

Amendment No. ____ (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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Representative(s) Goodlette offered the following:

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Amendment (with title amendment)

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Remove from the bill: Everything after the enacting clause

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and insert in lieu thereof:

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Section 1. Subsections (11) through (20) and (22) through (30) of section 97.021, Florida Statutes, are renumbered as subsections (12) through (21) and (24) through (32), respectively, present subsection (21) is renumbered as subsection (22) and amended, and new subsections (11) and (23) are added to said section, to read:

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

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(11) "Error in the vote tabulation" means the failure of a vote tabulation system to count a vote for a candidate when the voter's intent is clearly ascertainable.

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(22)(21) "Primary election" means an election held preceding the general election for the purpose of nominating a party nominee to be voted for in the general election to fill

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1 a national, state, county, or district office. The ~~first~~
2 primary election is a nomination or elimination election ~~the~~
3 ~~second primary is a nominating election only.~~

4 (23) "Provisional ballot" means a ballot issued to a
5 voter by the election board at the polling place on election
6 day for one of the following reasons:

7 (a) The voter's name does not appear on the precinct
8 register and verification of the voter's eligibility cannot be
9 determined.

10 (b) There is an indication on the precinct register
11 that the voter has requested an absentee ballot and there is
12 no indication whether the voter has returned the absentee
13 ballot.

14 Section 2. Section 100.061, Florida Statutes, is
15 amended to read:

16 100.061 ~~First~~ Primary election.--In each year in which
17 a general election is held, a ~~first~~ primary election for
18 nomination of candidates of political parties shall be held on
19 the second Tuesday in September ~~9 weeks prior to the general~~
20 ~~election. The~~ Each candidate receiving the highest number ~~a~~
21 ~~majority~~ of the votes cast in each contest in the ~~first~~
22 primary election shall be declared nominated for such office.
23 If two or more persons receive an equal and highest number of
24 votes for the same office, such persons shall draw lots to
25 determine who shall receive the nomination.~~A second primary~~
26 ~~election shall be held as provided by s. 100.091 in every~~
27 ~~contest in which a candidate does not receive a majority.~~

28 Section 3. Sections 100.091 and 100.096, Florida
29 Statutes, are repealed.

30 Section 4. Section 10.1008, Florida Statutes, is
31 amended to read:

1 10.1008 Applicability.--This joint resolution applies
2 with respect to the qualification, nomination, and election of
3 members of the Legislature in the primary ~~primaries~~ and
4 general elections ~~election~~ to be held in 1992 and thereafter.

5 Section 5. Subsection (1) of section 97.055, Florida
6 Statutes, is amended to read:

7 97.055 Registration books; when closed for an
8 election.--

9 (1) The registration books must be closed on the 29th
10 day before each election and must remain closed until after
11 that election. If an election is called and there are fewer
12 than 29 days before that election, the registration books must
13 be closed immediately. When the registration books are closed
14 for an election, voter registration and party changes must be
15 accepted but only for the purpose of subsequent elections.
16 ~~However, party changes received between the book-closing date~~
17 ~~of the first primary election and the date of the second~~
18 ~~primary election are not effective until after the second~~
19 ~~primary election.~~

20 Section 6. Subsection (3) of section 97.071, Florida
21 Statutes, is amended to read:

22 97.071 Registration identification card.--

23 (3) In the case of a change of name, address, or party
24 affiliation, the supervisor must issue the voter a new
25 registration identification card. ~~However, a registration~~
26 ~~identification card indicating a party affiliation change made~~
27 ~~between the book-closing date for the first primary election~~
28 ~~and the date of the second primary election may not be issued~~
29 ~~until after the second primary election.~~

30 Section 7. Subsection (3) of section 97.1031, Florida
31 Statutes, is amended to read:

1 97.1031 Notice of change of residence within the same
2 county, change of name, or change of party.--

3 (3) When an elector seeks to change party affiliation,
4 the elector must provide a signed, written notification of
5 such intent to the supervisor and obtain a registration
6 identification card reflecting the new party affiliation,
7 ~~subject to the issuance restriction in s. 97.071(3).~~

8 Section 8. Subsection (1) of section 98.081, Florida
9 Statutes, is amended to read:

10 98.081 Names removed from registration books;
11 restrictions on reregistering; recordkeeping; restoration of
12 erroneously or illegally removed names.--

13 (1) Any person who requested that his or her name be
14 removed from the registration books between the book-closing
15 date of the first primary election and the date of the
16 subsequent general election ~~second primary~~ may not register in
17 a different political party during the period ~~until~~ after the
18 date of the ~~second~~ primary election and before the date of the
19 subsequent general election.

20 Section 9. Subsections (1), (2), and (8) of section
21 99.061, Florida Statutes, are amended to read:

22 99.061 Method of qualifying for nomination or election
23 to federal, state, county, or district office.--

24 (1) The provisions of any special act to the contrary
25 notwithstanding, each person seeking to qualify for nomination
26 or election to a federal, state, or multicounty district
27 office, other than election to a judicial office as defined in
28 chapter 105 or the office of school board member, shall file
29 his or her qualification papers with, and pay the qualifying
30 fee, which shall consist of the filing fee and election
31 assessment, and party assessment, if any has been levied, to,

Amendment No. ____ (for drafter's use only)

1 the Department of State, or qualify by the alternative method
2 with the Department of State, at any time after noon of the
3 1st day for qualifying, which shall be as follows: the 120th
4 day prior to the ~~first~~ primary election, but not later than
5 noon of the 116th day prior to the date of the ~~first~~ primary
6 election, for persons seeking to qualify for nomination or
7 election to federal office; and noon of the 50th day prior to
8 the ~~first~~ primary election, but not later than noon of the
9 46th day prior to the date of the ~~first~~ primary election, for
10 persons seeking to qualify for nomination or election to a
11 state or multicounty district office.

