear the names of other candidates for President and  
15 Vice President of the United States who have been properly  
16 nominated. Votes cast for write-in candidates for President  
17 and Vice President shall be counted as votes cast for the  
18 presidential electors supporting such candidates. Then shall  
19 follow the heading "Congressional" and thereunder the offices  
20 of United States Senator and Representative in Congress; then  
21 the heading "State" and thereunder the offices of Governor and  
22 Lieutenant Governor, Secretary of State, Attorney General,  
23 Comptroller, Treasurer, Commissioner of Education,  
24 Commissioner of Agriculture, state attorney, and public  
25 defender, together with the names of the candidates for each  
26 office and the title of the office which they seek; then the  
27 heading "Legislative" and thereunder the offices of state  
28 senator and state representative; then the heading "County"  
29 and thereunder clerk of the circuit court, clerk of the county  
30 court (when authorized by law), sheriff, property appraiser,  
31 tax collector, district superintendent of schools, and

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 supervisor of elections. Thereafter follows: members of the  
2 board of county commissioners, and such other county and  
3 district offices as are involved in the general election, in  
4 the order fixed by the Department of State, followed, in the  
5 year of their election, by "Party Offices," and thereunder the  
6 offices of state and county party executive committee members.  
7 ~~When a write-in candidate has qualified for any office, a~~  
8 ~~subheading "Write-in Candidate for ...(name of office)..."~~  
9 ~~shall be provided followed by a blank space in which to write~~  
10 ~~the name of the candidate.~~ In addition to the names printed on  
11 the ballot, a blank space shall be provided under each heading  
12 for an office for which a write-in candidate has qualified.

13 With respect to write-in candidates, if two or more candidates  
14 are seeking election to one office, only one blank space shall  
15 be provided.

16 (b) ~~Immediately following the name of each office on~~  
17 ~~the ballot shall be printed, "Vote for One."~~ When more than  
18 one candidate is nominated for office, the candidates for such  
19 office shall qualify and run in a group or district, and the  
20 group or district number shall be printed beneath the name of  
21 the office. Each nominee of a political party chosen in a  
22 primary shall appear on the general election ballot in the  
23 same numbered group or district as on the primary election  
24 ballot. ~~The name of the office shall be printed over each~~  
25 ~~numbered group or district and each numbered group or district~~  
26 ~~shall be clearly separated from the next numbered group or~~  
27 ~~district, the same as in the case of single offices.~~

28 ~~Following the group or district number shall be printed the~~  
29 ~~words, "Vote for One," and the names of the candidates in the~~  
30 ~~respective groups or districts shall be arranged thereunder.~~

31 (c) If in any election all the offices as set forth in

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 paragraph (a) are not involved, those offices to be filled  
2 shall be arranged on the ballot in the order named.

3 (3)(a)(4) The names of the candidates of the party  
4 that ~~which~~ received the highest number of votes for Governor  
5 in the last election in which a Governor was elected shall be  
6 placed first under the heading for each office on the general  
7 election ballot, together with an appropriate abbreviation of  
8 party name; the names of the candidates of the party that  
9 ~~which~~ received the second highest vote for Governor shall be  
10 second under the heading for each office, together with an  
11 appropriate abbreviation of the party name.

12 (b)(5) Minor political party candidates and candidates  
13 with no party affiliation shall have their names appear on the  
14 general election ballot following the names of recognized  
15 political parties, in the same order as they were certified.

16 (4)(a) The names of candidates for each office shall  
17 be arranged alphabetically as to surnames on a primary  
18 election ballot.

19 (b) When two or more candidates running for the same  
20 office on a primary election ballot have the same or a similar  
21 surname, the word "incumbent" shall appear next to the  
22 incumbent's name.

23 (5) The primary election ballot shall be arranged so  
24 that the offices of Governor and Lieutenant Governor are  
25 joined in a single voting space to allow each elector to cast  
26 a single vote for the joint candidacies for Governor and  
27 Lieutenant Governor, if applicable.

28 (6) The general election ballot shall be arranged so  
29 that the offices of President and Vice President are joined in  
30 a single voting space to allow each elector to cast a single  
31 vote for the joint candidacies for President and Vice



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 President and so that the offices of Governor and Lieutenant  
2 Governor are joined in a single voting space to allow each  
3 elector to cast a single vote for the joint candidacies for  
4 Governor and Lieutenant Governor.

5 ~~(7)(6)~~ Except for justices or judges seeking  
6 retention, the names of unopposed candidates shall not appear  
7 on the general election ballot. Each unopposed candidate  
8 shall be deemed to have voted for himself or herself.

9 (8)(a) The Department of State shall adopt rules  
10 prescribing a uniform primary and general election ballot for  
11 each certified voting system. The rules shall incorporate the  
12 requirements set forth in this section and shall prescribe  
13 additional matters and forms that include, without limitation:

14 1. Clear and unambiguous ballot instructions and  
15 directions;

16 2. Individual race layout; and

17 3. Overall ballot layout.

18 (b) The department rules shall graphically depict a  
19 sample uniform primary and general election ballot form for  
20 each certified voting system.

21 ~~(7) The same requirement as to the type, size, and~~  
22 ~~kind of printing of official ballots in primary elections as~~  
23 ~~provided in s. 101.141(5) shall govern the printing of~~  
24 ~~official ballots in general elections.~~

25 ~~(8) Should the above directions for complete~~  
26 ~~preparation of the ballot be insufficient, the Department of~~  
27 ~~State shall determine and prescribe any additional matter or~~  
28 ~~form. Not less than 60 days prior to a general election, the~~  
29 ~~Department of State shall mail to each supervisor of elections~~  
30 ~~the format of the ballot to be used for the general election.~~

31 ~~(9) The provisions of s. 101.141(7) shall be~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~applicable in printing of said ballot.~~

2 Section 8. Effective September 2, 2002, section  
3 101.21, Florida Statutes, is amended to read:

4 101.21 Official ballots; number; printing; payment.--

5 ~~(1) Where applicable in any county in which voting~~  
6 ~~machines are not used,~~ the supervisor of elections shall  
7 determine the actual number of ballots to be printed. The  
8 printing and delivery of ballots and cards of instruction  
9 shall, in a municipal election, be paid for by the  
10 municipality, and in all other elections by the county.

11 ~~(2) In any county in which voting machines are used,~~  
12 ~~one set of official ballots shall be provided for each machine~~  
13 ~~plus a number of sets equal to 5 percent of the total number~~  
14 ~~of machines; one set shall be inserted or placed in or upon~~  
15 ~~each machine, and the remainder of the sets shall be retained~~  
16 ~~in the custody of the supervisor, unless it shall become~~  
17 ~~necessary during the election to make use of same upon or in~~  
18 ~~the machines.~~

19 Section 9. Effective September 2, 2002, section  
20 101.24, Florida Statutes, is amended to read:

21 101.24 Ballot boxes and ballots.--The supervisor of  
22 elections, ~~except where voting machines are used,~~ shall  
23 prepare for each polling place one ballot box of sufficient  
24 size to contain all the ballots of the particular precinct,  
25 and the ballot box shall be plainly marked with the name of  
26 the precinct for which it is intended. An additional ballot  
27 box, if necessary, may be supplied to any precinct. Before  
28 each election, the supervisor shall place in the ballot box or  
29 ballot transfer container as many ballots as are required in  
30 s. 101.21. After securely sealing the ballot box or ballot  
31 transfer container, the supervisor shall send the ballot box

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 or ballot transfer container to the clerk or inspector of  
2 election of the precinct in which it is to be used. The clerk  
3 or inspector shall be placed under oath or affirmation to  
4 perform his or her duties faithfully and without favor or  
5 prejudice to any political party.

6 Section 10. Effective September 2, 2002, section  
7 101.292, Florida Statutes, is amended to read:

8 101.292 Definitions; ss. 101.292-101.295.--As used in  
9 ss. 101.292-101.295, the following terms shall have the  
10 following meanings:

11 (1) "Governing body" means the board of county  
12 commissioners of a county or any other governing body  
13 empowered by general or special act or local ordinance to  
14 purchase or sell voting equipment.

15 (2) "Voting equipment" means ~~new or used voting~~  
16 ~~machines and materials, parts, or other equipment necessary~~  
17 ~~for the maintenance or improvement of voting machines, the~~  
18 ~~individual or combined retail value of which is in excess of~~  
19 ~~the threshold amount for CATEGORY TWO purchases provided in s.~~  
20 ~~287.017. The term "voting equipment" also includes~~ electronic  
21 or electromechanical voting systems, voting devices, and  
22 automatic tabulating equipment as defined in s. 101.5603, as  
23 well as materials, parts, or other equipment necessary for the  
24 operation and maintenance of such systems and devices, the  
25 individual or combined retail value of which is in excess of  
26 the threshold amount for CATEGORY TWO purchases provided in s.  
27 287.017.

28 (3) "Purchase" means a contract for the purchase,  
29 lease, rental, or other acquisition of voting equipment.

30 Section 11. Effective September 2, 2002, section  
31 101.34, Florida Statutes, is amended to read:

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           101.34 Custody of voting ~~system machines~~.--The  
2 supervisor of elections shall be the custodian of the voting  
3 ~~system machines~~ in the county ~~using them~~, and he or she shall  
4 appoint deputies necessary to prepare and supervise the voting  
5 ~~system machines~~ prior to and during elections. The  
6 compensation for such deputies shall be paid by the supervisor  
7 of elections.

8           Section 12. Effective September 2, 2002, section  
9 101.341, Florida Statutes, is amended to read:

10           101.341 Prohibited activities by voting ~~system machine~~  
11 custodians and deputy custodians.--

12           (1) No voting ~~system machine~~ custodian or deputy  
13 custodian or other employee of the supervisor of elections,  
14 which employee's duties are primarily involved with the  
15 preparation, maintenance, or repair of voting equipment, may  
16 ~~shall~~ accept employment or any form of consideration from any  
17 person or business entity involved in the purchase, repair, or  
18 sale of voting equipment unless such employment has the prior  
19 written approval of the supervisor of elections of the county  
20 by which such person is employed.

21           (2) Any person violating the provisions of this  
22 section is guilty of a misdemeanor of the first degree,  
23 punishable as provided by s. 775.082 or s. 775.083. Such  
24 person shall also be subject to immediate discharge from his  
25 or her position.

26           Section 13. Effective September 2, 2002, section  
27 101.43, Florida Statutes, is amended to read:

28           101.43 Substitute ballot.--When ~~voting machines are~~  
29 ~~used and~~ the required official ballots for a precinct are not  
30 delivered in time to be used on election day, or after  
31 delivery, are lost, destroyed or stolen, the clerk or other

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 officials whose duty it is to provide ballots for use at such  
2 election, in lieu of the official ballots, shall have  
3 substitute ballots prepared, conforming as nearly as possible  
4 to the official ballots, and the board of election shall  
5 substitute these ballots to be used in the same manner as the  
6 official ballots would have been used at the election.

7 Section 14. Effective September 2, 2002, section  
8 101.49, Florida Statutes, is amended to read:

9 101.49 Procedure of election officers where signatures  
10 differ.--

11 (1) Whenever any clerk or inspector, upon a just  
12 comparison of the signatures ~~signature~~, doubts ~~shall doubt~~  
13 that the signature ~~handwriting~~ affixed to a signature  
14 ~~identification slip~~ of any elector who presents himself or  
15 herself at the polls to vote is the same as the signature of  
16 the elector affixed in the registration book, the clerk or  
17 inspector shall deliver to the person an affidavit which shall  
18 be in substantially the following form:

19

20 STATE OF FLORIDA,

21 COUNTY OF .....

22 I do solemnly swear (or affirm) that my name is ....;  
23 that I am .... years old; that I was born in the State of  
24 ....; that I am registered to vote, and at the time I  
25 registered I resided on .... Street, in the municipality of  
26 ....., County of ....., State of Florida; that I am a qualified  
27 voter of the county and state aforesaid and have not voted in  
28 this election.

29

...(Signature of voter)...

30

Sworn to and subscribed before me this .... day of

31

....., A. D. ...(year)....



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~ballots are inserted and used in connection with a marking~~  
2 ~~device for the piercing of ballots by the voter or an~~  
3 ~~apparatus by which votes are registered electronically.~~

4 Section 16. Effective September 2, 2002, section  
5 101.5604, Florida Statutes, is amended to read:

6 101.5604 Adoption of system; procurement of equipment;  
7 commercial tabulations.--The board of county commissioners of  
8 any county, at any regular meeting or a special meeting called  
9 for the purpose, may, upon consultation with the supervisor of  
10 elections, adopt, purchase or otherwise procure, and provide  
11 for the use of any electronic or electromechanical voting  
12 system approved by the Department of State in all or a portion  
13 of the election precincts of that county. Thereafter the  
14 electronic or electromechanical voting system may be used for  
15 voting at all elections for public and party offices and on  
16 all measures and for receiving, registering, and counting the  
17 votes thereof in such election precincts as the governing body  
18 directs. A county must use an electronic or electromechanical  
19 precinct-count tabulation voting system.~~Any such board may~~  
20 ~~contract for the tabulation of votes at a location within the~~  
21 ~~county when there is no suitable tabulating equipment~~  
22 ~~available which is owned by the county.~~

23 Section 17. Effective September 2, 2002, a voting  
24 system that uses an apparatus or device for the piercing of  
25 ballots by the voter may not be used in this state.

26 Section 18. Effective September 2, 2002, section  
27 101.5606, Florida Statutes, is amended to read:

28 101.5606 Requirements for approval of systems.--

29 No electronic or electromechanical voting system shall  
30 be approved by the Department of State unless it is so  
31 constructed that:

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 (1) It permits and requires voting in secrecy.

2 (2) It permits each elector to vote at any election  
3 for all persons and offices for whom and for which the elector  
4 is lawfully entitled to vote, and no others; to vote for as  
5 many persons for an office as the elector is entitled to vote  
6 for; and to vote for or against any question upon which the  
7 elector is entitled to vote.

8 (3) The automatic tabulating equipment shall be set to  
9 reject a ballot and provide the elector an opportunity to  
10 correct the ballot where the number of votes for an office or  
11 measure exceeds the number which the voter is entitled to cast  
12 or where the tabulating equipment reads the ballot as a ballot  
13 with no votes cast.

14 (4)(3) For rejected ballots that voters choose to  
15 cast, the automatic tabulating equipment will be set to accept  
16 the ballot and reject all votes for any office or measure when  
17 the number of votes therefor exceeds the number which the  
18 voter is entitled to cast or when the voter is not entitled to  
19 cast a vote for the office or measure.

20 (5)(4) It is capable of correctly counting votes.

21 (6)(5) It permits each voter at a primary election to  
22 vote only for the candidates seeking nomination by the  
23 political party in which such voter is registered, for any  
24 candidate for nonpartisan office, and for any question upon  
25 which the voter is entitled to vote.

26 (7)(6) At presidential elections it permits each  
27 elector, by one operation, to vote for all presidential  
28 electors of a party or for all presidential electors of  
29 candidates for President and Vice President with no party  
30 affiliation.

31 (8)(7) It provides a method for write-in voting.



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           ~~(9)(8)~~ It is capable of accumulating a count of the  
2 specific number of ballots tallied for a precinct,  
3 accumulating total votes by candidate for each office, and  
4 accumulating total votes for and against each question and  
5 issue of the ballots tallied for a precinct.

6           ~~(10)(9)~~ It is capable of tallying votes from ballots  
7 of different political parties from the same precinct, in the  
8 case of a primary election.

9           ~~(11)(10)~~ It is capable of automatically producing  
10 precinct totals in printed, marked, or punched form, or a  
11 combination thereof.

12           ~~(12)(11)~~ If it is of a type which registers votes  
13 electronically, it will permit each voter to change his or her  
14 vote for any candidate or upon any question appearing on the  
15 official ballot up to the time that the voter takes the final  
16 step to register his or her vote and to have the vote  
17 computed.

18           ~~(13)(12)~~ It is capable of providing records from which  
19 the operation of the voting system may be audited.

20           (14) It uses a precinct-count tabulation system.

21           (15) It does not use an apparatus or device for the  
22 piercing of ballots by the voter.

23           Section 19. Paragraph (b) of subsection (1) of section  
24 101.5607, Florida Statutes, is amended to read:

25           101.5607 Department of State to maintain voting system  
26 information; prepare software.--

27           (1)

28           (b) Within 24 hours after the completion of any logic  
29 and accuracy test conducted pursuant to s. 101.5612~~(1)~~, the  
30 supervisor of elections shall send by certified mail to the  
31 Department of State a copy of the tabulation program which was

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 used in the logic and accuracy testing.

2 Section 20. Paragraph (b) of subsection (2) of section  
3 101.5608, Florida Statutes, is amended to read:

4 101.5608 Voting by electronic or electromechanical  
5 method; procedures.--

6 (2) When an electronic or electromechanical voting  
7 system utilizes a ballot card or paper ballot, the following  
8 procedures shall be followed:

9 (b) Any voter who spoils his or her ballot or makes an  
10 error may return the ballot to the election official and  
11 secure another ballot, except that in no case shall a voter be  
12 furnished more than three ballots. If the vote tabulation  
13 device has rejected a ballot, the ballot shall be considered  
14 spoiled and a new ballot shall be provided to the voter unless  
15 the voter chooses to cast the rejected ballot. The election  
16 official, without examining the original ballot, shall state  
17 the possible reasons for the rejection and direct the voter to  
18 the instruction model provided at the precinct pursuant to s.  
19 101.5611.A spoiled ballot shall be preserved, without  
20 examination, in an envelope provided for that purpose. The  
21 stub shall be removed from the ballot and placed in an  
22 envelope.

23 Section 21. Section 101.5612, Florida Statutes, is  
24 amended to read:

25 101.5612 Testing of tabulating equipment.--

26 (1) All electronic or electromechanical voting systems  
27 shall be thoroughly tested at the conclusion of maintenance  
28 and programming. Tests shall be sufficient to determine that  
29 the voting system is properly programmed, the election is  
30 correctly defined on the voting system, and all of the voting  
31 system input, output, and communication devices are working

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 properly.  
2        ~~(2)(1)~~ On any day not more than 10 days prior to the  
3 election day, the supervisor of elections shall have the  
4 automatic tabulating equipment publicly tested to ascertain  
5 that the equipment will correctly count the votes cast for all  
6 offices and on all measures. Public notice of the time and  
7 place of the test shall be given at least 48 hours prior  
8 thereto by publication once in one or more newspapers of  
9 general circulation in the county or, if there is no newspaper  
10 of general circulation in the county, by posting such notice  
11 in at least four conspicuous places in the county. The  
12 supervisor or the municipal elections official may, at the  
13 time of qualifying, give written notice of the time and  
14 location of such public ~~the~~ preelection test to each candidate  
15 qualifying with that office and obtain a signed receipt that  
16 such notice has been given. The Department of State shall  
17 give written notice to each statewide candidate at the time of  
18 qualifying, or immediately at the end of qualifying, that the  
19 voting equipment will be tested and advise each such candidate  
20 to contact the county supervisor of elections as to the time  
21 and location of the public preelection test ~~pretest~~. The  
22 supervisor or the municipal elections official shall, at least  
23 15 days prior to an election, send written notice by certified  
24 mail to the county party chair of each political party and to  
25 all candidates for other than statewide office whose names  
26 appear on the ballot in the county and who did not receive  
27 written notification from the supervisor or municipal  
28 elections official at the time of qualifying, stating the time  
29 and location of the public preelection test of the automatic  
30 tabulating equipment. The canvassing board shall convene, and  
31 each member of the canvassing board shall certify to the

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 accuracy of the test. For the test, the canvassing board may  
2 designate one member to represent it. The test shall be open  
3 to representatives of the political parties, the press, and  
4 the public. Each political party may designate one person  
5 with expertise in the computer field who shall be allowed in  
6 the central counting room when all tests are being conducted  
7 and when the official votes are being counted. Such designee  
8 shall not interfere with the normal operation of the  
9 canvassing board.

10 (3) For electronic or electromechanical voting systems  
11 configured to tabulate absentee ballots at a central or  
12 regional site, the public testing shall be conducted by  
13 processing a preaudited group of ballots so produced as to  
14 record a predetermined number of valid votes for each  
15 candidate and on each measure and to include one or more  
16 ballots for each office which have activated voting positions  
17 in excess of the number allowed by law in order to test the  
18 ability of the automatic tabulating equipment to reject such  
19 votes. If any error is detected, the cause therefor shall be  
20 corrected and an errorless count shall be made before the  
21 automatic tabulating equipment is approved. The test shall be  
22 repeated and errorless results achieved immediately before the  
23 start of the official count of the ballots and again after the  
24 completion of the official count. The programs and ballots  
25 used for testing shall be sealed and retained under the  
26 custody of the county canvassing board.

27 (4)(a)1. For electronic or electromechanical voting  
28 systems configured to include electronic or electromechanical  
29 tabulation devices which are distributed to the precincts, all  
30 or a sample of the devices to be used in the election shall be  
31 publicly tested. If a sample is to be tested, the sample

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 shall consist of a random selection of at least 5 percent or  
2 10 of the devices, whichever is greater. The test shall be  
3 conducted by processing a group of ballots, causing the device  
4 to output results for the ballots processed, and comparing the  
5 output of results to the results expected for the ballots  
6 processed. The group of ballots shall be produced so as to  
7 record a predetermined number of valid votes for each  
8 candidate and on each measure and to include for each office  
9 one or more ballots which have activated voting positions in  
10 excess of the number allowed by law in order to test the  
11 ability of the tabulating device to reject such votes.

12 2. If any tested tabulating device is found to have an  
13 error in tabulation, it shall be deemed unsatisfactory. For  
14 each device deemed unsatisfactory, the canvassing board shall  
15 take steps to determine the cause of the error, shall attempt  
16 to identify and test other devices that could reasonably be  
17 expected to have the same error, and shall test a number of  
18 additional devices sufficient to determine that all devices  
19 are satisfactory. Upon deeming any device unsatisfactory, the  
20 canvassing board may require all devices to be tested or may  
21 declare that all devices are unsatisfactory.

22 3. If the operation or output of any tested tabulation  
23 device, such as spelling or the order of candidates on a  
24 report, is in error, such problem shall be reported to the  
25 canvassing board. The canvassing board shall then determine  
26 if the reported problem warrants its deeming the device  
27 unsatisfactory.

28 (b) At the completion of testing under this  
29 subsection, the canvassing board or its representative, the  
30 representatives of the political parties, and the candidates  
31 or their representatives who attended the test shall witness

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 the resetting of each device that passed to a preelection  
2 state of readiness and the sealing of each device that passed  
3 in such a manner as to secure its state of readiness until the  
4 opening of the polls.

5 (c) The canvassing board or its representative shall  
6 execute a written statement setting forth the tabulation  
7 devices tested, the results of the testing, the protective  
8 counter numbers, if applicable, of each tabulation device, the  
9 number of the seal securing each tabulation device at the  
10 conclusion of testing, any problems reported to the board as a  
11 result of the testing, and whether each device tested is  
12 satisfactory or unsatisfactory.

13 (d) Any tabulating device deemed unsatisfactory shall  
14 be reprogrammed, repaired, or replaced and shall be made  
15 available for retesting. Such device must be determined by  
16 the canvassing board or its representative to be satisfactory  
17 before it may be used in any election. The canvassing board  
18 or its representative shall announce at the close of the first  
19 testing the date, place, and time that any unsatisfactory  
20 device will be retested or may, at the option of the board,  
21 notify by telephone each person who was present at the first  
22 testing as to the date, place, and time that the retesting  
23 will occur.

24 (e) Records must be kept of all preelection testing of  
25 electronic or electromechanical tabulation devices used in any  
26 election. Such records are to be present and available for  
27 inspection and reference during public preelection testing by  
28 any person in attendance during such testing. The need of the  
29 canvassing board for access to such records during the testing  
30 shall take precedence over the need of other attendees to  
31 access such records so that the work of the canvassing board

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 will not be delayed or hindered. Records of testing must  
2 include, for each device, the name of each person who tested  
3 the device and the date, place, time, and results of each  
4 test. Records of testing shall be retained as part of the  
5 official records of the election in which any device was used.

6 ~~(2) The test shall be conducted by processing a~~  
7 ~~preaudited group of ballots so produced as to record a~~  
8 ~~predetermined number of valid votes for each candidate and on~~  
9 ~~each measure and shall include for each office one or more~~  
10 ~~ballots which have votes in excess of the number allowed by~~  
11 ~~law in order to test the ability of the automatic tabulating~~  
12 ~~equipment to reject such votes. If any error is detected, the~~  
13 ~~cause therefor shall be ascertained and corrected and an~~  
14 ~~errorless count shall be made before the automatic tabulating~~  
15 ~~equipment is approved. The test shall be repeated immediately~~  
16 ~~before the start of the official count of the ballots in the~~  
17 ~~same manner as set forth above. After the completion of the~~  
18 ~~count, the test shall be repeated. The programs and ballots~~  
19 ~~used shall be sealed and retained under the custody of the~~  
20 ~~county canvassing board.~~

21 Section 22. Effective September 2, 2002, subsections  
22 (1), (2), (3), and (7) of section 101.5614, Florida Statutes,  
23 as amended by this act, are amended to read:

24 101.5614 Canvass of returns.--

25 (1)(a) In precincts in which an electronic or  
26 electromechanical voting system is used, as soon as the polls  
27 are closed, the election board shall secure the voting devices  
28 against further voting. The election board shall thereafter  
29 open the ballot box in the presence of members of the public  
30 desiring to witness the proceedings and count the number of  
31 voted ballots, unused ballots, provisional ballots, and

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 spoiled ballots to ascertain whether such number corresponds  
2 with the number of ballots issued by the supervisor. If there  
3 is a difference, this fact shall be reported in writing to the  
4 county canvassing board with the reasons therefor if known.  
5 The total number of voted ballots shall be entered on the  
6 forms provided. The proceedings of the election board at the  
7 precinct after the polls have closed shall be open to the  
8 public; however, no person except a member of the election  
9 board shall touch any ballot or ballot container or interfere  
10 with or obstruct the orderly count of the ballots.

11 ~~(b) In lieu of opening the ballot box at the precinct,~~  
12 ~~the supervisor may direct the election board to keep the~~  
13 ~~ballot box sealed and deliver it to a central or regional~~  
14 ~~counting location. In this case, the election board shall~~  
15 ~~count the stubs removed from the ballots to determine the~~  
16 ~~number of voted ballots.~~

17 ~~(2)(a) If the ballots are to be tallied at a central~~  
18 ~~location or at no more than three regional locations, the~~  
19 ~~election board shall place all ballots that have been cast and~~  
20 ~~the unused, void, provisional, and defective ballots in the~~  
21 ~~container or containers provided for this purpose, which shall~~  
22 ~~be sealed and delivered forthwith to the central or regional~~  
23 ~~counting location or other designated location by two~~  
24 ~~inspectors who shall not, whenever possible, be of the same~~  
25 ~~political party. The election board shall certify that the~~  
26 ~~ballots were placed in such container or containers and each~~  
27 ~~container was sealed in its presence and under its~~  
28 ~~supervision, and it shall further certify to the number of~~  
29 ~~ballots of each type placed in the container or containers.~~

30 ~~(2)(b) If ballots are to be counted at the precincts,~~  
31 ~~such ballots shall be counted pursuant to rules adopted by The~~



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 Department of State, ~~which rules shall,~~ in accordance with s.  
2 101.015, adopt rules that provide safeguards ~~which conform as~~  
3 ~~nearly as practicable to the safeguards provided in the~~  
4 ~~procedures~~ for the counting of votes at a precinct and at a  
5 central or regional location.

6 ~~(3)(a) All proceedings at the central or regional~~  
7 ~~counting location or other designated location shall be under~~  
8 ~~the direction of the county canvassing board and shall be open~~  
9 ~~to the public, but no person except a person employed and~~  
10 ~~authorized for the purpose shall touch any ballot or ballot~~  
11 ~~container, any item of automatic tabulating equipment, or any~~  
12 ~~return prior to its release. If the ballots are tabulated at~~  
13 ~~regional locations, one member of the canvassing board or a~~  
14 ~~person designated by the board to represent it shall be~~  
15 ~~present at each location during the testing of the counting~~  
16 ~~equipment and the tabulation of the ballots.~~

17 ~~(3)(b) The results of~~ if ballots ~~are~~ tabulated at  
18 precinct regional locations, the results of such election may  
19 be transmitted ~~via dedicated teleprocessing lines~~ to the main  
20 computer system for the purpose of compilation of complete  
21 returns. The security guidelines for transmission of returns  
22 ~~by dedicated teleprocessing lines~~ shall conform to rules  
23 adopted by the Department of State pursuant to s. 101.015.

24 (7) Absentee ballots may be counted by automatic  
25 tabulating equipment if they have been ~~punched or~~ marked in a  
26 manner which will enable them to be properly counted by such  
27 equipment.

28 Section 23. Effective September 2, 2002, section  
29 101.58, Florida Statutes, is amended to read:

30 101.58 Supervising and observing registration and  
31 election processes.--The Department of State may, at any time

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 it deems fit; upon the petition of 5 percent of the registered  
2 electors; or upon the petition of any candidate, county  
3 executive committee chair, state committeeman or  
4 committeewoman, or state executive committee chair, appoint  
5 one or more deputies whose duties shall be to observe and  
6 examine the registration and election processes and the  
7 condition, custody, and operation of voting systems and  
8 equipment ~~machines~~ in any county or municipality. The deputy  
9 shall have access to all registration books and records as  
10 well as any other records or procedures relating to the voting  
11 process. The deputy may supervise preparation of the voting  
12 equipment ~~election machines~~ and procedures for election, and  
13 it shall be unlawful for any person to obstruct the deputy in  
14 the performance of his or her duty. The deputy shall file with  
15 the Department of State a report of his or her findings and  
16 observations of the registration and election processes in the  
17 county or municipality, and a copy of the report shall also be  
18 filed with the clerk of the circuit court of said county. The  
19 compensation of such deputies shall be fixed by the Department  
20 of State; and costs incurred under this section shall be paid  
21 from the annual operating appropriation made to the Department  
22 of State.

23 Section 24. Section 101.595, Florida Statutes, is  
24 created to read:

25 101.595 Analysis and reports of voter error.--

26 (1) No later than December 15 of each general election  
27 year, the supervisor of elections in each county shall report  
28 on voter errors to the Department of State, along with the  
29 likely reasons for the errors and other information as may be  
30 useful in evaluating the performance of the voting system and  
31 identifying problems with ballot design and instructions which

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 may have contributed to voter confusion.

2 (2) The Department of State, upon receipt of such  
3 information, shall prepare a public report on the performance  
4 of each type of voting system. The report must contain, but  
5 is not limited to, the following information:

6 (a) An identification of problems with the ballot  
7 design or instructions which may have contributed to voter  
8 confusion;

9 (b) An identification of voting system design  
10 problems; and,

11 (c) Recommendations for correcting any problems  
12 identified.

13 (3) The Department of State shall submit the report to  
14 the Governor, the President of the Senate, and the Speaker of  
15 the House of Representatives by January 31 of each year  
16 following a general election.

17 Section 25. Effective September 2, 2002, subsection  
18 (2) of section 101.71, Florida Statutes, is amended to read:  
19 101.71 Polling place.--

20 (2) Notwithstanding the provisions of subsection (1),  
21 whenever the supervisor of elections of any county determines  
22 that the accommodations for holding any election at a polling  
23 place designated for any precinct in the county are  
24 unavailable or are inadequate for the expeditious and  
25 efficient housing and handling of voting and voting  
26 paraphernalia, ~~including voting machines where used,~~the  
27 supervisor may provide, not less than 30 days prior to the  
28 holding of an election, that the voting place for such  
29 precinct shall be moved to another site which shall be  
30 accessible to the public on election day in said precinct or,  
31 if such is not available, to another site which shall be

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 accessible to the public on election day in a contiguous  
2 precinct. If such action of the supervisor results in the  
3 voting place for two or more precincts being located for the  
4 purposes of an election in one building, the voting places for  
5 the several precincts involved shall be established and  
6 maintained separate from each other in said building. When  
7 any supervisor moves any polling place pursuant to this  
8 subsection, the supervisor shall, not more than 30 days or  
9 fewer than 7 days prior to the holding of an election, give  
10 notice of the change of the polling place for the precinct  
11 involved, with clear description of the voting place to which  
12 changed, at least once in a newspaper of general circulation  
13 in said county. A notice of the change of the polling place  
14 involved shall be mailed, at least 14 days prior to an  
15 election, to each registered elector or to each household in  
16 which there is a registered elector.

17 Section 26. Subsection (1) of section 101.75, Florida  
18 Statutes, is amended to read:

19 101.75 Municipal elections; change of dates for  
20 cause.--

21 (1) In any municipality, when the date of the  
22 municipal election falls on the same date as any statewide or  
23 county election and the voting devices of the voting system  
24 used in the county ~~machines~~ are not available for both  
25 elections, the municipality may provide that the municipal  
26 election may be held within 30 days prior to or subsequent to  
27 the statewide or county election.

28 Section 27. Effective September 2, 2002, subsections  
29 (4) and (7) of section 102.012, Florida Statutes, are amended  
30 to read:

31 102.012 Inspectors and clerks to conduct elections.--

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           (4)(a) The election board of each precinct shall  
2 attend the polling place by 6 a.m. of the day of the election  
3 and shall arrange the furniture, stationery, and voting  
4 equipment.