12 (2) The provisions of any special act to the contrary
13 notwithstanding, each person seeking to qualify for nomination
14 or election to a county office, or district or special
15 district office not covered by subsection (1), shall file his
16 or her qualification papers with, and pay the qualifying fee,
17 which shall consist of the filing fee and election assessment,
18 and party assessment, if any has been levied, to, the
19 supervisor of elections of the county, or shall qualify by the
20 alternative method with the supervisor of elections, at any
21 time after noon of the 1st day for qualifying, which shall be
22 the 50th day prior to the ~~first~~ primary election or special
23 district election, but not later than noon of the 46th day
24 prior to the date of the ~~first~~ primary election or special
25 district election. ~~When However,~~ if a special district
26 election is held at the same time as the ~~second primary or~~
27 general election, qualifying shall also be the 50th day prior
28 to the ~~first~~ primary election, but not later than noon of the
29 46th day prior to the date of the ~~first~~ primary election.
30 Within 30 days after the closing of qualifying time, the
31 supervisor of elections shall remit to the secretary of the

1 state executive committee of the political party to which the
2 candidate belongs the amount of the filing fee, two-thirds of
3 which shall be used to promote the candidacy of candidates for
4 county offices and the candidacy of members of the
5 Legislature.

6 (8) Notwithstanding the qualifying period prescribed
7 by this section, in each year in which the Legislature
8 apportions the state, the qualifying period for persons
9 seeking to qualify for nomination or election to federal
10 office shall be between noon of the 57th day prior to the
11 ~~first~~ primary election, but not later than noon of the 53rd
12 day prior to the ~~first~~ primary election.

13 Section 10. Subsections (1), (2), and (4) of section
14 99.063, Florida Statutes, are amended to read:

15 99.063 Candidates for Governor and Lieutenant
16 Governor.--

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

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

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

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

31 (c) If the office sought is partisan, the written

1 statement of political party affiliation required by s.
2 99.021(1)(b).

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

5 (4) In order to have the name of the candidate for
6 Lieutenant Governor printed on the ~~first or second~~ primary
7 election ballot, a candidate for Governor participating in the
8 primary must designate the candidate for Lieutenant Governor,
9 and the designated candidate must qualify no later than the
10 end of the qualifying period specified in s. 99.061. If the
11 candidate for Lieutenant Governor has not been designated and
12 has not qualified by the end of the qualifying period
13 specified in s. 99.061, the phrase "Not Yet Designated" must
14 be included in lieu of the candidate's name on the primary
15 election ballot ~~ballots and on advance absentee ballots for~~
16 ~~the general election.~~

17 Section 11. Subsection (1) of section 99.095, Florida
18 Statutes, is amended to read:

19 99.095 Alternative method of qualifying.--

20 (1) A person seeking to qualify for nomination to any
21 office may qualify to have his or her name placed on the
22 ballot for the ~~first~~ primary election by means of the
23 petitioning process prescribed in this section. A person
24 qualifying by this alternative method shall not be required to
25 pay the qualifying fee or party assessment required by this
26 chapter. A person using this petitioning process shall file
27 an oath with the officer before whom the candidate would
28 qualify for the office stating that he or she intends to
29 qualify by this alternative method for the office sought. If
30 the person is running for an office which will be grouped on
31 the ballot with two or more similar offices to be filled at

Amendment No. ____ (for drafter's use only)

1 the same election, the candidate must indicate in his or her
2 oath for which group or district office he or she is running.
3 The oath shall be filed at any time after the first Tuesday
4 after the first Monday in January of the year in which the
5 ~~first~~ primary election is held, but prior to the 21st day
6 preceding the first day of the qualifying period for the
7 office sought. The Department of State shall prescribe the
8 form to be used in administering and filing such oath. No
9 signatures shall be obtained by a candidate on any nominating
10 petition until the candidate has filed the oath required in
11 this section. If the person is running for an office which
12 will be grouped on the ballot with two or more similar offices
13 to be filled at the same election and the petition does not
14 indicate the group or district office for which the person is
15 running, the signatures obtained on such petition will not be
16 counted.

17 Section 12. Section 99.103, Florida Statutes, is
18 amended to read:

19 99.103 Department of State to remit part of filing
20 fees and party assessments of candidates to state executive
21 committee.--

22 (1) If more than three-fourths of the full authorized
23 membership of the state executive committee of any party was
24 elected at the last previous election for such members and if
25 such party is declared by the Department of State to have
26 recorded on the registration books of the counties, as of the
27 first Tuesday after the first Monday in January prior to the
28 ~~first~~ primary election in general election years, 5 percent of
29 the total registration of such counties when added together,
30 such committee shall receive, for the purpose of meeting its
31 expenses, all filing fees collected by the Department of State

1 from its candidates less an amount equal to 15 percent of the
2 filing fees, which amount the Department of State shall
3 deposit in the General Revenue Fund of the state.

4 (2) Not later than 20 days after the close of
5 qualifying in even-numbered years, the Department of State
6 shall remit 95 percent of all filing fees, less the amount
7 deposited in general revenue pursuant to subsection (1), or
8 party assessments that may have been collected by the
9 department to the respective state executive committees of the
10 parties complying with subsection (1). Party assessments
11 collected by the Department of State shall be remitted to the
12 appropriate state executive committee, irrespective of other
13 requirements of this section, provided such committee is duly
14 organized under the provisions of chapter 103. The remainder
15 of filing fees or party assessments collected by the
16 Department of State shall be remitted to the appropriate state
17 executive committees not later than the date of the ~~first~~
18 primary election.

19 Section 13. Subsection (2) of section 100.071, Florida
20 Statutes, is amended to read:

21 100.071 Grouping of candidates on primary election
22 ballot ballots--

23 (2) Each nominee of a political party chosen in the
24 primary election ~~primaries~~ shall appear on the general
25 election ballot in the same numbered group or district as on
26 the primary election ballot.

27 Section 14. Section 100.081, Florida Statutes, is
28 amended to read:

29 100.081 ~~Conducting primary elections~~;Nomination of
30 county commissioners at primary election--The primary
31 election ~~elections~~ shall provide for the nomination of county

1 commissioners by the qualified electors of such county at the
2 time and place set for voting on other county officers.