5           (b) An election board shall conduct the voting,  
6 beginning and closing at the time set forth in s. 100.011. If  
7 more than one board has been appointed, the second board  
8 shall, upon the closing of the polls, come on duty and count  
9 the votes cast. In such case, the first board shall turn over  
10 to the second board all closed ballot boxes, registration  
11 books, and other records of the election at the time the  
12 boards change. The second board shall continue counting until  
13 the count is complete or until 7 a.m. the next morning, and,  
14 if the count is not completed at that time, the first board  
15 that conducted the election shall again report for duty and  
16 complete the count. The second board shall turn over to the  
17 first board all ballots counted, all ballots not counted, and  
18 all registration books and other records and shall advise the  
19 first board as to what has transpired in tabulating the  
20 results of the election.

21           ~~(7) For any precinct using voting machines, there~~  
22 ~~shall be one election board appointed, plus an additional~~  
23 ~~inspector for each machine in excess of one; however, the~~  
24 ~~supervisor of elections may appoint a greater number of~~  
25 ~~additional inspectors than required by this subsection.~~

26           Section 28. Subsections (8) and (9) of section  
27 103.101, Florida Statutes, are amended to read:

28           103.101 Presidential preference primary.--

29           (8) All names of candidates or delegates shall be  
30 listed as directed by the Department of State. ~~The ballot as~~  
31 ~~prescribed in this section shall be used.~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           ~~(9) The presidential preference primary ballot shall~~  
2 ~~be in substantially the following form:~~  
3  
4                           ~~OFFICIAL PRESIDENTIAL PREFERENCE~~  
5                                   ~~PRIMARY BALLOT~~  
6  
7 ~~No. .... Party~~  
8                                   ~~....COUNTY, FLORIDA~~  
9  
10                                   ~~Precinct No. ....~~  
11  
12                                   ~~...(Date)...~~  
13  
14 ~~...(Signature of Voter)...~~                   ~~...(Initials of Issuing~~  
15 ~~Official)...~~  
16  
17                                   ~~Stub No. 1~~  
18  
19                           ~~OFFICIAL PRESIDENTIAL PREFERENCE~~  
20                                   ~~PRIMARY BALLOT~~  
21  
22 ~~No. .... Party~~  
23                                   ~~....COUNTY, FLORIDA~~  
24  
25                                   ~~Precinct No. ....~~  
26  
27                                   ~~...(Date)...~~  
28  
29                                   ~~...(Initials of Issuing Official)...~~  
30  
31                                   ~~Stub No. 2~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

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~~OFFICIAL PRESIDENTIAL PREFERENCE  
PRIMARY BALLOT~~

~~.... Party~~

~~....COUNTY, FLORIDA~~

~~Precinct No. ....~~

~~...(Date)...~~

~~Place a cross (X) in the blank space to the right of the name  
of the presidential candidate for whom you wish to vote,~~

~~For President~~

~~...(Name of Candidate)...~~

~~...(Name of Candidate)...~~

~~or place a cross (X) in the blank space to the right of the  
name of the delegate(s) for whom you wish to vote.~~

~~...(Name of Delegate)....      ... (Name of Candidate)...~~

Section 29. Section 104.30, Florida Statutes, is  
amended to read:

104.30 Voting system ~~machine~~; unlawful possession;  
tampering.--

(1) Any unauthorized person who unlawfully has  
possession of any voting system, components, ~~machine~~ or key  
thereof is guilty of a misdemeanor of the first degree,

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 punishable as provided in s. 775.082 or s. 775.083.

2 (2) Any person who tampers or attempts to tamper with  
3 or destroy any voting system or equipment ~~machine~~ with the  
4 intention of interfering with the election process or the  
5 results thereof is guilty of a felony of the third degree,  
6 punishable as provided in s. 775.082, s. 775.083, or s.  
7 775.084.

8 Section 30. Effective September 2, 2002, section  
9 138.05, Florida Statutes, is amended to read:

10 138.05 Form of ballot.--The clerk of the circuit court  
11 of any county in this state, when the names of the towns,  
12 villages, and cities required in s. 138.04 have been furnished  
13 him or her, shall have printed, at the expense of the county,  
14 a suitable ballot to be used in the ~~said~~ election, the ~~said~~  
15 ballot to contain, in alphabetical order, the names of all  
16 such towns, villages, and cities, and no other places shall be  
17 printed on the ~~said~~ ballots; ~~provided, that in counties where~~  
18 ~~the use of voting machines is now or may hereafter be~~  
19 ~~authorized by law, the requirements of this section shall,~~  
20 ~~insofar as practicable, be adapted to the use of said voting~~  
21 ~~machines.~~

22 Section 31. Paragraph (c) of subsection (1) of section  
23 582.18, Florida Statutes, is amended to read:

24 582.18 Election of supervisors of each district.--

25 (1)

26 (c) The names of all nominees on behalf of whom such  
27 nominating petitions have been filed shall appear upon ballots  
28 in accordance with the general election laws. All qualified  
29 electors residing within the district shall be eligible to  
30 vote in such election. The candidates who receive the largest  
31 number of the votes cast from each group of candidates, ~~as~~



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~provided in s. 100.071,~~ in such election shall be the elected  
2 supervisors from such group for such district. In the case of  
3 a newly created district participating in a regular election  
4 for the first time, three groups of candidates shall be  
5 elected for terms of 4 years, and two groups shall be elected  
6 for initial terms of 2 years. Each candidate elected shall  
7 assume office on the first Tuesday after the first Monday in  
8 January following the election.

9 Section 32. Sections 100.071, 101.141, 101.181,  
10 101.191, 101.251, and 101.5609, Florida Statutes, are  
11 repealed.

12 Section 33. Effective September 2, 2002, sections  
13 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35,  
14 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45,  
15 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes,  
16 are repealed.

17 Section 34. Section 97.021, Florida Statutes, is  
18 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 casts an absentee ballot.+

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

26 ~~(b) Is an inspector, a poll worker, a deputy voting~~  
27 ~~machine custodian, a deputy sheriff, a supervisor of~~  
28 ~~elections, or a deputy supervisor who is assigned to a~~  
29 ~~different precinct than that in which he or she is registered~~  
30 ~~to vote.~~

31 ~~(c) On account of the tenets of his or her religion,~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~cannot attend the polls on the day of the general, special, or~~  
2 ~~primary election.~~

3 ~~(d) May not be in the precinct of his or her residence~~  
4 ~~during the hours the polls are open for voting on the day of~~  
5 ~~the election.~~

6 ~~(e) Has changed his or her residency to another county~~  
7 ~~in this state within the time period during which the~~  
8 ~~registration books are closed for the election for which the~~  
9 ~~ballot is requested.~~

10 ~~(f) Has changed his or her residency to another state~~  
11 ~~and is ineligible under the laws of that state to vote in the~~  
12 ~~general election; however, this pertains only to presidential~~  
13 ~~ballots.~~

14 (2) "Ballot" or "official ballot" when used in  
15 reference to:

16 (a) "Voting machines," except when reference is made  
17 to write-in ballots, means that portion of the printed strips  
18 of cardboard, paper, or other material that is within the  
19 ballot frames containing the names of candidates, or a  
20 statement of a proposed constitutional amendment or other  
21 question or proposition submitted to the electorate at any  
22 election.

23 (b) "Paper ballots" means that printed sheet of paper  
24 containing the names of candidates, or a statement of proposed  
25 constitutional amendments or other questions or propositions  
26 submitted to the electorate at any election, on which sheet of  
27 paper an elector casts his or her vote.

28 (c) "Electronic or electromechanical devices" means a  
29 ballot which is voted by the process of punching or marking  
30 with a marking device for tabulation by automatic tabulating  
31 equipment or data processing equipment.

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 (3) "Candidate" means any person to whom any one or  
2 more of the following applies:

3 (a) Any person who seeks to qualify for nomination or  
4 election by means of the petitioning process.

5 (b) Any person who seeks to qualify for election as a  
6 write-in candidate.

7 (c) Any person who receives contributions or makes  
8 expenditures, or gives his or her consent for any other person  
9 to receive contributions or make expenditures, with a view to  
10 bringing about his or her nomination or election to, or  
11 retention in, public office.

12 (d) Any person who appoints a treasurer and designates  
13 a primary depository.

14 (e) Any person who files qualification papers and  
15 subscribes to a candidate's oath as required by law.

16

17 However, this definition does not include any candidate for a  
18 political party executive committee.

19 (4) "Central voter file" means a statewide, centrally  
20 maintained database containing voter registration information  
21 of all counties in this state.

22 (5) "Department" means the Department of State.

23 (6) "Division" means the Division of Elections of the  
24 Department of State.

25 (7) "Election" means any primary election, special  
26 primary election, special election, general election, or  
27 presidential preference primary election.

28 (8) "Election board" means the clerk and inspectors  
29 appointed to conduct an election.

30 (9) "Election costs" shall include, but not be limited  
31 to, expenditures for all paper supplies such as envelopes,

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 instructions to voters, affidavits, reports, ballot cards,  
2 ballot booklets for absentee voters, postage, notices to  
3 voters; advertisements for registration book closings, testing  
4 of voting equipment, sample ballots, and polling places; forms  
5 used to qualify candidates; polling site rental and equipment  
6 delivery and pickup; data processing time and supplies;  
7 election records retention; and labor costs, including those  
8 costs uniquely associated with absentee ballot preparation,  
9 poll workers, and election night canvass.

10 (10) "Elector" is synonymous with the word "voter" or  
11 "qualified elector or voter," except where the word is used to  
12 describe presidential electors.

13 (11) "General election" means an election held on the  
14 first Tuesday after the first Monday in November in the  
15 even-numbered years, for the purpose of filling national,  
16 state, county, and district offices and for voting on  
17 constitutional amendments not otherwise provided for by law.

18 (12) "Lists of registered electors" means copies of  
19 printed lists of registered electors, computer tapes or disks,  
20 or any other device used by the supervisor of elections to  
21 maintain voter records.

22 (13) "Member of the Merchant Marine" means an  
23 individual, other than a member of a uniformed service or an  
24 individual employed, enrolled, or maintained on the Great  
25 Lakes for the inland waterways, who is:

26 (a) Employed as an officer or crew member of a vessel  
27 documented under the laws of the United States, a vessel owned  
28 by the United States, or a vessel of foreign-flag registry  
29 under charter to or control of the United States; or

30 (b) Enrolled with the United States for employment or  
31 training for employment, or maintained by the United States

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 for emergency relief service, as an officer or crew member of  
2 such vessel.

3 (14)~~(13)~~ "Minor political party" is any group as  
4 defined in this subsection which on January 1 preceding a  
5 primary election does not have registered as members 5 percent  
6 of the total registered electors of the state. Any group of  
7 citizens organized for the general purposes of electing to  
8 office qualified persons and determining public issues under  
9 the democratic processes of the United States may become a  
10 minor political party of this state by filing with the  
11 department a certificate showing the name of the organization,  
12 the names of its current officers, including the members of  
13 its executive committee, and a copy of its constitution or  
14 bylaws. It shall be the duty of the minor political party to  
15 notify the department of any changes in the filing certificate  
16 within 5 days of such changes.

17 (15)~~(14)~~ "Newspaper of general circulation" means a  
18 newspaper printed in the language most commonly spoken in the  
19 area within which it circulates and which is readily available  
20 for purchase by all inhabitants in the area of circulation,  
21 but does not include a newspaper intended primarily for  
22 members of a particular professional or occupational group, a  
23 newspaper the primary function of which is to carry legal  
24 notices, or a newspaper that is given away primarily to  
25 distribute advertising.

26 (16)~~(15)~~ "Nominal value" means having a retail value  
27 of \$10 or less.

28 (17)~~(16)~~ "Nonpartisan office" means an office for  
29 which a candidate is prohibited from campaigning or qualifying  
30 for election or retention in office based on party  
31 affiliation.

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           ~~(18)(17)~~ "Office that serves persons with  
2 disabilities" means any state office that takes applications  
3 either in person or over the telephone from persons with  
4 disabilities for any program, service, or benefit primarily  
5 related to their disabilities.

6           (19) "Overseas voter" means:

7           (a) Members of the uniformed services while in the  
8 active service who are permanent residents of the state and  
9 are temporarily residing outside the territorial limits of the  
10 United States and the District of Columbia;

11           (b) Members of the Merchant Marine of the United  
12 States who are permanent residents of the state and are  
13 temporarily residing outside the territorial limits of the  
14 United States and the District of Columbia; and

15           (c) Other citizens of the United States who are  
16 permanent residents of the state and are temporarily residing  
17 outside the territorial limits of the United States and the  
18 District of Columbia,

19  
20 who are qualified and registered to vote as provided by law.

21           (20) "Overvote" means that the elector marks or  
22 designates more names than there are persons to be elected to  
23 an office or designates more than one answer to a ballot  
24 question, and the tabulator records no vote for the office or  
25 question.

26           ~~(21)(18)~~ "Persons with disabilities" means individuals  
27 who have a physical or mental impairment that substantially  
28 limits one or more major life activities.

29           ~~(22)(19)~~ "Polling place" is the building which  
30 contains the polling room where ballots are cast.

31           ~~(23)(20)~~ "Polling room" means the actual room in which

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ballots are cast.

2 (24)(21) "Primary election" means an election held  
3 preceding the general election for the purpose of nominating a  
4 party nominee to be voted for in the general election to fill  
5 a national, state, county, or district office. The first  
6 primary is a nomination or elimination election; the second  
7 primary is a nominating election only.

8 (25) "Provisional ballot" means a ballot issued to a  
9 voter by the election board at the polling place on election  
10 day for one of the following reasons:

11 (a) The voter's name does not appear on the precinct  
12 register and verification of the voter's eligibility cannot be  
13 determined; or

14 (b) There is an indication on the precinct register  
15 that the voter has requested an absentee ballot and there is  
16 no indication whether the voter has returned the absentee  
17 ballot.

18 (26)(22) "Public assistance" means assistance provided  
19 through the food stamp program; the Medicaid program; the  
20 Special Supplemental Food Program for Women, Infants, and  
21 Children; and the WAGES Program.

22 (27)(23) "Public office" means any federal, state,  
23 county, municipal, school, or other district office or  
24 position which is filled by vote of the electors.

25 (28)(24) "Qualifying educational institution" means  
26 any public or private educational institution receiving state  
27 financial assistance which has, as its primary mission, the  
28 provision of education or training to students who are at  
29 least 18 years of age, provided such institution has more than  
30 200 students enrolled in classes with the institution and  
31 provided that the recognized student government organization

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 has requested this designation in writing and has filed the  
2 request with the office of the supervisor of elections in the  
3 county in which the institution is located.

4 (29)~~(25)~~ "Special election" is a special election  
5 called for the purpose of voting on a party nominee to fill a  
6 vacancy in the national, state, county, or district office.

7 (30)~~(26)~~ "Special primary election" is a special  
8 nomination election designated by the Governor, called for the  
9 purpose of nominating a party nominee to be voted on in a  
10 general or special election.

11 (31)~~(27)~~ "Supervisor" means the supervisor of  
12 elections.

13 (32) "Undervote" means that the elector does not  
14 properly designate any choice for an office or ballot  
15 question, and the tabulator records no vote for the office or  
16 question.

17 (33) "Uniformed services" means the Army, Navy, Air  
18 Force, Marine Corps, and Coast Guard, the commissioned corps  
19 of the Public Health Service, and the commissioned corps of  
20 the National Oceanic and Atmospheric Administration.

21 (34)~~(28)~~ "Voter registration agency" means any office  
22 that provides public assistance, any office that serves  
23 persons with disabilities, any center for independent living,  
24 or any public library.

25 (35)~~(29)~~ "Voting booth" or "booth" means that booth or  
26 enclosure wherein an elector casts his or her ballot, be it a  
27 paper ballot, a voting machine ballot, or a ballot cast for  
28 tabulation by an electronic or electromechanical device.

29 (36)~~(30)~~ "Voting system" means a method of casting and  
30 processing votes that functions wholly or partly by use of  
31 mechanical, electromechanical, or electronic apparatus or by



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 use of paper ballots and includes, but is not limited to, the  
2 procedures for casting and processing votes and the programs,  
3 operating manuals, tabulating cards, printouts, and other  
4 software necessary for the system's operation.

5 Section 35. Section 101.048, Florida Statutes, is  
6 created to read:

7 101.048 Provisional ballots.--

8 (1) At all elections, a voter claiming to be properly  
9 registered in the county and eligible to vote at the precinct  
10 in the election, but whose eligibility cannot be determined,  
11 shall be entitled to vote a provisional ballot. Once voted,  
12 the provisional ballot shall be placed in a secrecy envelope  
13 and thereafter sealed in a provisional ballot envelope. The  
14 provisional ballot shall be deposited in a ballot box. All  
15 provisional ballots shall remain sealed in their envelopes for  
16 return to the supervisor of elections.

17 (2)(a) The county canvassing board shall examine each  
18 provisional ballot to determine if the person voting that  
19 ballot was entitled to vote at the precinct in the election  
20 and that the person had not already cast a ballot in the  
21 election.

22 (b)1. If it is determined that the person was  
23 registered and entitled to vote at the precinct in the  
24 election, the canvassing board shall compare the signature on  
25 the provisional ballot envelope with the signature on the  
26 voter's registration and, if it matches, shall count the  
27 ballot.

28 2. If it is determined that the person voting the  
29 provisional ballot was not registered or entitled to vote at  
30 the precinct in the election, the provisional ballot shall not  
31 be counted and the ballot shall remain in the envelope

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 containing the Provisional Ballot Voter's Certificate and the  
2 envelope marked "Rejected as Illegal."

3 (3) The Provisional Ballot Voter's Certificate shall  
4 be in substantially the following form:

5  
6 STATE OF FLORIDA

7 COUNTY OF ....

8  
9 I do solemnly swear (or affirm) that my name is ....;  
10 that my date of birth is ....; that I am registered to vote  
11 and at the time I registered I resided at ....., in the  
12 municipality of ....., in .... County, Florida; that I am a  
13 qualified voter of the county and have not voted in this  
14 election.

15 ...(Signature of Voter)...

16 ...(Current Address)...

17  
18 Sworn to and subscribed before me this .... day of .....,  
19 ...(year)....

20 ...(Clerk or Inspector of Election)...

21  
22 Additional information may be provided to further assist the  
23 supervisor of elections in determining eligibility. If known,  
24 please provide the place and date that you registered to vote.

25  
26 (4) In counties where the voting system does not  
27 utilize a paper ballot, the supervisor of elections shall  
28 provide the appropriate provisional ballots to each polling  
29 place.

30 Section 36. Subsections (2) and (3) of section  
31 101.045, Florida Statutes, are amended to read:

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           101.045 Electors must be registered in precinct;  
2 provisions for residence or name change.--

3           (2)(a) An elector who moves from the precinct within  
4 the county in which the elector is registered may be permitted  
5 to vote in the precinct to which he or she has moved his or  
6 her legal residence, provided such elector completes an  
7 affirmation in substantially the following form:

8  
9                           Change of Legal Residence of Registered  
10   Voter

11  
12 Under penalties for false swearing, I, ...(Name of voter)...,  
13 swear (or affirm) that the former address of my legal  
14 residence was ...(Address of legal residence)... in the  
15 municipality of ....., in .... County, Florida, and I was  
16 registered to vote in the .... precinct of .... County,  
17 Florida; that I have not voted in the precinct of my former  
18 registration in this election; that I now reside at  
19 ...(Address of legal residence)... in the Municipality of  
20 ....., in .... County, Florida, and am therefore eligible to  
21 vote in the .... precinct of .... County, Florida; and I  
22 further swear (or affirm) that I am otherwise legally  
23 registered and entitled to vote.

24  
25           ...(Signature of voter whose address of legal residence has  
26 changed)...

27  
28           (b) An elector whose name changes because of marriage  
29 or other legal process may be permitted to vote, provided such  
30 elector completes an affirmation in substantially the  
31 following form:

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1  
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31

Change of Name of Registered  
Voter

Under penalties for false swearing, I, ...(New name of voter)..., swear (or affirm) that my name has been changed because of marriage or other legal process. My former name and address of legal residence appear on the registration books of precinct .... as follows:

Name.....

Address.....

Municipality.....

County.....

Florida, Zip.....

My present name and address of legal residence are as follows:

Name.....

Address.....

Municipality.....

County.....

Florida, Zip.....

and I further swear (or affirm) that I am otherwise legally registered and entitled to vote.

...(Signature of voter whose name has changed)...

(c) Such affirmation, when completed and presented at the precinct in which such elector is entitled to vote, and upon verification of the elector's registration, shall entitle such elector to vote as provided in this subsection. If the elector's eligibility to vote cannot be determined, he or she shall be entitled to vote a provisional ballot, subject to the

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 requirements and procedures in s. 101.048. Upon receipt of an  
2 affirmation certifying a change in address of legal residence  
3 or name, the supervisor shall as soon as practicable make the  
4 necessary changes in the registration records of the county to  
5 indicate the change in address of legal residence or name of  
6 such elector.

7 (d) Instead of the affirmation contained in paragraph  
8 (a) or paragraph (b), an elector may complete a voter  
9 registration application that indicates the change of name or  
10 change of address of legal residence.

11 (e) A request for an absentee ballot pursuant to s.  
12 101.62 which indicates that the elector has had a change of  
13 address of legal residence from that in the supervisor's  
14 records shall be sufficient as the notice to the supervisor of  
15 change of address of legal residence required by this section.  
16 Upon receipt of such request for an absentee ballot from an  
17 elector who has changed his or her address of legal residence,  
18 the supervisor shall provide the elector with the proper  
19 ballot for the precinct in which the elector then has his or  
20 her legal residence.

21 (3) When an elector's name does not appear on the  
22 registration books of the election precinct in which the  
23 elector is registered ~~and when the elector cannot present a~~  
24 ~~valid registration identification card~~, the elector may have  
25 his or her name restored if the supervisor is otherwise  
26 satisfied that the elector is validly registered, that the  
27 elector's name has been erroneously omitted from the books,  
28 and that the elector is entitled to have his or her name  
29 restored. The supervisor, if he or she is satisfied as to the  
30 elector's previous registration, shall allow such person to  
31 vote and shall thereafter issue a duplicate registration

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 identification card.

2 Section 37. Subsections (1), (2), (5), (6), and (8) of  
3 section 101.5614, Florida Statutes, are amended, and  
4 subsection (9) is added to said section to read:

5 101.5614 Canvass of returns.--

6 (1)(a) In precincts in which an electronic or  
7 electromechanical voting system is used, as soon as the polls  
8 are closed, the election board shall secure the voting devices  
9 against further voting. The election board shall thereafter  
10 open the ballot box in the presence of members of the public  
11 desiring to witness the proceedings and count the number of  
12 voted ballots, unused ballots, provisional ballots, and  
13 spoiled ballots to ascertain whether such number corresponds  
14 with the number of ballots issued by the supervisor. If there  
15 is a difference, this fact shall be reported in writing to the  
16 county canvassing board with the reasons therefor if known.  
17 The total number of voted ballots shall be entered on the  
18 forms provided. The proceedings of the election board at the  
19 precinct after the polls have closed shall be open to the  
20 public; however, no person except a member of the election  
21 board shall touch any ballot or ballot container or interfere  
22 with or obstruct the orderly count of the ballots.

23 (b) In lieu of opening the ballot box at the precinct,  
24 the supervisor may direct the election board to keep the  
25 ballot box sealed and deliver it to a central or regional  
26 counting location. In this case, the election board shall  
27 count the stubs removed from the ballots to determine the  
28 number of voted ballots.

29 (2)(a) If the ballots are to be tallied at a central  
30 location or at no more than three regional locations, the  
31 election board shall place all ballots that have been cast and

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 the unused, void, provisional, and defective ballots in the  
2 container or containers provided for this purpose, which shall  
3 be sealed and delivered forthwith to the central or regional  
4 counting location or other designated location by two  
5 inspectors who shall not, whenever possible, be of the same  
6 political party. The election board shall certify that the  
7 ballots were placed in such container or containers and each  
8 container was sealed in its presence and under its  
9 supervision, and it shall further certify to the number of  
10 ballots of each type placed in the container or containers.

11 (b) If ballots are to be counted at the precincts,  
12 such ballots shall be counted pursuant to rules adopted by the  
13 Department of State, which rules shall provide safeguards  
14 which conform as nearly as practicable to the safeguards  
15 provided in the procedures for the counting of votes at a  
16 central location.

17 (5) If any ballot card of the type for which the  
18 offices and measures are not printed directly on the card is  
19 damaged or defective so that it cannot properly be counted by  
20 the automatic tabulating equipment, a true duplicate copy  
21 shall be made of the damaged ballot card in the presence of  
22 witnesses and substituted for the damaged ballot. Likewise, a  
23 duplicate ballot card shall be made of a defective ballot  
24 which shall not include the invalid votes. All duplicate  
25 ballot cards shall be clearly labeled "duplicate," bear a  
26 serial number which shall be recorded on the damaged or  
27 defective ballot card, and be counted in lieu of the damaged  
28 or defective ballot. If any ballot card of the type for which  
29 offices and measures are printed directly on the card is  
30 damaged or defective so that it cannot properly be counted by  
31 the automatic tabulating equipment, a true duplicate copy may

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 be made of the damaged ballot card in the presence of  
2 witnesses and in the manner set forth above, or the valid  
3 votes on the damaged ballot card may be manually counted at  
4 the counting center by the canvassing board, whichever  
5 procedure is best suited to the system used. If any paper  
6 ballot is damaged or defective so that it cannot be counted  
7 properly by the automatic tabulating equipment, the ballot  
8 shall be counted manually at the counting center by the  
9 canvassing board. The totals for all such ballots or ballot  
10 cards counted manually shall be added to the totals for the  
11 several precincts or election districts. No vote shall be  
12 declared invalid or void if there is a clear indication on the  
13 ballot that the voter has made a definite choice ~~of the intent~~  
14 ~~of the voter~~ as determined by the canvassing board. After  
15 duplicating a ballot, the defective ballot shall be placed in  
16 an envelope provided for that purpose, and the duplicate  
17 ballot shall be tallied with the other ballots for that  
18 precinct.

19 (6) If there is no clear indication on the ballot that  
20 the voter has made a definite choice for an office or ballot  
21 measure ~~if an elector marks more names than there are persons~~  
22 ~~to be elected to an office or if it is impossible to determine~~  
23 ~~the elector's choice~~, the elector's ballot shall not be  
24 counted for that office or measure, but the ballot shall not  
25 be invalidated as to those names or measures which are  
26 properly marked.

27 (8) The return printed by the automatic tabulating  
28 equipment, to which has been added the return of write-in,  
29 absentee, and manually counted votes and votes from  
30 provisional ballots, shall constitute the official return of  
31 the election upon certification by the canvassing board. Upon



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 completion of the count, the returns shall be open to the  
2 public. A copy of the returns may be posted at the central  
3 counting place or at the office of the supervisor of elections  
4 in lieu of the posting of returns at individual precincts.

5 (9) Any supervisor of elections, deputy supervisor of  
6 elections, canvassing board member, election board member, or  
7 election employee who releases the results of any election  
8 prior to the closing of the polls on election day commits a  
9 felony of the third degree, punishable as provided in s.  
10 775.082, s. 775.083, or s. 775.084.

11 Section 38. Section 101.69, Florida Statutes, is  
12 amended to read:

13 101.69 Voting in person; return of absentee  
14 ballot.--The provisions of this code shall not be construed to  
15 prohibit any elector from voting in person at the elector's  
16 precinct on the day of an election notwithstanding that the  
17 elector has requested an absentee ballot for that election.  
18 An elector who has received an absentee ballot, but desires to  
19 vote in person, shall return the ballot, whether voted or not,  
20 to the election board in the elector's precinct. The returned  
21 ballot shall be marked "canceled" by the board and placed with  
22 other canceled ballots. However, if the elector is unable to  
23 return the ballot, the elector may vote a provisional ballot  
24 as provided in s. 101.048 ~~execute an affidavit stating that~~  
25 ~~the absentee ballot has not been voted and the elector may~~  
26 ~~then vote at the precinct.~~

27 Section 39. Section 102.111, Florida Statutes, is  
28 amended to read:

29 102.111 Elections Canvassing Commission.--

30 (1) ~~Immediately after certification of any election by~~  
31 ~~the county canvassing board, the results shall be forwarded to~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~the Department of State concerning the election of any federal~~  
2 ~~or state officer. The Governor, the Secretary of State, and~~  
3 ~~the Director of the Division of Elections shall be the~~  
4 ~~Elections Canvassing Commission.~~The Elections Canvassing  
5 Commission shall consist of the Governor and two members of  
6 the Cabinet selected by the Governor. If a member of the  
7 Elections Canvassing Commission is unable to serve for any  
8 reason, the Governor shall appoint a remaining member of the  
9 Cabinet. If there is a further vacancy, the remaining members  
10 of the commission shall agree on another elected official to  
11 fill the vacancy.~~The Elections Canvassing Commission shall,~~  
12 ~~as soon as the official results are compiled from all~~  
13 ~~counties, certify the returns of the election and determine~~  
14 ~~and declare who has been elected for each federal, state, and~~  
15 ~~multi-county office. ~~In the event that any member of the~~~~  
16 ~~~~Elections Canvassing Commission is unavailable to certify the~~~~  
17 ~~~~returns of any election, such member shall be replaced by a~~~~  
18 ~~~~substitute member of the Cabinet as determined by the Director~~~~  
19 ~~~~of the Division of Elections. If the county returns are not~~~~  
20 ~~~~received by the Department of State by 5 p.m. of the seventh~~~~  
21 ~~~~day following an election, all missing counties shall be~~~~  
22 ~~~~ignored, and the results shown by the returns on file shall be~~~~  
23 ~~~~certified.~~~~

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

26 Section 40. Section 102.112, Florida Statutes, is  
27 amended to read:

28 102.112 Deadline for submission of county returns to  
29 the Department of State; ~~penalties.~~--

30 (1) The county canvassing board or a majority thereof  
31 shall file the county returns for the election of a federal or

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 state officer with the Department of State immediately after  
2 certification of the election results.

3 (2) Returns must be filed by 5 p.m. on the 7th day  
4 following a the first primary election and by 5 p.m. on the  
5 11th day following the and general election and by 3 p.m. on  
6 the 3rd day following the second primary.

7 (3) If the returns are not received by the department  
8 by the time specified, such returns shall may be ignored and  
9 the results on file at that time shall may be certified by the  
10 department.

11 (4) If the returns are not received by the department  
12 due to an emergency, as defined in s. 101.732, the Elections  
13 Canvassing Commission shall determine the deadline by which  
14 the returns must be received.

15 ~~(2) The department shall fine each board member \$200~~  
16 ~~for each day such returns are late, the fine to be paid only~~  
17 ~~from the board member's personal funds. Such fines shall be~~  
18 ~~deposited into the Election Campaign Financing Trust Fund,~~  
19 ~~created by s. 106.32.~~

20 ~~(3) Members of the county canvassing board may appeal~~  
21 ~~such fines to the Florida Elections Commission, which shall~~  
22 ~~adopt rules for such appeals.~~

23 Section 41. Present subsections (5) and (6) of section  
24 102.141, Florida Statutes, are redesignated as subsections (7)  
25 and (8), respectively, present subsection (4) is amended and  
26 redesignated as subsection (6), subsections (2) and (3) are  
27 amended, and new subsections (4) and (5) are added to that  
28 section to read:

29 102.141 County canvassing board; duties.--

30 (2) The county canvassing board shall meet in a  
31 building accessible to the public in the county where the

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 election occurred at a time and place to be designated by the  
2 supervisor of elections to publicly canvass the absentee  
3 electors' ballots as provided for in s. 101.68 and provisional  
4 ballots as provided by s. 101.048. Public notice of the time  
5 and place at which the county canvassing board shall meet to  
6 canvass the absentee electors' ballots and provisional ballots  
7 shall be given at least 48 hours prior thereto by publication  
8 once in one or more newspapers of general circulation in the  
9 county or, if there is no newspaper of general circulation in  
10 the county, by posting such notice in at least four  
11 conspicuous places in the county. As soon as the absentee  
12 electors' ballots and the provisional ballots are canvassed,  
13 the board shall proceed to publicly canvass the vote given  
14 each candidate, nominee, constitutional amendment, or other  
15 measure submitted to the electorate of the county, as shown by  
16 the returns then on file in the office of the supervisor of  
17 elections and the office of the county court judge.

18 (3) The canvass, except the canvass of absentee  
19 electors' returns and the canvass of provisional ballots,  
20 shall be made from the returns and certificates of the  
21 inspectors as signed and filed by them with the county court  
22 judge and supervisor, respectively, and the county canvassing  
23 board shall not change the number of votes cast for a  
24 candidate, nominee, constitutional amendment, or other measure  
25 submitted to the electorate of the county, respectively, in  
26 any polling place, as shown by the returns. All returns shall  
27 be made to the board on or before 2 a.m.~~noon~~ of the day  
28 following any primary, general, special, or other election.  
29 If the returns from any precinct are missing, if there are any  
30 omissions on the returns from any precinct, or if there is an  
31 obvious error on any such returns, the canvassing board shall

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 order a recount of the returns from such precinct. Before  
2 canvassing such returns, the canvassing board shall examine  
3 the ~~counters on the machines or the~~ tabulation of the ballots  
4 cast in such precinct and determine whether the returns  
5 correctly reflect the votes cast. If there is a discrepancy  
6 between the returns and the ~~counters of the machines or the~~  
7 tabulation of the ballots cast, the ~~counters of such machines~~  
8 ~~or the~~ tabulation of the ballots cast shall be presumed  
9 correct and such votes shall be canvassed accordingly.