3 Section 15. Paragraph (c) of subsection (1),
4 subsection (3), paragraph (a) of subsection (4), and
5 subsection (5) of section 100.111, Florida Statutes, are
6 amended to read:

7 100.111 Filling vacancy.--

8 (1)

9 (c) If such a vacancy occurs prior to the ~~first~~
10 primary election but on or after the first day set by law for
11 qualifying, the Secretary of State shall set dates for
12 qualifying for the unexpired portion of the term of such
13 office. Any person seeking nomination or election to the
14 unexpired portion of the term shall qualify within the time
15 set by the Secretary of State. If time does not permit party
16 nominations to be made in conjunction with the ~~first and~~
17 second primary election elections, the Governor may call a
18 special primary election, ~~and, if necessary, a second special~~
19 ~~primary election~~, to select party nominees for the unexpired
20 portion of such term.

21 (3) Whenever there is a vacancy for which a special
22 election is required pursuant to s. 100.101(1)-(4), the
23 Governor, after consultation with the Secretary of State,
24 shall fix the date of a special ~~first~~ primary election, ~~a~~
25 ~~special second primary election~~, and a special election.
26 Nominees of political parties other than minor political
27 parties shall be chosen under the primary laws of this state
28 in the special primary election elections to become candidates
29 in the special election. Prior to setting the special
30 election dates, the Governor shall consider any upcoming
31 elections in the jurisdiction where the special election will

1 be held. The dates fixed by the Governor shall be specific
2 days certain and shall not be established by the happening of
3 a condition or stated in the alternative. The dates fixed
4 shall provide a minimum of 2 weeks between each election. In
5 the event a vacancy occurs in the office of state senator or
6 member of the House of Representatives when the Legislature is
7 in regular ~~legislative~~ session, the minimum times prescribed
8 by this subsection may be waived upon concurrence of the
9 Governor, the Speaker of the House of Representatives, and the
10 President of the Senate. If a vacancy occurs in the office of
11 state senator and no session of the Legislature is scheduled
12 to be held prior to the next general election, the Governor
13 may fix the dates for the any special primary election and for
14 the special election to coincide with the dates of the ~~first~~
15 ~~and second~~ primary election and the general election. If a
16 vacancy in office occurs in any district in the state Senate
17 or House of Representatives or in any congressional district,
18 and no session of the Legislature, or session of Congress if
19 the vacancy is in a congressional district, is scheduled to be
20 held during the unexpired portion of the term, the Governor is
21 not required to call a special election to fill such vacancy.

22 (a) The dates for candidates to qualify in such
23 special election or special primary election shall be fixed by
24 the Department of State, and candidates shall qualify not
25 later than noon of the last day so fixed. The dates fixed for
26 qualifying shall allow a minimum of 14 days between the last
27 day of qualifying and the special ~~first~~ primary election.

28 (b) The filing of campaign expense statements by
29 candidates in such special primary election ~~elections~~ or
30 special election ~~primaries~~ and by committees making
31 contributions or expenditures to influence the results of such

1 special primary election primaries or special election
2 ~~elections~~ shall be not later than such dates as shall be fixed
3 by the Department of State, and in fixing such dates the
4 Department of State shall take into consideration and be
5 governed by the practical time limitations.

6 (c) The dates for a candidate to qualify by the
7 alternative method in such special primary election or special
8 election shall be fixed by the Department of State. In fixing
9 such dates the Department of State shall take into
10 consideration and be governed by the practical time
11 limitations. Any candidate seeking to qualify by the
12 alternative method in a special primary election shall obtain
13 25 percent of the signatures required by s. 99.095, s.
14 99.0955, or s. 99.096, as applicable.

15 (d) The qualifying fees and party assessments of such
16 candidates as may qualify shall be the same as collected for
17 the same office at the last previous primary for that office.
18 The party assessment shall be paid to the appropriate
19 executive committee of the political party to which the
20 candidate belongs.

21 (e) Each county canvassing board shall make as speedy
22 a return of the results ~~result~~ of such special primary
23 election elections and special election primaries as time will
24 permit, and the Elections Canvassing Commission likewise shall
25 make as speedy a canvass and declaration of the nominees as
26 time will permit.

27 (4)(a) In the event that death, resignation,
28 withdrawal, removal, or any other cause or event should cause
29 a party to have a vacancy in nomination which leaves no
30 candidate for an office from such party, the Governor shall,
31 after conferring with the Secretary of State, call a special

Amendment No. ____ (for drafter's use only)

1 primary election ~~and, if necessary, a second special primary~~
2 ~~election~~ to select for such office a nominee of such political
3 party. The dates on which candidates may qualify for such
4 special primary election shall be fixed by the Department of
5 State, and the candidates shall qualify no later than noon of
6 the last day so fixed. The filing of campaign expense
7 statements by candidates in a special primary election
8 ~~primaries~~ shall not be later than such dates as shall be fixed
9 by the Department of State. In fixing such dates, the
10 Department of State shall take into consideration and be
11 governed by the practical time limitations. The qualifying
12 fees and party assessment of such candidates as may qualify
13 shall be the same as collected for the same office at the last
14 previous primary for that office. Each county canvassing
15 board shall make as speedy a return of the results of such
16 special primary election ~~primaries~~ as time will permit, and
17 the Elections Canvassing Commission shall likewise make as
18 speedy a canvass and declaration of the nominees as time will
19 permit.

20 (5) In the event of unforeseeable circumstances not
21 contemplated in these general election laws concerning the
22 calling and holding of a special primary election ~~elections~~
23 and a special election ~~elections~~ resulting from court order or
24 other unpredictable circumstances, the Department of State
25 shall have the authority to provide for the conduct of orderly
26 elections.

27 Section 16. Subsection (2) of section 100.141, Florida
28 Statutes, is amended to read:

29 100.141 Notice of special election to fill any vacancy
30 in office or nomination.--

31 (2) The Department of State shall prepare a notice

1 stating what offices and vacancies are to be filled in the
2 special election, the dates ~~date~~ set for the ~~each~~ special
3 primary election and the special election, the dates fixed for
4 qualifying for office, the dates fixed for qualifying by the
5 alternative method, and the dates fixed for filing campaign
6 expense statements.