10 (4) The canvassing board shall submit unofficial  
11 returns to the Department of State for each federal,  
12 statewide, state, or multi-county office or ballot measure no  
13 later than noon on the day after any primary, general,  
14 special, or other election.

15 (5) If the county canvassing board determines that the  
16 unofficial returns may contain a counting error in which the  
17 vote tabulation system failed to count votes that were  
18 properly marked in accordance with the instructions on the  
19 ballot, the county canvassing board shall:

20 (a) Correct the error and recount the affected ballots  
21 with the vote tabulation system; or

22 (b) Request that the Department of State verify the  
23 tabulation software. When the Department of State verifies  
24 such software, the department shall compare the software used  
25 to tabulate the votes with the software filed with the  
26 department pursuant to s. 101.5607 and check the election  
27 parameters.

28 (6)(4) If the unofficial returns for any office  
29 reflect that a candidate for any office was defeated or  
30 eliminated by one-half of a percent or less of the votes cast  
31 for such office, that a candidate for retention to a judicial

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 office was retained or not retained by one-half of a percent  
2 or less of the votes cast on the question of retention, or  
3 that a measure appearing on the ballot was approved or  
4 rejected by one-half of a percent or less of the votes cast on  
5 such measure, the board responsible for certifying the results  
6 of the vote on such race or measure shall order a recount of  
7 the votes cast with respect to such office or measure. A  
8 recount need not be ordered with respect to the returns for  
9 any office, however, if the candidate or candidates defeated  
10 or eliminated from contention for such office by one-half of a  
11 percent or less of the votes cast for such office request in  
12 writing that a recount not be made.

13 (a) In counties with voting systems that use ballot  
14 cards or paper ballots, each canvassing board responsible for  
15 conducting a recount shall put each ballot through the  
16 automatic tabulating equipment for each precinct in which the  
17 office or issue appeared on the ballot and determine whether  
18 the returns correctly reflect the votes cast. Immediately  
19 before the start of the recount and after completion of the  
20 count, a test of the tabulating equipment shall be conducted  
21 as provided in s. 101.5612. If the test indicates no error,  
22 the recount tabulation of the ballots cast shall be presumed  
23 correct and such votes shall be canvassed accordingly. If an  
24 error is detected, the cause therefor shall be ascertained and  
25 corrected and the recount repeated, as necessary. The  
26 canvassing board shall immediately report the error, along  
27 with the cause of the error and the corrective measures being  
28 taken, to the Department of State. No later than 11 days after  
29 the election, the canvassing board shall file a separate  
30 incident report with the Department of State, detailing the  
31 resolution of the matter and identifying any measures that

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 will avoid a future recurrence of the error.

2 (b) In counties with voting systems that do not use  
3 ballot cards or paper ballots, each canvassing board  
4 responsible for conducting a recount shall examine the  
5 counters on the precinct tabulators to ensure that the total  
6 of the returns on the precinct tabulators equals the overall  
7 election return ~~machines or the tabulation of the ballots cast~~  
8 in each precinct in which the office or issue appeared on the  
9 ballot and determine whether the returns correctly reflect the  
10 votes cast. If there is a discrepancy between the overall  
11 election return ~~returns~~ and the counters of the precinct  
12 tabulators ~~machines or the tabulation of the ballots cast~~, the  
13 counters of the precinct tabulators of such machines or the  
14 tabulation of the ballots cast shall be presumed correct and  
15 such votes shall be canvassed accordingly.

16 (c) The canvassing board shall submit a second set of  
17 unofficial returns to the Department of State for each  
18 federal, statewide, state, or multi-county office or ballot  
19 measure no later than noon on the second day after any  
20 election in which a recount was conducted pursuant to this  
21 subsection. If the canvassing board is unable to complete the  
22 recount prescribed in this subsection by the deadline, the  
23 second set of unofficial returns submitted by the canvassing  
24 board shall be identical to the initial unofficial returns and  
25 the submission shall also include a detailed explanation of  
26 why it was unable to timely complete the recount. However,  
27 the canvassing board shall complete the recount prescribed in  
28 this subsection, along with any manual recount prescribed in  
29 s. 102.166, and certify election returns in accordance with  
30 the requirements of this chapter.

31 Section 42. Section 102.166, Florida Statutes, is

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 amended to read:

2           102.166 Manual recounts ~~Protest of election returns~~  
3 ~~procedure.~~--

4           (1) If the second set of unofficial returns pursuant  
5 to s. 102.141 indicates that a candidate for any office was  
6 defeated or eliminated by one-quarter of a percent or less of  
7 the votes cast for such office, that a candidate for retention  
8 to a judicial office was retained or not retained by  
9 one-quarter of a percent or less of the votes cast on the  
10 question of retention, or that a measure appearing on the  
11 ballot was approved or rejected by one-quarter of a percent or  
12 less of the votes cast on such measure, the board responsible  
13 for certifying the results of the vote on such race or measure  
14 shall order a manual recount of the overvotes and undervotes  
15 cast in the entire geographic jurisdiction of such office or  
16 ballot measure.

17           (2)(a) If the second set of unofficial returns  
18 pursuant to s. 102.141 indicates that a candidate for any  
19 office was defeated or eliminated by between one-quarter and  
20 one-half of a percent of the votes cast for such office, that  
21 a candidate for retention to judicial office was retained or  
22 not retained by between one-quarter and one-half of a percent  
23 of the votes cast on the question of retention, or that a  
24 measure appearing on the ballot was approved or rejected by  
25 between one-quarter and one-half of a percent of the votes  
26 cast on such measure, any such candidate, the political party  
27 of such candidate, or any political committee that supports or  
28 opposes such ballot measure is entitled to a manual recount of  
29 the overvotes and undervotes cast in the entire geographic  
30 jurisdiction of such office or ballot measure, provided that a  
31 request for a manual recount is made by 5 p.m. on the second



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 day after the election.

2 (b) For federal, statewide, state, and multi-county  
3 racess and ballot issues, requests for a manual recount shall  
4 be made in writing to the state Elections Canvassing  
5 Commission. For all other races and ballot issues, requests  
6 for a manual recount shall be made in writing to the county  
7 canvassing board.

8 (c) Upon receipt of a proper and timely request, the  
9 Elections Canvassing Commission or county canvassing board  
10 shall immediately order a manual recount of overvotes and  
11 undervotes in all affected jurisdictions.

12 (3)(a) Any hardware or software used to identify and  
13 sort overvotes and undervotes for a given race or ballot  
14 measure must be certified by the Department of State as part  
15 of the voting system pursuant to s. 101.015. Any such hardware  
16 or software must be capable of simultaneously counting votes.  
17 For certified voting systems, the department shall certify  
18 such hardware or software by July 1, 2002. If the department  
19 is unable to certify such hardware or software for a certified  
20 voting system by July 1, 2002, the department shall adopt  
21 rules prescribing procedures for identifying and sorting such  
22 overvotes and undervotes. The department's rules may provide  
23 for the temporary use of hardware or software whose sole  
24 function is identifying and sorting overvotes and undervotes.

25 (b) This subsection does not preclude the department  
26 from certifying hardware or software after July 1, 2002.

27 (c) Overvotes and undervotes shall be identified and  
28 sorted while recounting ballots pursuant to s. 102.141, if the  
29 hardware or software for this purpose has been certified or  
30 the department's rules so provide.

31 ~~(1) Any candidate for nomination or election, or any~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~elector qualified to vote in the election related to such~~  
2 ~~candidacy, shall have the right to protest the returns of the~~  
3 ~~election as being erroneous by filing with the appropriate~~  
4 ~~canvassing board a sworn, written protest.~~

5 ~~(2) Such protest shall 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 5 days after~~  
8 ~~midnight of the date the election is held, whichever occurs~~  
9 ~~later.~~

10 ~~(3) Before canvassing the returns of the election, the~~  
11 ~~canvassing board shall:~~

12 ~~(a) When paper ballots are used, examine the~~  
13 ~~tabulation of the paper ballots cast.~~

14 ~~(b) When voting machines are used, examine the~~  
15 ~~counters on the machines of nonprinter machines or the~~  
16 ~~printer-pac on printer machines. If there is a discrepancy~~  
17 ~~between the returns and the counters of the machines or the~~  
18 ~~printer-pac, the counters of such machines or the printer-pac~~  
19 ~~shall be presumed correct.~~

20 ~~(c) When electronic or electromechanical equipment is~~  
21 ~~used, the canvassing board shall examine precinct records and~~  
22 ~~election returns. If there is a clerical error, such error~~  
23 ~~shall be corrected by the county canvassing board. If there is~~  
24 ~~a discrepancy which could affect the outcome of an election,~~  
25 ~~the canvassing board may recount the ballots on the automatic~~  
26 ~~tabulating equipment.~~

27 ~~(4)(a) Any candidate whose name appeared on the~~  
28 ~~ballot, any political committee that supports or opposes an~~  
29 ~~issue which appeared on the ballot, or any political party~~  
30 ~~whose candidates' names appeared on the ballot may file a~~  
31 ~~written request with the county canvassing board for a manual~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~recount. The written request shall contain a statement of the~~  
2 ~~reason the manual recount is being requested.~~

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

8 ~~(c) The county canvassing board may authorize a manual~~  
9 ~~recount. If a manual recount is authorized, the county~~  
10 ~~canvassing board shall make a reasonable effort to notify each~~  
11 ~~candidate whose race is being recounted of the time and place~~  
12 ~~of such recount.~~

13 ~~(d) The manual recount must include at least three~~  
14 ~~precincts and at least 1 percent of the total votes cast for~~  
15 ~~such candidate or issue. In the event there are less than~~  
16 ~~three precincts involved in the election, all precincts shall~~  
17 ~~be counted. The person who requested the recount shall choose~~  
18 ~~three precincts to be recounted, and, if other precincts are~~  
19 ~~recounted, the county canvassing board shall select the~~  
20 ~~additional precincts.~~

21 ~~(5) If the manual recount indicates an error in the~~  
22 ~~vote tabulation which could affect the outcome of the~~  
23 ~~election, the county canvassing board shall:~~

24 ~~(a) Correct the error and recount the remaining~~  
25 ~~precincts with the vote tabulation system;~~

26 ~~(b) Request the Department of State to verify the~~  
27 ~~tabulation software; or~~

28 ~~(c) Manually recount all ballots.~~

29 ~~(4)(6) Any manual recount shall be open to the public.~~

30 (5)(a) A vote for a candidate or ballot measure shall  
31 be counted if there is a clear indication on the ballot that

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 the voter has made a definite choice.

2 (b) The Department of State shall adopt specific rules  
3 for each certified voting system prescribing what constitutes  
4 a "clear indication on the ballot that the voter has made a  
5 definite choice." The rules may not:

6 1. Exclusively provide that the voter must properly  
7 mark or designate his or her choice on the ballot; or,

8 2. Contain a catch-all provision that fails to  
9 identify specific standards, such as "any other mark or  
10 indication clearly indicating that the voter has made a  
11 definite choice."

12 (6)(7) Procedures for a manual recount are as follows:

13 (a) The county canvassing board shall appoint as many  
14 counting teams of at least two electors as is necessary to  
15 manually recount the ballots. A counting team must have, when  
16 possible, members of at least two political parties. A  
17 candidate involved in the race shall not be a member of the  
18 counting team.

19 (b) If a counting team is unable to determine whether  
20 the ballot contains a clear indication that the voter has made  
21 a definite choice ~~a voter's intent in casting a ballot~~, the  
22 ballot shall be presented to the county canvassing board for a  
23 determination ~~it to determine the voter's intent~~.

24 (c) The Department of State shall adopt detailed rules  
25 prescribing additional recount procedures for each certified  
26 voting system which shall be uniform to the extent  
27 practicable. The rules shall address, at a minimum, the  
28 following areas:

29 1. Security of ballots during the recount process;

30 2. Time and place of recounts;

31 3. Public observance of recounts;

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

- 1           4. Objections to ballot determinations;  
2           5. Record of recount proceedings; and  
3           6. Procedures relating to candidate and petitioner  
4 representatives.

5           ~~(8) If the county canvassing board determines the need~~  
6 ~~to verify the tabulation software, the county canvassing board~~  
7 ~~shall request in writing that the Department of State verify~~  
8 ~~the software.~~

9           ~~(9) When the Department of State verifies such~~  
10 ~~software, the department shall:~~

11           ~~(a) Compare the software used to tabulate the votes~~  
12 ~~with the software filed with the Department of State pursuant~~  
13 ~~to s. 101.5607; and~~

14           ~~(b) Check the election parameters.~~

15           ~~(10) The Department of State shall respond to the~~  
16 ~~county canvassing board within 3 working days.~~

17           Section 43. Section 102.167, Florida Statutes, is  
18 repealed.

19           Section 44. Section 102.168, Florida Statutes, is  
20 amended to read:

21           102.168 Contest of election.--

22           (1) Except as provided in s. 102.171, the  
23 certification of election or nomination of any person to  
24 office, or of the result on any question submitted by  
25 referendum, may be contested in the circuit court by any  
26 unsuccessful candidate for such office or nomination thereto  
27 or by any elector qualified to vote in the election related to  
28 such candidacy, or by any taxpayer, respectively.

29           (2) Such contestant shall file a complaint, together  
30 with the fees prescribed in chapter 28, with the clerk of the  
31 circuit court within 10 days after midnight of the date the

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 last county canvassing board empowered to canvass the returns  
2 certifies the results of the election being contested ~~or~~  
3 ~~within 5 days after midnight of the date the last county~~  
4 ~~canvassing board empowered to canvass the returns certifies~~  
5 ~~the results of that particular election following a protest~~  
6 ~~pursuant to s. 102.166(1), whichever occurs later.~~

7 (3) The complaint shall set forth the grounds on which  
8 the contestant intends to establish his or her right to such  
9 office or set aside the result of the election on a submitted  
10 referendum. The grounds for contesting an election under this  
11 section are:

12 (a) Misconduct, fraud, or corruption on the part of  
13 any election official or any member of the canvassing board  
14 sufficient to change or place in doubt the result of the  
15 election.

16 (b) Ineligibility of the successful candidate for the  
17 nomination or office in dispute.

18 (c) Receipt of a number of illegal votes or rejection  
19 of a number of legal votes sufficient to change or place in  
20 doubt the result of the election.

21 (d) Proof that any elector, election official, or  
22 canvassing board member was given or offered a bribe or reward  
23 in money, property, or any other thing of value for the  
24 purpose of procuring the successful candidate's nomination or  
25 election or determining the result on any question submitted  
26 by referendum.

27 ~~(e) Any other cause or allegation which, if sustained,~~  
28 ~~would show that a person other than the successful candidate~~  
29 ~~was the person duly nominated or elected to the office in~~  
30 ~~question or that the outcome of the election on a question~~  
31 ~~submitted by referendum was contrary to the result declared by~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~the canvassing board or election board.~~

2 (4) The canvassing board or Elections Canvassing  
3 Commission ~~election board~~ shall be the proper party defendant,  
4 and the successful candidate shall be an indispensable party  
5 to any action brought to contest the election or nomination of  
6 a candidate.

7 (5) A statement of the grounds of contest may not be  
8 rejected, nor the proceedings dismissed, by the court for any  
9 want of form if the grounds of contest provided in the  
10 statement are sufficient to clearly inform the defendant of  
11 the particular proceeding or cause for which the nomination or  
12 election is contested.

13 (6) A copy of the complaint shall be served upon the  
14 defendant and any other person named therein in the same  
15 manner as in other civil cases under the laws of this state.  
16 Within 10 days after the complaint has been served, the  
17 defendant must file an answer admitting or denying the  
18 allegations on which the contestant relies or stating that the  
19 defendant has no knowledge or information concerning the  
20 allegations, which shall be deemed a denial of the  
21 allegations, and must state any other defenses, in law or  
22 fact, on which the defendant relies. If an answer is not filed  
23 within the time prescribed, the defendant may not be granted a  
24 hearing in court to assert any claim or objection that is  
25 required by this subsection to be stated in an answer.

26 (7) Any candidate, qualified elector, or taxpayer  
27 presenting such a contest to a circuit judge is entitled to an  
28 immediate hearing. However, the court in its discretion may  
29 limit the time to be consumed in taking testimony, with a view  
30 therein to the circumstances of the matter and to the  
31 proximity of any succeeding ~~primary or other~~ election.

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           ~~(8) The circuit judge to whom the contest is presented~~  
2 ~~may fashion such orders as he or she deems necessary to ensure~~  
3 ~~that each allegation in the complaint is investigated,~~  
4 ~~examined, or checked, to prevent or correct any alleged wrong,~~  
5 ~~and to provide any relief appropriate under such~~  
6 ~~circumstances.~~

7           Section 45. Subsections (1) and (2) of section 99.063,  
8 Florida Statutes, are amended to read:

9           99.063 Candidates for Governor and Lieutenant  
10 Governor.--

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

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

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

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

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

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

30           Section 46. (1) Notwithstanding s. 100.061, Florida  
31 Statutes, for the year 2002, a primary election for nomination



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 of candidates of political parties shall be held on the second  
2 Tuesday in September. The candidate receiving the highest  
3 number of the votes cast in each contest in the primary  
4 election shall be declared nominated for such office. If two  
5 or more persons receive an equal and highest number of votes  
6 for the same office, such persons shall draw lots to determine  
7 who shall receive the nomination.