7 Section 17. Subsection (1) of section 101.251, Florida
8 Statutes, is amended to read:

9 101.251 Information which supervisor of elections must
10 print on ballots.--

11 (1) The supervisor of elections of each county shall
12 print, on the general election ballots to be used in such
13 county, the names of candidates nominated by primary election
14 or special primary election ~~elections~~ or selected by the
15 appropriate executive committee of any political party.

16 Section 18. Subsection (2) of section 101.252, Florida
17 Statutes, is amended to read:

18 101.252 Candidates entitled to have names printed on
19 certain ballots; exception.--

20 (2) Any candidate for party executive committee member
21 who has qualified as prescribed by law is entitled to have his
22 or her name printed on the ~~first~~ primary election ballot.
23 However, when there is only one candidate of any political
24 party qualified for such an office, the name of the candidate
25 shall not be printed on the ~~first~~ primary election ballot, and
26 such candidate shall be declared elected to the state or
27 county executive committee.

28 Section 19. Paragraph (a) of subsection (4) and
29 subsection (7) of section 101.62, Florida Statutes, are
30 amended to read:

31 101.62 Request for absentee ballots.--

Amendment No. ____ (for drafter's use only)

1 (4)(a) To each absent qualified elector overseas who
2 has requested an absentee ballot, the supervisor of elections
3 shall, not fewer than 35 days before the ~~first~~ primary
4 election and not fewer than 45 days before the general
5 election, mail an absentee ballot. ~~Not fewer than 45 days~~
6 ~~before the second primary and general election, the supervisor~~
7 ~~of elections shall mail an advance absentee ballot to those~~
8 ~~persons requesting ballots for such elections. The advance~~
9 ~~absentee ballot for the second primary shall be the same as~~
10 ~~the first primary absentee ballot as to the names of~~
11 ~~candidates, except that for any offices where there are only~~
12 ~~two candidates, those offices and all political party~~
13 ~~executive committee offices shall be omitted. Except as~~
14 ~~provided in s. 99.063(4), the advance absentee ballot for the~~
15 ~~general election shall be as specified in s. 101.151, except~~
16 ~~that in the case of candidates of political parties where~~
17 ~~nominations were not made in the first primary, the names of~~
18 ~~the candidates placing first and second in the first primary~~
19 ~~election shall be printed on the advance absentee ballot. The~~
20 ~~advance absentee ballot or advance absentee ballot information~~
21 ~~booklet shall be of a different color for each election and~~
22 ~~also a different color from the absentee ballots for the first~~
23 ~~primary, second primary, and general election. The supervisor~~
24 ~~shall mail an advance absentee ballot for the second primary~~
25 ~~and general election to each qualified absent elector for whom~~
26 ~~a request is received until the absentee ballots are printed.~~
27 ~~The supervisor shall enclose with the advance second primary~~
28 ~~absentee ballot and advance general election absentee ballot~~
29 ~~an explanation stating that the absentee ballot for the~~
30 ~~election will be mailed as soon as it is printed; and, if both~~
31 ~~the advance absentee ballot and the absentee ballot for the~~

1 ~~election are returned in time to be counted, only the absentee~~
2 ~~ballot will be counted.~~

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

5 ~~(a)1.~~ Members of the Armed Forces while in the active
6 service who are permanent residents of the state and are
7 temporarily residing outside the territorial limits of the
8 United States and the District of Columbia;

9 ~~(b)2.~~ Members of the Merchant Marine of the United
10 States who are permanent residents of the state and are
11 temporarily residing outside the territorial limits of the
12 United States and the District of Columbia; and

13 ~~(c)3.~~ Other citizens of the United States who are
14 permanent residents of the state and are temporarily residing
15 outside the territorial limits of the United States and the
16 District of Columbia,

17
18 who are qualified and registered as provided by law.

19 ~~(8)(b)~~ Notwithstanding any other provision of law to
20 the contrary, there shall appear on the ballots sent to absent
21 qualified electors overseas, in addition to the names of the
22 candidates for each office, the political party affiliation of
23 each candidate for each office, other than a nonpartisan
24 office.

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

28 Section 20. Subsection (3) and paragraph (b) of
29 subsection (4) of section 103.021, Florida Statutes, are
30 amended to read:

31 103.021 Nomination for presidential

1 electors.--Candidates for presidential electors shall be
2 nominated in the following manner:

3 (3) Candidates for President and Vice President with
4 no party affiliation may have their names printed on the
5 general election ballots if a petition is signed by 1 percent
6 of the registered electors of this state, as shown by the
7 compilation by the Department of State for the last preceding
8 general election. A separate petition from each county for
9 which signatures are solicited shall be submitted to the
10 supervisor of elections of the respective county no later than
11 July 15 of each presidential election year. The supervisor
12 shall check the names and, on or before the date of the first
13 primary election, shall certify the number shown as registered
14 electors of the county. The supervisor shall be paid by the
15 person requesting the certification the cost of checking the
16 petitions as prescribed in s. 99.097. The supervisor shall
17 then forward the certificate to the Department of State which
18 shall determine whether or not the percentage factor required
19 in this section has been met. When the percentage factor
20 required in this section has been met, the Department of State
21 shall order the names of the candidates for whom the petition
22 was circulated to be included on the ballot and shall permit
23 the required number of persons to be certified as electors in
24 the same manner as party candidates.

25 (4)

26 (b) A minor party that is not affiliated with a
27 national party holding a national convention to nominate
28 candidates for President and Vice President of the United
29 States may have the names of its candidates for President and
30 Vice President printed on the general election ballot if a
31 petition is signed by 1 percent of the registered electors of

1 this state, as shown by the compilation by the Department of
2 State for the preceding general election. A separate petition
3 from each county for which signatures are solicited shall be
4 submitted to the supervisors of elections of the respective
5 county no later than July 15 of each presidential election
6 year. The supervisor shall check the names and, on or before
7 the date of the ~~first~~ primary election, shall certify the
8 number shown as registered electors of the county. The
9 supervisor shall be paid by the person requesting the
10 certification the cost of checking the petitions as prescribed
11 in s. 99.097. The supervisor shall then forward the
12 certificate to the Department of State, which shall determine
13 whether or not the percentage factor required in this section
14 has been met. When the percentage factor required in this
15 section has been met, the Department of State shall order the
16 names of the candidates for whom the petition was circulated
17 to be included on the ballot and shall permit the required
18 number of persons to be certified as electors in the same
19 manner as other party candidates.

20 Section 21. Section 103.022, Florida Statutes, is
21 amended to read:

22 103.022 Write-in candidates for President and Vice
23 President.--Persons seeking to qualify for election as
24 write-in candidates for President and Vice President of the
25 United States may have a blank space provided on the general
26 election ballot for their names to be written in by filing an
27 oath with the Department of State at any time after the 57th
28 day, but before noon of the 49th day, prior to the date of the
29 ~~first~~ primary election in the year in which a presidential
30 election is held. The Department of State shall prescribe the
31 form to be used in administering the oath. The candidates

1 shall file with the department a certificate naming the
2 required number of persons to serve as electors. Such
3 write-in candidates shall not be entitled to have their names
4 on the ballot.

5 Section 22. Subsection (4) of section 103.091, Florida
6 Statutes, is amended to read:

7 103.091 Political parties.--

8 (4) Any political party other than a minor political
9 party may by rule provide for the membership of its state or
10 county executive committee to be elected for 4-year terms at
11 the ~~first~~ primary election in each year a presidential
12 election is held. The terms shall commence on the first day
13 of the month following each presidential general election; but
14 the names of candidates for political party offices shall not
15 be placed on the ballot at any other election. The results of
16 such election shall be determined by a plurality of the votes
17 cast. In such event, electors seeking to qualify for such
18 office shall do so with the Department of State or supervisor
19 of elections not earlier than noon of the 57th day, or later
20 than noon of the 53rd day, preceding the ~~first~~ primary
21 election. The outgoing chair of each county executive
22 committee shall, within 30 days after the committee members
23 take office, hold an organizational meeting of all newly
24 elected members for the purpose of electing officers. The
25 chair of each state executive committee shall, within 60 days
26 after the committee members take office, hold an
27 organizational meeting of all newly elected members for the
28 purpose of electing officers.

29 Section 23. Subsection (1) of section 105.031, Florida
30 Statutes, is amended to read:

31 105.031 Qualification; filing fee; candidate's oath;

1 items required to be filed.--

2 (1) TIME OF QUALIFYING.--Except for candidates for
3 judicial office, nonpartisan candidates for multicounty office
4 shall qualify with the Division of Elections of the Department
5 of State and nonpartisan candidates for countywide or less
6 than countywide office shall qualify with the supervisor of
7 elections. Candidates for judicial office other than the
8 office of county court judge shall qualify with the Division
9 of Elections of the Department of State, and candidates for
10 the office of county court judge shall qualify with the
11 supervisor of elections of the county. Candidates shall
12 qualify no earlier than noon of the 50th day, and no later
13 than noon of the 46th day, before the ~~first~~ primary election.
14 Filing shall be on forms provided for that purpose by the
15 Division of Elections and furnished by the appropriate
16 qualifying officer. Any person seeking to qualify by the
17 alternative method, as set forth in s. 105.035, if the person
18 has submitted the necessary petitions by the required deadline
19 and is notified after the fifth day prior to the last day for
20 qualifying that the required number of signatures has been
21 obtained, shall be entitled to subscribe to the candidate's
22 oath and file the qualifying papers at any time within 5 days
23 from the date he or she is notified that the necessary number
24 of signatures has been obtained. Any person other than a
25 write-in candidate who qualifies within the time prescribed in
26 this subsection shall be entitled to have his or her name
27 printed on the ballot.

28 Section 24. Subsection (1) and paragraph (b) of
29 subsection (2) of section 105.041, Florida Statutes, are
30 amended to read:

31 105.041 Form of ballot.--

1 (1) BALLOTS.--The names of candidates for judicial
2 office and candidates for the office of school board member
3 which appear on the ballot at the ~~first~~ primary election shall
4 either be grouped together on a separate portion of the ballot
5 or on a separate ballot. The names of candidates for election
6 to judicial office and candidates for the office of school
7 board member which appear on the ballot at the general
8 election and the names of justices and judges seeking
9 retention to office shall be grouped together on a separate
10 portion of the general election ballot.

11 (2) LISTING OF CANDIDATES.--

12 (b)1. The names of candidates for the office of
13 circuit judge shall be listed on the ~~first~~ primary election
14 ballot in the order determined by lot conducted by the
15 director of the Division of Elections of the Department of
16 State after the close of the qualifying period.

17 2. Candidates who have secured a position on the
18 general election ballot, after having survived elimination at
19 the ~~first~~ primary election, shall have their names listed in
20 the same order as on the ~~first~~ primary election ballot,
21 notwithstanding the elimination of any intervening names as a
22 result of the ~~first~~ primary election.

23 Section 25. Paragraph (b) of subsection (1) of section
24 105.051, Florida Statutes, is amended to read:

25 105.051 Determination of election or retention to
26 office.--

27 (1) ELECTION.--In circuits and counties holding
28 elections:

29 (b) If two or more candidates, neither of whom is a
30 write-in candidate, qualify for such an office, the names of
31 those candidates shall be placed on the ballot at the ~~first~~

Amendment No. ____ (for drafter's use only)

1 primary election. If any candidate for such office receives a
2 majority of the votes cast for such office in the ~~first~~
3 primary election, the name of the candidate who receives such
4 majority shall not appear on any other ballot unless a
5 write-in candidate has qualified for such office. An
6 unopposed candidate shall be deemed to have voted for himself
7 or herself at the general election. If no candidate for such
8 office receives a majority of the votes cast for such office
9 in the ~~first~~ primary election, the names of the two candidates
10 receiving the highest number of votes for such office shall be
11 placed on the general election ballot. If more than two
12 candidates receive an equal and highest number of votes, the
13 name of each candidate receiving an equal and highest number
14 of votes shall be placed on the general election ballot. In
15 any contest in which there is a tie for second place and the
16 candidate placing first did not receive a majority of the
17 votes cast for such office, the name of the candidate placing
18 first and the name of each candidate tying for second shall be
19 placed on the general election ballot.