8 (2) Notwithstanding s. 100.091, Florida Statutes, or  
9 any other provision of the Florida Election Code to the  
10 contrary, there shall be no second primary election between  
11 the effective date of this act and January 1, 2004.

12 (3)(a) No later than 5 p.m. of the 9th day following  
13 the primary election in 2002, each candidate for Governor  
14 shall designate a Lieutenant Governor as a running mate. Such  
15 designation must be made in writing to the Department of  
16 State.

17 (b) No later than the time specified in paragraph (a),  
18 each designated candidate for Lieutenant Governor shall file  
19 with the Department of State the qualifying papers specified  
20 in s. 99.063, Florida Statutes.

21 (4)(a) For the 2002 elections, following the last day  
22 of qualifying for office, reports pursuant to s. 106.07,  
23 Florida Statutes, shall be filed on the 32nd, 18th, and 4th  
24 days immediately preceding the primary election and on the  
25 46th, 32nd, 18th, and 4th days immediately preceding the  
26 general election.

27 (b) Following the last day of qualifying for office,  
28 any statewide candidate who has requested to receive  
29 contributions from the Election Campaign Financing Trust Fund  
30 or any statewide candidate in a race with a candidate who has  
31 requested to receive contributions from the trust fund shall

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 file reports on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th,  
2 and 53rd days prior to the general election.

3 (5) For the 2002 elections, there shall be two  
4 elections for purposes of the contribution limits in s.  
5 106.08, Florida Statutes.

6 Section 47. Section 97.0555, Florida Statutes, is  
7 created to read:

8 97.0555 Late registration.--An individual or  
9 accompanying family member who has been discharged or  
10 separated from the uniformed services, Merchant Marine, or  
11 from employment outside the territorial limits of the United  
12 States, after the book closing for an election pursuant to s.  
13 97.055 who is otherwise qualified, may register to vote in  
14 such election until 5 p.m. on the Friday before that election.  
15 Such persons must produce sufficient documentation showing  
16 evidence of qualifying for late registration pursuant to this  
17 section. The Department of State shall adopt rules specifying  
18 documentation that is sufficient to determine eligibility.

19 Section 48. Section 101.6951, Florida Statutes, is  
20 created to read:

21 101.6951 State write-in ballot.--

22 (1) An overseas voter may request, not earlier than  
23 180 days before a general election, a state write-in absentee  
24 ballot from the supervisor of elections in the county of  
25 registration. In order to receive a state write-in ballot, the  
26 voter shall state that due to military or other contingencies  
27 that preclude normal mail delivery, the voter cannot vote an  
28 absentee ballot during the normal absentee voting period.  
29 State write-in absentee ballots shall be made available to  
30 voters 90 to 180 days prior to a general election. The  
31 Department of State shall prescribe by rule the form of the

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 state write-in ballot.

2 (2) In completing the ballot, the overseas voter may  
3 designate his or her choice by writing in the name of the  
4 candidate or by writing in the name of a political party, in  
5 which case the ballot must be counted for the candidate of  
6 that political party, if there is such a party candidate on  
7 the ballot.

8 (3) Any abbreviation, misspelling, or other minor  
9 variation in the form of the name of a candidate or a  
10 political party must be disregarded in determining the  
11 validity of the ballot if there is a clear indication on the  
12 ballot that the voter has made a definite choice.

13 (4) The state write-in ballot shall contain all  
14 offices, federal, state, and local, for which the voter would  
15 otherwise be entitled to vote.

16 Section 49. Section 101.6952, Florida Statutes, is  
17 created to read:

18 101.6952 Absentee ballots for overseas voters.--

19 (1) If an overseas voter's request for an absentee  
20 ballot includes an e-mail address, the supervisor of elections  
21 shall inform the voter of the names of candidates who will be  
22 on the ballots via electronic transmission. The supervisor of  
23 elections shall e-mail to the voter the list of candidates for  
24 the primary and general election not later than 30 days before  
25 each election.

26 (2) For absentee ballots received from overseas  
27 voters, there is a presumption that the envelope was mailed on  
28 the date stated and witnessed on the outside of the return  
29 envelope, regardless of the absence of a postmark on the  
30 mailed envelope or the existence of a postmark date that is  
31 later than the date of the election.

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 Section 50. Section 101.697, Florida Statutes, is  
2 created to read:

3 101.697 Electronic transmission of election  
4 materials.--The Department of State shall adopt rules to  
5 authorize a supervisor of elections to accept a request for an  
6 absentee ballot and a voted absentee ballot by facsimile  
7 machine or other electronic means from overseas voters. The  
8 rules must provide that in order to accept a voted ballot, the  
9 verification of the voter must be established, the security of  
10 the transmission must be established, and each ballot received  
11 must be recorded.

12 Section 51. Section 101.698, Florida Statutes, is  
13 created to read:

14 101.698 Absentee voting in emergency situations.--If a  
15 national or local emergency or other situation arises which  
16 makes substantial compliance with the provisions of state or  
17 federal law relating to the methods of voting for overseas  
18 voters impossible or unreasonable, such as an armed conflict  
19 involving United States Armed Forces or mobilization of those  
20 forces, including state National Guard and reserve components,  
21 the Elections Canvassing Commission may adopt by emergency  
22 rules, such special procedures or requirements necessary to  
23 facilitate absentee voting by those persons directly affected  
24 who are otherwise eligible to vote in the election.

25 Section 52. Paragraph (b) of subsection (1), and  
26 subsection (7) of section 101.62, Florida Statutes, are  
27 amended to read:

28 101.62 Request for absentee ballots.--

29 (1)

30 (b) The supervisor may accept a written or telephonic  
31 request for an absentee ballot from the elector, or, if

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 directly instructed by the elector, a member of the elector's  
2 immediate family, or the elector's legal guardian. For  
3 purposes of this section, the term "immediate family" has the  
4 same meaning as specified in paragraph (4)(b). The person  
5 making the request must disclose:

6 1. The name of the elector for whom the ballot is  
7 requested;

8 2. The elector's address;

9 ~~3. The last four digits of the elector's social~~  
10 ~~security number;~~

11 ~~3.4. The registration number on the elector's date of~~  
12 ~~birth registration identification card;~~

13 ~~4.5. The requester's name;~~

14 ~~5.6. The requester's address;~~

15 ~~6.7. The requester's social security number and, if~~  
16 ~~available, driver's license number, if available;~~

17 ~~7.8. The requester's relationship to the elector; and~~

18 ~~8.9. The requester's signature (written requests~~  
19 ~~only).~~

20 ~~(7)(a) For the purposes of this section, "absent~~  
21 ~~qualified elector overseas" means:~~

22 ~~1. Members of the Armed Forces while in the active~~  
23 ~~service who are permanent residents of the state and are~~  
24 ~~temporarily residing outside the territorial limits of the~~  
25 ~~United States and the District of Columbia;~~

26 ~~2. Members of the Merchant Marine of the United States~~  
27 ~~who are permanent residents of the state and are temporarily~~  
28 ~~residing outside the territorial limits of the United States~~  
29 ~~and the District of Columbia; and~~

30 ~~3. Other citizens of the United States who are~~  
31 ~~permanent residents of the state and are temporarily residing~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~outside the territorial limits of the United States and the~~  
2 ~~District of Columbia,~~

3  
4 ~~who are qualified and registered as provided by law.~~

5 ~~(b) Notwithstanding any other provision of law to the~~  
6 ~~contrary, there shall appear on the ballots sent to absent~~  
7 ~~qualified electors overseas, in addition to the names of the~~  
8 ~~candidates for each office, the political party affiliation of~~  
9 ~~each candidate for each office, other than a nonpartisan~~  
10 ~~office.~~

11 ~~(c) With respect to marked ballots mailed by absent~~  
12 ~~qualified electors overseas, only those ballots mailed with an~~  
13 ~~APO, FPO, or foreign postmark shall be considered valid.~~

14 Section 53. Section 101.64, Florida Statutes, is  
15 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 and  
31 that I have not and will not vote more than one ballot in this

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

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

9  
10 1. ~~I am unable without another's assistance to attend~~  
11 ~~the polls.~~

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

14 3. ~~I am an inspector, a poll worker, a deputy voting~~  
15 ~~machine custodian, a deputy sheriff, a supervisor of~~  
16 ~~elections, or a deputy supervisor who is assigned to a~~  
17 ~~different precinct than that in which I am registered.~~

18 4. ~~On account of the tenets of my religion, I cannot~~  
19 ~~attend the polls on the day of the general, special, or~~  
20 ~~primary election.~~

21 5. ~~I have changed my permanent residency to another~~  
22 ~~county in Florida within the time period during which the~~  
23 ~~registration books are closed for the election. I understand~~  
24 ~~that I am allowed to vote only for national and statewide~~  
25 ~~offices and on statewide issues.~~

26 6. ~~I have changed my permanent residency to another~~  
27 ~~state and am unable under the laws of such state to vote in~~  
28 ~~the general election. I understand that I am allowed to vote~~  
29 ~~only for President and Vice President.~~

30 7. ~~I am unable to attend the polls on election day and~~  
31 ~~am voting this ballot in person at the office of, and under~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ~~the supervision of, the county supervisor of elections.~~  
2  
3  
4 ~~...(Date)...~~ ~~...(Voter's Signature)...~~  
5  
6 ~~...(Last four digits of voter's social security number)...~~  
7 Note: Your Signature Must Be Witnessed By ~~Either:~~  
8 ~~a. A Notary or Officer Defined in Item 6.b. of the~~  
9 ~~Instruction Sheet.~~  
10  
11 ~~Sworn to (or affirmed) and subscribed before me this~~  
12 ~~.... day of ....., ...(year)...., by ...(name of person~~  
13 ~~making statement).... My commission expires this .... day of~~  
14 ~~....., ...(year)....~~  
15 ~~.....(Signature of Official)...~~  
16 ~~.....(Print, Type, or Stamp Name)...~~  
17 ~~.....(State or Country of Commission)...~~  
18 ~~Personally Known ..... OR Produced Identification~~  
19 ~~.....~~  
20 ~~Type of Identification Produced.....~~  
21  
22 ~~OR~~  
23  
24 ~~b. One Witness 18 Years of Age or Older as provided in~~  
25 ~~item 8 of the Instruction Sheet, who is a registered voter in~~  
26 ~~the State.~~  
27  
28 I swear or affirm that the voter signed this Voter's  
29 Certificate in my presence ~~and that, unless certified as an~~  
30 ~~absentee ballot coordinator, I have not witnessed more than 5~~  
31 ~~ballots for this election.~~



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

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~~WITNESS:~~

...(Signature of Witness)...

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

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

...(Address)...

...(City/State)...

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

Section 54. Section 101.65, Florida Statutes, is amended to read:

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

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1. VERY IMPORTANT. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 is located no later than 7 p.m. on the day of the election.

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

6 3. Place your marked ballot in the enclosed secrecy  
7 envelope.

8 4. Insert the secrecy envelope into the enclosed  
9 mailing envelope which is addressed to the supervisor.

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

12 6. VERY IMPORTANT. In order for your absentee ballot  
13 to be counted, you must sign your name on the line above  
14 (Voter's Signature).

15 7. VERY IMPORTANT. If you are an overseas voter, you  
16 must include the date you signed the Voter's Certificate on  
17 the line above (Date) or your ballot may not be counted.

18 ~~place the last four digits of your Social Security number in~~  
19 ~~the space provided, and your ballot must be witnessed in~~  
20 ~~either of the following manners:~~

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

28 b. ~~Any notary or other officer entitled to administer~~  
29 ~~oaths or any Florida supervisor of elections or deputy~~  
30 ~~supervisor of elections, other than a candidate, may serve as~~  
31 ~~an attesting witness.~~

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           8. VERY IMPORTANT. In order for your absentee ballot  
2 to be counted, it must include the signature and address of a  
3 witness 18 years of age or older affixed to the Voter's  
4 Certificate. No candidate may serve as an attesting witness.

5           9.7. Mail, deliver, or have delivered the completed  
6 mailing envelope. Be sure there is sufficient postage if  
7 mailed.

8           10.8. FELONY NOTICE. It is a felony under Florida law  
9 to accept any gift, payment, or gratuity in exchange for your  
10 vote for a candidate. It is also a felony under Florida law to  
11 vote in an election using a false identity or false address,  
12 or under any other circumstances making your ballot false or  
13 fraudulent.

14           Section 55. Section 101.657, Florida Statutes, is  
15 amended to read:

16           101.657 Voting absentee ballots in person.--

17           (1) ~~Notwithstanding s. 97.021(1),~~ Any qualified and  
18 registered elector ~~who is unable to attend the polls on~~  
19 ~~election day~~ may pick up and vote an absentee ballot in person  
20 at the office of, and under the supervision of, the supervisor  
21 of elections. Before receiving the ballot, the elector must  
22 present a Florida driver's license, a Florida identification  
23 card issued under s. 322.051, or another form of picture  
24 identification approved by the Department of State. If the  
25 elector fails to furnish the required identification, or if  
26 the supervisor is in doubt as to the identity of the elector,  
27 the supervisor must follow the procedure prescribed in s.  
28 101.49.

29           (2) As an alternative to the provisions of ss. 101.64,  
30 ~~101.647,~~ and 101.65, the supervisor of elections may allow an  
31 elector to cast an absentee ballot in the main or branch

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 office of the supervisor by depositing the voted ballot in a  
2 voting device used by the supervisor to collect or tabulate  
3 ballots. The results or tabulation may not be made before the  
4 close of the polls on election day.

5 (a)~~(3)~~ The elector must provide picture identification  
6 and must complete an In-Office Voter Certificate in  
7 substantially the following form:

8

9

IN-OFFICE VOTER CERTIFICATE

10

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

24

25

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

27

28 ...(Address)...

29

30 ...(City/State)...

31

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 ...(Name of Witness)...

2

3 ...(Signature of Witness)...

4

5 ...(Type of identification provided)...

6

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

12 (c)(5) The canvass of returns for ballots cast under  
13 this subsection ~~section~~ shall be substantially the same as  
14 votes cast by electors in precincts, as provided in s.  
15 101.5614.

16 Section 56. Paragraphs (a) and (c) of subsection (2)  
17 of section 101.68, Florida Statutes, are amended to read:

18 101.68 Canvassing of absentee ballot.--

19 (2)(a) The county canvassing board may begin the  
20 canvassing of absentee ballots at 7 a.m. on the fourth day  
21 before the election, but not later than noon on the day  
22 following the election. In addition, for any county using  
23 electronic tabulating equipment, the processing of absentee  
24 ballots through such tabulating equipment may begin at 7 a.m.  
25 on the fourth day before the election ~~upon the opening of the~~  
26 ~~polls on election day~~. However, notwithstanding any such  
27 authorization to begin canvassing or otherwise processing  
28 absentee ballots early, no result ~~or tabulation of absentee~~  
29 ~~ballots~~ shall be released ~~made~~ until after the closing ~~close~~  
30 of the polls on election day. Any supervisor of elections,  
31 deputy supervisor of elections, canvassing board member,

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 election board member, or election employee who releases the  
2 results of a canvassing or processing of absentee ballots  
3 prior to the closing of the polls on election day commits a  
4 felony of the third degree, punishable as provided in s.  
5 775.082, s. 775.083, or s. 775.084.

6 (c)1. The canvassing board shall, if the supervisor  
7 has not already done so, compare the signature of the elector  
8 on the voter's certificate with the signature of the elector  
9 in the registration books to see that the elector is duly  
10 registered in the county and to determine the legality of that  
11 absentee ballot. An absentee ballot shall be considered  
12 illegal if it does not include the signature ~~and the last four~~  
13 ~~digits of the social security number~~ of the elector, as shown  
14 by the registration records, and the signature and address of  
15 an attesting witness.~~either:~~

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

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

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

31 2. If any elector or candidate present believes that

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 an absentee ballot is illegal due to a defect apparent on the  
2 voter's certificate, he or she may, at any time before the  
3 ballot is removed from the envelope, file with the canvassing  
4 board a protest against the canvass of that ballot, specifying  
5 the precinct, the ballot, and the reason he or she believes  
6 the ballot to be illegal. A challenge based upon a defect in  
7 the voter's certificate may not be accepted after the ballot  
8 has been removed from the mailing envelope.

9 Section 57. Section 104.047, Florida Statutes, is  
10 amended to read:

11 104.047 Absentee ballots and voting; violations.--

12 (1) Any person who provides or offers to provide, and  
13 any person who accepts, a pecuniary or other benefit in  
14 exchange for distributing, ordering, requesting, collecting,  
15 delivering, or otherwise physically possessing absentee  
16 ballots, except as provided in ss. 101.6105-101.694, is guilty  
17 of a felony of the third degree, punishable as provided in s.  
18 775.082, s. 775.083, or s. 775.084.

19 (2) Except as provided in s. 101.62 or s. 101.655, any  
20 person who requests an absentee ballot on behalf of an elector  
21 is guilty of a felony of the third degree, punishable as  
22 provided in s. 775.082, s. 775.083, or s. 775.084.

23 ~~(3) Any person, other than a notary or other officer~~  
24 ~~entitled to administer oaths or an absentee ballot coordinator~~  
25 ~~as provided by s. 101.685, who witnesses more than five~~  
26 ~~ballots in any single election, is guilty of a misdemeanor of~~  
27 ~~the first degree, punishable as provided in s. 775.082 or s.~~  
28 ~~775.083.~~

29 ~~(3)~~~~(4)~~ Any person who marks or designates a choice on  
30 the ballot of another person, except as provided in s.  
31 101.051, s. 101.655, or s. 101.661, is guilty of a felony of

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 the third degree, punishable as provided in s. 775.082, s.  
2 775.083, or s. 775.084.

3 ~~(5) Any person who returns more than two absentee~~  
4 ~~ballots to the supervisors of elections in violation of s.~~  
5 ~~101.647 is guilty of a misdemeanor of the first degree,~~  
6 ~~punishable as provided in s. 775.082 or s. 775.083.~~

7 Section 58. Sections 101.647 and 101.685, Florida  
8 Statutes, are repealed.

9 Section 59. Section 98.255, Florida Statutes, is  
10 amended to read:

11 (Substantial rewording of section. See  
12 s. 98.255, F.S., for present text.)  
13 98.255 Voter education programs.--

14 (1) By March 1, 2002, the Department of State shall  
15 adopt rules prescribing minimum standards for nonpartisan  
16 voter education. In developing the rules, the department  
17 shall review current voter-education programs within each  
18 county of the state. The standards shall address, but are not  
19 limited to, the following subjects:

20 (a) Voter registration;  
21 (b) Balloting procedures, absentee and polling place;  
22 (c) Voter rights and responsibilities;  
23 (d) Distribution of sample ballots; and  
24 (e) Public service announcements.

25 (2) Each county supervisor shall implement the minimum  
26 voter education standards, and shall conduct additional  
27 nonpartisan education efforts as necessary to ensure that  
28 voters have a working knowledge of the voting process.

29 (3)(a) By December 15 of each general election year,  
30 each supervisor of elections shall report to the Department of  
31 State a detailed description of the voter-education programs



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 implemented and any other information that may be useful in  
2 evaluating the effectiveness of voter-education efforts.

3 (b) The Department of State, upon receipt of such  
4 information, shall prepare a public report on the  
5 effectiveness of voter-education programs and shall submit the  
6 report to the Governor, the President of the Senate, and the  
7 Speaker of the House of Representatives by January 31 of each  
8 year following a general election.

9 (c) The Department of State shall reexamine the rules  
10 adopted pursuant to subsection (1) and consider the findings  
11 in the report as a basis for adopting modified rules that  
12 incorporate successful voter-education programs and  
13 techniques, as necessary.

14 Section 60. Section 101.031, Florida Statutes, is  
15 amended to read:

16 101.031 Instructions for electors.--

17 (1) The Department of State, or in case of municipal  
18 elections the governing body of the municipality, shall print,  
19 in large type on cards, instructions for the electors to use  
20 in voting. It shall provide not less than two cards for each  
21 voting precinct for each election and furnish such cards to  
22 each supervisor upon requisition. Each supervisor of  
23 elections shall send a sufficient number of these cards to the  
24 precincts prior to an election. The election inspectors shall  
25 display the cards in the polling places as information for  
26 electors. The cards shall contain information about how to  
27 vote and such other information as the Department of State may  
28 deem necessary. The cards must also include the list of rights  
29 and responsibilities afforded to Florida voters, as described  
30 in subsection (2).

31 (2) The supervisor of elections in each county shall

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 have posted at each polling place in the county the Voter's  
2 Bill of Rights and Responsibilities in the following form:

3 VOTER'S BILL OF RIGHTS

4 Each registered voter in this state has the right to:

5 1. Vote and have his or her vote accurately counted.

6 2. Cast a vote if he or she is in line when the polls  
7 are closing.

8 3. Ask for and receive assistance in voting.

9 4. Receive up to two replacement ballots if he or she  
10 makes a mistake prior to the ballot being cast.

11 5. An explanation if his or her registration is in  
12 question.

13 6. If his or her registration is in question, cast a  
14 provisional ballot.

15 7. Prove his or her identity by signing an affidavit  
16 if election officials doubt the voter's identity.

17 8. Written instructions to use when voting, and, upon  
18 request, oral instructions in voting from elections officers.

19 9. Vote free from coercion or intimidation by  
20 elections officers or any other person.

21 10. Vote on a voting system that is in working  
22 condition and that will allow votes to be accurately cast.

23 VOTER RESPONSIBILITIES

24 Each registered voter in this state has the  
25 responsibility to:

26 1. Study and know candidates and issues.

27 2. Keep his or her voter address current.

28 3. Know his or her precinct and its hours of  
29 operation.

30 4. Bring proper identification to the polling station.

31 5. Know how to operate voting equipment properly.

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

- 1           6. Treat precinct workers with courtesy.  
2           7. Respect the privacy of other voters.  
3           8. Report problems or violations of election law.  
4           9. Ask questions when confused.  
5           10. Check his or her completed ballot for accuracy.  
6           (3) Nothing in this section shall give rise to a legal  
7 cause of action.

8           ~~(4)~~(2) In case any elector, after entering the voting  
9 booth, shall ask for further instructions concerning the  
10 manner of voting, two election officers who are not both  
11 members of the same political party, if present, or, if not,  
12 two election officers who are members of the same political  
13 party, shall give such instructions to such elector, but no  
14 officer or person assisting an elector shall in any manner  
15 request, suggest, or seek to persuade or induce any elector to  
16 vote for or against any particular ticket, candidate,  
17 amendment, question, or proposition. After giving the elector  
18 instructions and before the elector has voted, the officers or  
19 persons assisting the elector shall retire, and such elector  
20 shall vote in secret.

21           Section 61. Subsection (1) of section 101.131, Florida  
22 Statutes, is amended to read:

23           101.131 Watchers at polls.--

24           (1) Each political party and each candidate may have  
25 one watcher in each polling room at any one time during the  
26 election. No watcher shall be permitted to come closer to the  
27 officials' table or the voting booths than is reasonably  
28 necessary to properly perform his or her functions, but each  
29 shall be allowed within the polling room to watch and observe  
30 the conduct of electors and officials. The watchers shall  
31 furnish their own materials and necessities and shall not

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 obstruct the orderly conduct of any election. Each watcher  
2 shall be a qualified and registered elector of the county in  
3 which he or she serves. ~~During the elections the officials~~  
4 ~~shall call out the names of electors loudly enough to be heard~~  
5 ~~by the watchers.~~

6 Section 62. Subsection (1) of section 97.073, Florida  
7 Statutes, is amended to read:

8 97.073 Disposition of voter registration applications;  
9 cancellation notice.--

10 (1) The supervisor must notify each applicant of the  
11 disposition of the applicant's voter registration application.  
12 The notice must inform the applicant that the application has  
13 been approved, is incomplete, has been denied, or is a  
14 duplicate of a current registration. A registration  
15 identification card sent to an applicant constitutes notice of  
16 approval of registration. If the application is incomplete,  
17 the supervisor must request that ~~notice must instruct~~ the  
18 applicant supply the missing information in writing and sign a  
19 statement that the additional information is true and correct  
20 ~~to complete another voter registration application, which the~~  
21 ~~supervisor must provide.~~ A notice of denial must inform the  
22 applicant of the reason the application was denied.

23 Section 63. Effective upon this act becoming a law,  
24 the Division of Elections, in conjunction with the Florida  
25 State Association of Supervisors of Elections, shall, from  
26 existing funds, study the benefits and drawbacks of having  
27 uniform poll opening and closing times throughout the state. A  
28 written report shall be presented to the the President of the  
29 Senate and the Speaker of the House of Representatives no  
30 later than January 1, 2002. This report must include, but is  
31 not limited to, a discussion of the circumstances surrounding

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 the 2000 Presidential election; changing the state to one time  
2 zone; changing polling times to coincide in both time zones;  
3 and having the Central Time Zone not recognize Daylight Saving  
4 Time.

5 Section 64. Section 102.014, Florida Statutes, is  
6 created to read:

7 102.014 Pollworker recruitment and training.--

8 (1) The supervisor of elections shall conduct training  
9 for inspectors, clerks, and deputy sheriffs prior to each  
10 primary, general, and special election for the purpose of  
11 instructing such persons in their duties and responsibilities  
12 as election officials. A certificate may be issued by the  
13 supervisor of elections to each person completing such  
14 training. No person shall serve as an inspector, clerk, or  
15 deputy sheriff for an election unless such person has  
16 completed the training as required. A clerk may not work at  
17 the polls unless he or she demonstrates a working knowledge of  
18 the laws and procedures relating to voter registration, voting  
19 system operation, balloting and polling place procedures, and  
20 problem-solving and conflict-resolution skills.

21 (2) A person who has attended previous training  
22 conducted within 2 years before the election may be appointed  
23 by the supervisor to fill a vacancy on election day. If no  
24 person with prior training is available to fill such vacancy,  
25 the supervisor of elections may fill such vacancy in  
26 accordance with the provisions of subsection (3) from among  
27 persons who have not received the training required by this  
28 section.

29 (3) In the case of absence or refusal to act on the  
30 part of any inspector or clerk at any precinct on the day of  
31 an election, the supervisor shall appoint a replacement who

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 meets the qualifications prescribed in section 102.012(2).  
2 The inspector or clerk so appointed shall be a member of the  
3 same political party as the clerk or inspector whom he or she  
4 replaces.

5 (4) Each supervisor of elections shall be responsible  
6 for training inspectors and clerks, subject to the following  
7 minimum requirements:

8 (a) No clerk shall be entitled to work at the polls  
9 unless he or she has had a minimum of six hours of training  
10 during a general election year, at least two hours of which  
11 must occur after June 1 of that year.

12 (b) No inspector shall work at the polls unless he or  
13 she has had a minimum of three hours of training during a  
14 general election year, at least one hour of which must occur  
15 after June 1 of that year.

16 (5) The Department of State shall create a uniform  
17 polling place procedures manual and adopt the manual by rule.  
18 Each supervisor of elections shall insure that the manual is  
19 available in hard copy or electronic form in every precinct in  
20 the supervisor's jurisdiction on election day. The manual  
21 shall guide inspectors, clerks, and deputy sheriffs in the  
22 proper implementation of election procedures and laws. The  
23 manual shall be indexed by subject, and written in plain,  
24 clear, unambiguous language. The manual shall provide  
25 specific examples of common problems encountered at the polls  
26 on election day, and detail specific procedures for resolving  
27 those problems. The manual shall include, without limitation:

28 (a) Regulations governing solicitation by individuals  
29 and groups at the polling place;

30 (b) Procedures to be followed with respect to voters  
31 whose names are not on the precinct register;

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

- 1           (c) Proper operation of the voting system;  
2           (d) Ballot handling procedures;  
3           (e) Procedures governing spoiled ballots;  
4           (f) Procedures to be followed after the polls close;  
5           (g) Rights of voters at the polls;  
6           (h) Procedures for handling emergency situations;  
7           (i) Procedures for dealing with irate voters;  
8           (j) The handling and processing of provisional  
9 ballots; and  
10           (k) Security procedures.

11  
12 The Department of State shall revise the manual as necessary  
13 to address new procedures in law or problems encountered by  
14 voters and pollworkers at the precincts.

15           (6) Supervisors of elections shall work with the  
16 business and local community to develop public-private  
17 programs to ensure the recruitment of skilled inspectors and  
18 clerks.

19           Section 65. Subsections (8) and (9) of section  
20 102.012, Florida Statutes, are repealed.

21           Section 66. Subsection (2) of section 102.021, Florida  
22 Statutes, is amended to read:

23           102.021 Compensation of inspectors, clerks, and deputy  
24 sheriffs.--

25           (2) Inspectors and clerks of election and deputy  
26 sheriffs serving at the precincts may receive compensation and  
27 travel expenses, as provided in s. 112.061, for attending the  
28 pollworker training required by s. 102.014 ~~102.012(8)~~.

29           Section 67. Section 106.31, Florida Statutes, is  
30 amended to read:

31           106.31 Legislative intent.--The Legislature finds that

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 the costs of running an effective campaign for statewide  
2 office have reached a level which tends to discourage persons  
3 from becoming candidates and to limit the persons who run for  
4 such office to those who are independently wealthy, who are  
5 supported by political committees representing special  
6 interests which are able to generate substantial campaign  
7 contributions, or who must appeal to special interest groups  
8 for campaign contributions. The Legislature further finds  
9 that campaign contributions generated by such political  
10 committees are having a disproportionate impact vis-a-vis  
11 contributions from unaffiliated individuals, which leads to  
12 the misperception of government officials unduly influenced by  
13 those special interests to the detriment of the public  
14 interest. Furthermore, it is the intent of the Legislature  
15 that the purpose of public campaign financing is to make  
16 candidates more responsive to the voters of the State of  
17 Florida and as insulated as possible from special interest  
18 groups. The Legislature intends ss. 106.30-106.36 to  
19 alleviate these factors, dispel the misperception, and  
20 encourage qualified persons to seek statewide elective office  
21 who would not, or could not otherwise do so and to protect the  
22 effective competition by a candidate who uses public funding.

23 Section 68. Section 106.33, Florida Statutes, is  
24 amended to read:

25 106.33 Election campaign financing; eligibility.--Each  
26 candidate for the office of Governor or member of the Cabinet  
27 who desires to receive contributions from the Election  
28 Campaign Financing Trust Fund shall, upon qualifying for  
29 office, file a request for such contributions with the filing  
30 officer on forms provided by the Division of Elections. If a  
31 candidate requesting contributions from the fund desires to



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 have such funds distributed by electronic fund transfers, the  
2 request shall include information necessary to implement that  
3 procedure. For the purposes of ss. 106.30-106.36, candidates  
4 for Governor and Lieutenant Governor on the same ticket shall  
5 be considered as a single candidate. To be eligible to  
6 receive contributions from the fund, a candidate may ~~shall~~ not  
7 be an unopposed candidate as defined in s. 106.011(15) and  
8 must ~~shall~~:

9 (1) Agree to abide by the expenditure limits provided  
10 in s. 106.34.

11 (2)(a) Raise contributions as follows:

12 1.(a) One hundred fifty thousand dollars for a  
13 candidate for Governor.

14 2.(b) One hundred thousand dollars for a candidate for  
15 Cabinet office.

16 (b) Contributions from individuals who at the time of  
17 contributing are not state residents may not be used to meet  
18 the threshold amounts in paragraph (a). For purposes of this  
19 paragraph, any person validly registered to vote in this state  
20 shall be considered a state resident.

21 (3) Limit loans or contributions from the candidate's  
22 personal funds to \$25,000 and contributions from national,  
23 state, and county executive committees of a political party to  
24 \$25,000 in the aggregate, which loans or contributions shall  
25 not qualify for meeting the threshold amounts in subsection  
26 (2).

27 (4) Submit to a postelection audit of the campaign  
28 account by the division.

29 Section 69. Subsection (2) of section 106.35, Florida  
30 Statutes, is amended to read:

31 106.35 Distribution of funds.--

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 (2)(a) Each candidate who has been certified to  
2 receive contributions from the Election Campaign Financing  
3 Trust Fund shall be entitled to distribution of funds as  
4 follows:

5 1. For qualifying matching contributions making up all  
6 or any portion of the threshold amounts specified in s.  
7 106.33(2), distribution shall be on a two-to-one basis.

8 2. For all other qualifying matching contributions,  
9 distribution shall be on a one-to-one basis.

10 (b) Qualifying matching contributions are those of  
11 \$250 or less from an individual, made after September 1 of the  
12 calendar year prior to the election. Any contribution received  
13 from an individual who is not a state resident at the time the  
14 contribution is made shall not be considered a qualifying  
15 matching contribution. For purposes of this paragraph, any  
16 person validly registered to vote in this state shall be  
17 considered a state resident. Aggregate contributions from an  
18 individual in excess of \$250 will be matched only up to \$250.  
19 A contribution from an individual, if made by check, must be  
20 drawn on the personal bank account of the individual making  
21 the contribution, as opposed to any form of business account,  
22 regardless of whether the business account is for a  
23 corporation, partnership, sole proprietorship, trust, or other  
24 form of business arrangement. For contributions made by check  
25 from a personal joint account, the match shall only be for the  
26 individual who actually signs the check.