20 Section 26. Paragraphs (a) and (b) of subsection (1)
21 of section 106.07, Florida Statutes, are amended to read:

22 106.07 Reports; certification and filing.--

23 (1) Each campaign treasurer designated by a candidate
24 or political committee pursuant to s. 106.021 shall file
25 regular reports of all contributions received, and all
26 expenditures made, by or on behalf of such candidate or
27 political committee. Reports shall be filed on the 10th day
28 following the end of each calendar quarter from the time the
29 campaign treasurer is appointed, except that, if the 10th day
30 following the end of a calendar quarter occurs on a Saturday,
31 Sunday, or legal holiday, the report shall be filed on the

Amendment No. ____ (for drafter's use only)

1 next following day which is not a Saturday, Sunday, or legal
2 holiday. Quarterly reports shall include all contributions
3 received and expenditures made during the calendar quarter
4 which have not otherwise been reported pursuant to this
5 section.

6 (a) Except as provided in paragraph (b), following the
7 last day of qualifying for office, the reports shall be filed
8 on the 32nd, 18th, and 4th days immediately preceding the
9 first primary election and on the 18th and 4th days
10 immediately preceding the ~~second primary~~ and general election,
11 for a candidate who is opposed in seeking nomination or
12 election to any office, for a political committee, or for a
13 committee of continuous existence.

14 (b) Following the last day of qualifying for office,
15 any statewide candidate who has requested to receive
16 contributions from the Election Campaign Financing Trust Fund
17 or any statewide candidate in a race with a candidate who has
18 requested to receive contributions from the trust fund shall
19 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior
20 to the ~~first primary and general elections, and on the 4th,~~
21 ~~11th, 18th, and 25th days prior to the second primary.~~

22 Section 27. Subsection (1) of section 106.08, Florida
23 Statutes, is amended to read:

24 106.08 Contributions; limitations on.--

25 (1)(a) Except for political parties, no person,
26 political committee, or committee of continuous existence may,
27 in any election, make contributions in excess of \$1,000~~\$500~~
28 to any candidate for election to or retention in office or to
29 any political committee supporting or opposing one or more
30 candidates. Candidates for the offices of Governor and
31 Lieutenant Governor on the same ticket are considered a single

1 candidate for the purpose of this section.

2 (b)1. The contribution limits provided in this
3 subsection do not apply to contributions made by a state or
4 county executive committee of a political party regulated by
5 chapter 103 or to amounts contributed by a candidate to his or
6 her own campaign.

7 2. Notwithstanding the limits provided in this
8 subsection, an unemancipated child under the age of 18 years
9 of age may not make a contribution in excess of \$100 to any
10 candidate or to any political committee supporting one or more
11 candidates.

12 (c) The contribution limits of this subsection apply
13 to each election. For purposes of this subsection, the ~~first~~
14 ~~primary election, second primary, and the~~ general election are
15 separate elections so long as the candidate is not an
16 unopposed candidate as defined in s. 106.011(15). However,
17 for the purpose of contribution limits with respect to
18 candidates for retention as a justice or judge, there is only
19 one election, which is the general election. ~~With respect to~~
20 ~~candidates in a circuit holding an election for circuit judge~~
21 ~~or in a county holding an election for county court judge,~~
22 ~~there are only two elections, which are the first primary~~
23 ~~election and general election.~~

24 Section 28. Subsection (1) of section 106.29, Florida
25 Statutes, is amended to read:

26 106.29 Reports by political parties; restrictions on
27 contributions and expenditures; penalties.--

28 (1) The state executive committee and each county
29 executive committee of each political party regulated by
30 chapter 103 shall file regular reports of all contributions
31 received and all expenditures made by such committee. Such

1 reports shall contain the same information as do reports
2 required of candidates by s. 106.07 and shall be filed on the
3 10th day following the end of each calendar quarter, except
4 that, during the period from the last day for candidate
5 qualifying until the general election, such reports shall be
6 filed on the Friday immediately preceding both the ~~first~~
7 ~~primary election, the second primary election,~~ and the general
8 election. Each state executive committee shall file the
9 original and one copy of its reports with the Division of
10 Elections. Each county executive committee shall file its
11 reports with the supervisor of elections in the county in
12 which such committee exists. Any state or county executive
13 committee failing to file a report on the designated due date
14 shall be subject to a fine as provided in subsection (3). No
15 separate fine shall be assessed for failure to file a copy of
16 any report required by this section.

17 Section 29. Section 98.0977, Florida Statutes, is
18 created to read:

19 98.0977 Statewide voter registration database.--

20 (1) The department shall develop a statewide voter
21 registration database, which shall contain voter registration
22 information from every supervisor of elections in this state
23 and shall be accessible through an Internet web site.
24 Accordingly, the department may contract for the analysis,
25 design, development, operation, and maintenance of a
26 statewide, on-line voter registration database and associated
27 Internet web site. The database system adopted must provide
28 functionality for ensuring that the database is updated on a
29 daily basis to determine if a registered voter is ineligible
30 to vote for any of the following reasons, including, but not
31 limited to:

1 (a) The voter is deceased;
2 (b) The voter has been convicted of a felony and has
3 not had his or her civil rights restored; or
4 (c) The voter has been adjudicated mentally
5 incompetent and his or her mental capacity with respect to
6 voting has not been restored.
7
8 The database shall also allow for duplicate voter
9 registrations to be identified.
10 (2) In administering the database, each supervisor of
11 elections shall compare registration information provided by a
12 voter with information held by the Department of Law
13 Enforcement, the Board of Executive Clemency, and the Office
14 of Vital Statistics. If the supervisor of elections finds
15 information that suggests that a voter is ineligible to
16 register to vote, the supervisor of elections shall notify the
17 voter by certified United States mail. The notification shall
18 contain a statement as to the reason for the voter's potential
19 ineligibility to register to vote and shall request
20 information from the voter on forms provided by the supervisor
21 of elections in order to make a final determination on the
22 voter's eligibility. After reviewing the information
23 requested by the supervisor of elections and provided by the
24 voter, if the supervisor of elections determines that the
25 voter is not eligible to vote under the laws of this state,
26 the supervisor of elections shall notify the voter by
27 certified United States mail that he or she has been found
28 ineligible to register to vote in this state, shall state the
29 reason for the ineligibility, and shall inform the voter that
30 he or she will be removed from the voter registration rolls.
31 (3) To the maximum extent feasible, state and local

1 governmental agencies shall facilitate provision of
2 information and access to data to the department and the
3 supervisors of elections in order to compare information in
4 the statewide voter registration database with available
5 information in other computer databases, including, but not
6 limited to, databases that contain reliable criminal records
7 and records of deceased persons. State and local governmental
8 agencies that provide such data shall do so without charge if
9 the direct cost incurred by those agencies is not significant.

10 (4) The Division of Elections shall provide written
11 quarterly progress reports on each phase of development of the
12 voter registration database to the President of the Senate and
13 the Speaker of the House of Representatives beginning July 1,
14 2001, and continuing until the database is fully implemented.

15 (5) The duties of the supervisors of elections under
16 this section shall be considered part of their regular
17 registration list maintenance duties under this chapter, and
18 any supervisor of elections who willfully refuses or willfully
19 neglects to perform his or her duties under this section shall
20 be in violation of s. 104.051(2).

21 Section 30. (1) The statewide voter registration
22 database, created pursuant to s. 98.0977, Florida Statutes, by
23 this act, shall be operational by June 1, 2002.

24 (2) Funding for the analysis, design, development,
25 operation, and maintenance of the statewide voter registration
26 database pursuant to s. 98.0977(1), Florida Statutes, shall be
27 as provided for in the 2001-2002 General Appropriations Act.

28 Section 31. Section 98.0979, Florida Statutes, is
29 created to read:

30 98.0979 Statewide voter registration database open to
31 inspection; copies.--

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

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

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

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

18 (a) Municipalities;

19 (b) Other governmental agencies;

20 (c) Political candidates, for the purpose of
21 furthering their candidacies;

22 (d) Registered political committees, certified
23 committees of continuous existence, and political parties or
24 officials thereof, for political purposes only; and

25 (e) Incumbent officeholders, for the purpose of
26 reporting to their constituents.

27 (3) Such information shall not be used for commercial
28 purposes. No person to whom a list of registered voters is
29 made available pursuant to this section, and no person who
30 acquires such a list, shall use any information contained
31 therein for purposes which are not related to elections,

1 political or governmental activities, voter registration, or
2 law enforcement.

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

7
8 I hereby swear (or affirm) that I am a person
9 authorized by s. 98.0979, Florida Statutes, to acquire
10 information on the registered voters of Florida; that the
11 information acquired will be used only for the purposes
12 prescribed in that section and for no other purpose; and that
13 I will not permit the use or copying of such information by
14 persons not authorized by the Election Code of the State of
15 Florida.

16
17 ...(Signature of person acquiring list)...

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

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

22 Section 32. Section 101.048, Florida Statutes, is
23 created to read:

24 101.048 Provisional ballots.--

25 (1) At all elections, a voter claiming to be properly
26 registered in the county and eligible to vote at the precinct
27 in the election, but whose eligibility cannot be determined,
28 shall be entitled to vote a provisional ballot. Once voted,
29 the provisional ballot shall be placed in a secrecy envelope
30 and thereafter sealed in a provisional ballot envelope. The
31 provisional ballot shall be deposited in a ballot box. All

1 provisional ballots shall remain sealed in their envelopes for
2 return to the supervisor of elections.

3 (2)(a) The county canvassing board shall examine each
4 provisional ballot to determine if the person voting that
5 ballot was entitled to vote in the election and that the
6 person had not already cast a ballot in the election.

7 (b)1. If it is determined that the person was
8 registered and entitled to vote, the canvassing board shall
9 compare the signature on the provisional ballot envelope with
10 the signature on the voter's registration and, if it matches,
11 shall count the ballot.

12 2. If it is determined that the person voting the
13 provisional ballot was not registered or entitled to vote, the
14 provisional ballot shall not be counted and the ballot shall
15 remain in the envelope containing the Provisional Ballot
16 Voter's Certificate and the envelope marked "Rejected as
17 Illegal."

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

20
21 STATE OF FLORIDA

22 COUNTY OF

23
24 I do solemnly swear (or affirm) that my name is;
25 that my date of birth is; that I am registered to vote
26 and at the time I registered I resided at, in the
27 municipality of, in County, Florida; that I am a
28 qualified voter of the county and have not voted in this
29 election.

30 ...(Signature of Voter)...

31 ...(Current Address)...

Amendment No. ____ (for drafter's use only)

1
2 Sworn to and subscribed before me this day of,
3 ...(year)....
4 ...(Clerk or Inspector of Election)...

5
6 Additional information may be provided to further assist the
7 supervisor of elections in determining eligibility. If known,
8 please provide the place and date that you registered to vote.

9
10 (4) In counties where the voting system does not
11 utilize a paper ballot, the supervisor of elections shall
12 provide the appropriate provisional ballots to each polling
13 place.

14 Section 33. Subsections (2) and (3) of section
15 101.045, Florida Statutes, are amended to read:

16 101.045 Electors must be registered in precinct;
17 provisions for residence or name change.--

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

23
24 Change of Legal Residence of Registered
25 Voter

26
27 Under penalties for false swearing, I, ...(Name of voter)...,
28 swear (or affirm) that the former address of my legal
29 residence was ...(Address of legal residence)... in the
30 municipality of, in County, Florida, and I was
31 registered to vote in the precinct of County,

Amendment No. ____ (for drafter's use only)

1 Florida; that I have not voted in the precinct of my former
 2 registration in this election; that I now reside at
 3 ...(Address of legal residence)... in the Municipality of
 4, in County, Florida, and am therefore eligible to
 5 vote in the precinct of County, Florida; and I
 6 further swear (or affirm) that I am otherwise legally
 7 registered and entitled to vote.