27 Section 70. Effective July 1, 2001, section 98.0977,  
28 Florida Statutes, is created to read:

29 98.0977 Statewide voter registration database;  
30 development and maintenance.--

31 (1) From the funds appropriated, the department may

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 contract with the Florida Association of Court Clerks to  
2 analyze, design, develop, operate, and maintain a statewide,  
3 on-line voter registration database and associated web site,  
4 to be fully operational statewide by June 1, 2002. The  
5 database shall contain voter registration information from  
6 each of the 67 supervisors of elections in this state, and  
7 shall be accessible through an Internet web site. The system  
8 shall provide functionality for ensuring that the database is  
9 updated on a daily basis to determine if a registered voter is  
10 ineligible to vote for any of the following reasons,  
11 including, but not limited to:

12 (a) The voter is deceased;

13 (b) The voter has been convicted of a felony and has  
14 not had his or her civil rights restored; or

15 (c) The voter has been adjudicated mentally  
16 incompetent and his or her mental capacity with respect to  
17 voting has not been restored.

18  
19 The database shall also allow for duplicate voter  
20 registrations to be identified.

21 (2) The Department of State shall not contract with  
22 any private entity other than the Florida Association of Court  
23 Clerks for the operation or maintenance of the statewide voter  
24 registration database.

25 (3) In administering the database, each supervisor of  
26 elections shall compare registration information provided by a  
27 voter with information held by the Department of Law  
28 Enforcement, the Board of Executive Clemency, the Office of  
29 Vital Statistics, and other relevant sources. If the  
30 supervisor of elections finds information that suggests that a  
31 voter is ineligible to register to vote, the supervisor of

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 elections shall notify the voter by certified United States  
2 mail. The notification shall contain a statement as to the  
3 reason for the voter's potential ineligibility to register to  
4 vote and shall request information from the voter on forms  
5 provided by the supervisor of elections in order to make a  
6 final determination on the voter's eligibility. After  
7 reviewing the information requested by the supervisor of  
8 elections and provided by the voter, if the supervisor of  
9 elections determines that the voter is not eligible to vote  
10 under the laws of this state, the supervisor of elections  
11 shall notify the voter by certified United States mail that he  
12 or she has been found ineligible to register to vote in this  
13 state, shall state the reason for the ineligibility, and shall  
14 inform the voter that he or she will be removed from the voter  
15 registration rolls.

16 (4) To the maximum extent feasible, state and local  
17 government entities shall facilitate provision of information  
18 and access to data to the Florida Association of Court Clerks  
19 in order to compare information in the statewide voter  
20 registration database with available information in other  
21 computer databases, including, but not limited to, databases  
22 that contain reliable criminal records and records of deceased  
23 persons. State and local governmental agencies that provide  
24 such data shall do so without charge if the direct cost  
25 incurred by those agencies is not significant.

26 (5) The Division of Elections shall provide written  
27 quarterly progress reports on each phase of development of the  
28 voter registration database to the President of the Senate and  
29 the Speaker of the House of Representatives beginning July 1,  
30 2001, and continuing until the database is fully implemented.

31 (6) The duties of the supervisors of elections under

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 this section shall be considered part of their regular  
2 registration list maintenance duties under this chapter, and  
3 any supervisor of elections who willfully refuses or willfully  
4 neglects to perform his or her duties under this section shall  
5 be in violation of s. 104.051(2).

6 Section 71. The Department of State may use up to \$2  
7 million, from funds provided in specific appropriation 2898B  
8 of the 2001-2002 General Appropriations Act, notwithstanding  
9 the proviso language to that specific appropriation, for the  
10 analysis, design, development, operation, and maintenance of  
11 the statewide voter registration database as provided in s.  
12 98.0977(1), Florida Statutes. This section shall take effect  
13 July 1, 2001.

14 Section 72. Section 98.0979, Florida Statutes, is  
15 created to read:

16 98.0979 Statewide voter registration database open to  
17 inspection; copies.--

18 (1)(a) The voter registration information of the state  
19 constitutes public records. Any citizen shall be allowed to  
20 examine the voter registration records, but may not make any  
21 copies or extract therefrom except as provided by this  
22 section.

23 (b) Within 15 days after a request for voter  
24 registration information, the division or supervisor of  
25 elections shall furnish any requested information, excluding  
26 only a voter's signature, social security number, and such  
27 other information that is by statute specifically made  
28 confidential or is exempt from public records requirements.

29 (c) Actual costs of duplication of information  
30 authorized by this section for release to the public shall be  
31 charged in accordance with the provisions of s. 119.07.

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           (2) The information provided by the division or  
2 supervisor of elections pursuant to this section shall be  
3 furnished only to:

4           (a) Municipalities;

5           (b) Other governmental agencies;

6           (c) Political candidates, for the purpose of  
7 furthering their candidacies;

8           (d) Registered political committees, certified  
9 committees of continuous existence, and political parties or  
10 officials thereof, for political purposes only; and

11           (e) Incumbent officeholders, for the purpose of  
12 reporting to their constituents.

13           (3) Such information shall not be used for commercial  
14 purposes. No person to whom a list of registered voters is  
15 made available pursuant to this section, and no person who  
16 acquires such a list, shall use any information contained  
17 therein for purposes which are not related to elections,  
18 political or governmental activities, voter registration, or  
19 law enforcement.

20           (4) Any person who acquires a list of registered  
21 voters from the division or supervisor of elections shall take  
22 and subscribe to an oath which shall be in substantially the  
23 following form:

24  
25           I hereby swear (or affirm) that I am a person  
26 authorized by s. 98.0979, Florida Statutes, to acquire  
27 information on the registered voters of Florida; that the  
28 information acquired will be used only for the purposes  
29 prescribed in that section and for no other purpose; and that  
30 I will not permit the use or copying of such information by  
31 persons not authorized by the Election Code of the State of

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 Florida.

2

3 ...(Signature of person acquiring list)...

4

5 Sworn and subscribed before me this .... day of .....,

6 ...(year)....

7 ...(Name of person providing list)...

8 Section 73. Effective June 30, 2001, section 98.0975,  
9 Florida Statutes, is repealed.

10 Section 74. (1) From funds appropriated from the  
11 General Revenue Fund to the Division of Elections of the  
12 Department of State in specific appropriation 2898B of the  
13 2001-2002 General Appropriations Act, notwithstanding the  
14 proviso language to that specific appropriation, the division  
15 shall distribute the sum of \$5,949,375 in fiscal year  
16 2001-2002 to the counties to fund comprehensive voter  
17 education programs and pollworker recruitment and training  
18 programs provided in this act. The Division shall divide the  
19 total amount of funds appropriated by the total number of  
20 registered voters in the state for the 2000 General Election  
21 to establish a funding level per individual voter. Each  
22 county shall receive an amount equal to the funding level per  
23 individual voter multiplied by the number of registered voters  
24 in the county, as certified by the Department of State for the  
25 2000 General Election.

26 (2) No county shall receive any funds pursuant to  
27 subsection (1) until the county supervisor of elections  
28 provides to the Department of State a detailed description of  
29 the voter-education programs to be implemented pursuant to s.  
30 98.255, Florida Statutes, for the 2002 election cycle.

31 (3) This section shall take effect July 1, 2001.

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           Section 75. The Division of Elections of the  
2 Department of State shall provide a report to the Governor,  
3 the President of the Senate, and the Speaker of the House of  
4 Representatives by November 15, 2001, detailing the progress  
5 that each county required by this act to upgrade a voting  
6 system has made toward the implementation of such system. This  
7 section shall take effect July 1, 2001.

8           Section 76. Effective July 1, 2001, funds appropriated  
9 to the Division of Elections of the Department of State in the  
10 2001-2002 General Appropriations Act for Voting Systems  
11 Assistance shall be distributed to the counties in the  
12 following manner:

13           (1) Counties having a population of 75,000 or fewer  
14 based on the 2000 census shall receive a total of \$7,500 per  
15 precinct based on the number of precincts as certified by the  
16 Department of State for the 2000 General Election, to be  
17 distributed in two equal installments on July 1, 2001, and  
18 July 1, 2002.

19           (2) All other counties shall receive a total of \$3,750  
20 per precinct based on the number of precincts as certified by  
21 the Department of State for the 2000 General Election, to be  
22 distributed in two equal installments on July 1, 2001, and  
23 July 1, 2002.

24           Section 77. If any provision of this act or the  
25 application thereof to any person or circumstance is held  
26 invalid, the invalidity shall not affect other provisions or  
27 applications of the act which can be given effect without the  
28 invalid provision or application, and to this end the  
29 provisions of this act are declared severable.

30           Section 78. Except as otherwise provided herein, this  
31 act shall take effect January 1, 2002.



CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

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

2 And the title is amended as follows:

3 Delete everything before the enacting clause

4

5 and insert:

6

A bill to be entitled

7

An act relating to elections; creating the

8

Florida Election Reform Act of 2001; amending

9

s. 97.021, F.S.; revising definitions; amending

10

ss. 98.471, 100.341, 100.361, F.S.; removing

11

provisions relating to voting systems that use

12

voting machines or paper ballots; amending s.

13

101.015, F.S.; requiring the Division of

14

Elections to review the voting systems

15

certification standards to ensure that new

16

technologies are available and appropriately

17

certified for use; amending s. 101.151, F.S.;

18

modifying specifications for ballots; requiring

19

the Department of State to adopt rules

20

prescribing uniform ballots; amending ss.

21

101.21, 101.24, 101.292, 101.34, 101.341,

22

101.43, 101.49, 101.58, 101.71, 101.75, 104.30,

23

138.05, F.S.; removing provisions relating to

24

voting machines and updating references, to

25

conform; amending s. 101.5603, F.S.; deleting

26

references to punchcard marking and voting

27

devices; amending s. 101.5604, F.S.; requiring

28

the use of precinct tabulation electronic or

29

electromechanical voting systems in each

30

county; amending s. 101.5606, F.S.; providing

31

additional requirements for electronic and

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1           electromechanical voting systems; prohibiting  
2           the use of punchcard voting systems; amending  
3           s. 101.5607, F.S.; to correct a cross  
4           reference; amending s. 101.5608, F.S.;  
5           providing procedures for ballots rejected by  
6           the vote tabulation device; amending s.  
7           101.5612, F.S.; provide standards for logic and  
8           accuracy testing of vote tabulating equipment;  
9           amending s. 101.5614, F.S.; removing references  
10          to canvassing returns at central or regional  
11          locations, to conform; creating s. 101.595,  
12          F.S.; requiring supervisors of elections and  
13          the Department of State to report on voter  
14          errors following the general election; amending  
15          s. 102.012, F.S.; prescribing additional duties  
16          for election boards; deleting references to  
17          voting machines, to conform; amending s.  
18          103.101, F.S., relating to the form of the  
19          presidential preference primary, to conform;  
20          amending s. 582.18, F.S., relating to the  
21          election of district supervisors; conforming a  
22          cross-reference; repealing ss. 100.071,  
23          101.141, 101.181, 101.191, 101.251, 101.5609,  
24          F.S., relating to the specification and form of  
25          ballots, to conform; repealing ss. 101.011,  
26          101.27, 101.28, 101.29, 101.32, 101.33, 101.35,  
27          101.36, 101.37, 101.38, 101.39, 101.40,  
28          101.445, 101.45, 101.46, 101.47, 101.54,  
29          101.55, 101.56, F.S., relating to voting  
30          machines, to conform; amending s. 97.021, F.S.;  
31          revising the definitions of the terms "absent

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 elector" and "primary election"; providing  
2 additional definitions; creating s. 101.048,  
3 F.S.; providing procedures for voting and  
4 counting provisional ballots; amending s.  
5 101.045, F.S.; requiring verification of an  
6 elector's eligibility if the elector's name is  
7 not on the precinct register; amending s.  
8 101.5614, F.S.; providing for the return of  
9 provisional ballots to the supervisor of  
10 elections; providing for the canvass of  
11 provisional ballots; clarifying the standard  
12 for counting votes on spoiled ballots; amending  
13 s. 101.69, F.S.; allowing a voter who has  
14 requested an absentee ballot and who decides to  
15 vote at the polls on election day to vote a  
16 provisional ballot, if the absentee ballot is  
17 not returned; amending s. 102.111, F.S.;  
18 changing the composition of the Elections  
19 Canvassing Commission; revising deadlines for  
20 county returns; amending s. 102.112, F.S.;  
21 revising deadlines for certification of  
22 election results; directing the Department of  
23 State to ignore late-filed election returns  
24 except in the case of a statutory emergency;  
25 amending s. 102.141, F.S.; requiring the county  
26 canvassing board to provide public notice of  
27 time and place of the canvass of provisional  
28 ballots; modifying deadlines for submitting  
29 unofficial returns; revising requirements for  
30 an automatic machine recount; amending s.  
31 102.166, F.S.; substantially modifying

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 standards and procedures for manual recounts;  
2 repealing s. 102.167, F.S.; eliminating a form  
3 for protests; amending s. 102.168, F.S.;  
4 revising the grounds for an election contest;  
5 amending s. 99.063, F.S.; adjusting the date to  
6 designate a Lieutenant Governor running mate;  
7 revising the primary date in 2002 and providing  
8 for only one primary until 2004; providing  
9 dates for Lieutenant Governor candidates to be  
10 designated and qualified; providing campaign  
11 finance reporting dates and contribution limits  
12 for the 2002 elections; creating s. 97.0555,  
13 F.S.; providing for registration of certain  
14 military and overseas persons; requiring the  
15 Department of State to adopt rules specifying  
16 eligibility; creating s. 101.6951, F.S.;  
17 providing for a state write-in absentee ballot  
18 for overseas voters; creating s. 101.6952,  
19 F.S.; providing for absentee ballots for  
20 overseas voters; creating s. 101.697, F.S.;  
21 providing for absentee ballot requests and  
22 voting via electronic transmission by overseas  
23 voters under certain circumstances; creating s.  
24 101.698, F.S.; authorizing the Elections  
25 Canvassing Commission to adopt emergency rules  
26 during crises to facilitate absentee voting;  
27 amending s. 101.62, F.S.; modifying information  
28 on absentee ballot requests; amending s.  
29 101.64, F.S.; modifying absentee ballot  
30 certificates; amending s. 101.65, F.S.;  
31 modifying instructions to absent electors;

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 amending s. 101.657, F.S., relating to voting  
2 absentee ballots; conforming provisions;  
3 amending s. 101.68, F.S.; modifying information  
4 that must be included on an absentee ballot;  
5 authorizing the processing of absentee ballots  
6 through tabulations for a specified period  
7 before the election; amending s. 104.047, F.S.;  
8 deleting a prohibition against persons  
9 witnessing more than five ballots in an  
10 election and a prohibition against returning  
11 more than two ballots in an election, and the  
12 penalties therefor; repealing ss. 101.647,  
13 101.685, F.S., relating to returning absentee  
14 ballots and absentee ballot coordinators;  
15 amending s. 98.255, F.S.; providing for voter  
16 education; amending s. 101.031, F.S.; providing  
17 for a Voter's Bill of Rights and  
18 Responsibilities; providing responsibilities of  
19 supervisors of elections; amending s. 101.131,  
20 F.S.; eliminating a requirement to call out  
21 names of voters; creating s. 102.014, F.S.;  
22 providing for pollworker recruitment and  
23 training; repealing s. 102.012(8) and (9),  
24 relating to pollworker training, to conform;  
25 amending s. 102.021, F.S.; to correct a  
26 cross-reference; amending s. 97.073, F.S.;  
27 revising procedures to be followed when a voter  
28 registration application is incomplete;  
29 amending s. 106.31, F.S.; providing legislative  
30 intent with respect to campaign financing;  
31 amending s. 106.33, F.S.; prohibiting the use

CONFERENCE COMMITTEE AMENDMENT

Bill No. CS for SB 1118, 1st Eng.

Amendment No. 1 Barcode 762054

1 of contributions from individuals who are not  
2 state residents to meet the eligibility  
3 threshold for receiving election campaign  
4 financing; amending s. 106.35, F.S.; providing  
5 that contributions from individuals who are not  
6 state residents may not be used as qualifying  
7 matching contributions; creating s. 98.0977,  
8 F.S.; providing for development of a statewide  
9 voter registration database; providing for  
10 update of information in the database;  
11 requiring quarterly progress reports to the  
12 Legislature until fully implemented; providing  
13 for an operational date; providing for the use  
14 and distribution of an appropriation for the  
15 design of a statewide voter registration  
16 database; creating s. 98.0979, F.S.;  
17 prescribing requirements for copying  
18 information in the statewide voter registration  
19 database; repealing s. 98.0975, F.S., relating  
20 to the central voter file maintained by the  
21 Division of Elections; providing for the use  
22 and distribution of an appropriation for voter  
23 education and pollworker training; requiring  
24 the Division of Elections to provide a progress  
25 report on the upgrading of voting systems;  
26 providing for the distribution of an  
27 appropriation from the General Appropriations  
28 Act to counties; providing for study of  
29 elections process in multiple time zones;  
30 containing a severability clause; providing  
31 effective dates.