8
 9 ...(Signature of voter whose address of legal residence has
 10 changed)...

11
 12 (b) An elector whose name changes because of marriage
 13 or other legal process may be permitted to vote, provided such
 14 elector completes an affirmation in substantially the
 15 following form:

16
 17 Change of Name of Registered
 18 Voter
 19

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

25 Name.....
 26 Address.....
 27 Municipality.....
 28 County.....
 29 Florida, Zip.....

30 My present name and address of legal residence are as follows:
 31 Name.....

Amendment No. ____ (for drafter's use only)

1 Address.....

2 Municipality.....

3 County.....

4 Florida, Zip.....

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

7
8 ...(Signature of voter whose name has changed)...

9

10 (c) Such affirmation, when completed and presented at
11 the precinct in which such elector is entitled to vote, and
12 upon verification of the elector's registration, shall entitle
13 such elector to vote as provided in this subsection. If the
14 elector's eligibility to vote cannot be determined, he or she
15 shall be entitled to vote a provisional ballot subject to the
16 requirements and procedures in s. 101.048. Upon receipt of an
17 affirmation certifying a change in address of legal residence
18 or name, the supervisor shall as soon as practicable make the
19 necessary changes in the registration records of the county to
20 indicate the change in address of legal residence or name of
21 such elector.

22 (d) Instead of the affirmation contained in paragraph
23 (a) or paragraph (b), an elector may complete a voter
24 registration application that indicates the change of name or
25 change of address of legal residence.

26 (e) A request for an absentee ballot pursuant to s.
27 101.62 which indicates that the elector has had a change of
28 address of legal residence from that in the supervisor's
29 records shall be sufficient as the notice to the supervisor of
30 change of address of legal residence required by this section.
31 Upon receipt of such request for an absentee ballot from an

Amendment No. ____ (for drafter's use only)

1 elector who has changed his or her address of legal residence,
2 the supervisor shall provide the elector with the proper
3 ballot for the precinct in which the elector then has his or
4 her legal residence.

5 (3) When an elector's name does not appear on the
6 registration books of the election precinct in which the
7 elector is registered ~~and when the elector cannot present a~~
8 ~~valid registration identification card~~, the elector may have
9 his or her name restored if the supervisor is otherwise
10 satisfied that the elector is validly registered, that the
11 elector's name has been erroneously omitted from the books,
12 and that the elector is entitled to have his or her name
13 restored. The supervisor, if he or she is satisfied as to the
14 elector's previous registration, shall allow such person to
15 vote and shall thereafter issue a duplicate registration
16 identification card.

17 Section 34. Subsections (1), (2), and (8) of section
18 101.5614, Florida Statutes, are amended, and subsection (9) is
19 added to said section, to read:

20 101.5614 Canvass of returns.--

21 (1)(a) In precincts in which an electronic or
22 electromechanical voting system is used, as soon as the polls
23 are closed, the election board shall secure the voting devices
24 against further voting. The election board shall thereafter
25 open the ballot box in the presence of members of the public
26 desiring to witness the proceedings and count the number of
27 voted ballots, unused ballots, provisional ballots, and
28 spoiled ballots to ascertain whether such number corresponds
29 with the number of ballots issued by the supervisor. If there
30 is a difference, this fact shall be reported in writing to the
31 county canvassing board with the reasons therefor if known.

Amendment No. ____ (for drafter's use only)

1 The total number of voted ballots shall be entered on the
2 forms provided. The proceedings of the election board at the
3 precinct after the polls have closed shall be open to the
4 public; however, no person except a member of the election
5 board shall touch any ballot or ballot container or interfere
6 with or obstruct the orderly count of the ballots.

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

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

26 (b) If ballots are to be counted at the precincts,
27 such ballots shall be counted pursuant to rules adopted by the
28 Department of State, which rules shall provide safeguards
29 which conform as nearly as practicable to the safeguards
30 provided in the procedures for the counting of votes at a
31 central location.

1 (8) The return printed by the automatic tabulating
2 equipment, to which has been added the return of write-in,
3 absentee, and manually counted votes and votes from
4 provisional ballots, shall constitute the official return of
5 the election. Upon completion of the count, the returns shall
6 be open to the public. A copy of the returns may be posted at
7 the central counting place or at the office of the supervisor
8 of elections in lieu of the posting of returns at individual
9 precincts.

10 (9) Any supervisor of elections, deputy supervisor of
11 elections, canvassing board member, election board member, or
12 election employee who releases the results of any election
13 prior to the closing of the polls on election day commits a
14 felony of the third degree, punishable as provided in s.
15 775.082, s. 775.083, or s. 775.084.

16 Section 35. Paragraph (a) of subsection (2) of section
17 101.68, Florida Statutes, is 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,

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 Section 36. Section 101.69, Florida Statutes, is
7 amended to read:

8 101.69 Voting in person; return of absentee
9 ballot.--The provisions of this code shall not be construed to
10 prohibit any elector from voting in person at the elector's
11 precinct on the day of an election notwithstanding that the
12 elector has requested an absentee ballot for that election.
13 An elector who has received an absentee ballot, but desires to
14 vote in person, shall return the ballot, whether voted or not,
15 to the election board in the elector's precinct. The returned
16 ballot shall be marked "canceled" by the board and placed with
17 other canceled ballots. However, if the elector is unable to
18 return the ballot, the elector may vote a provisional ballot
19 as provided in s. 101.048 ~~execute an affidavit stating that~~
20 ~~the absentee ballot has not been voted and the elector may~~
21 ~~then vote at the precinct.~~

22 Section 37. Subsection (1) of section 102.111, Florida
23 Statutes, is amended to read:

24 102.111 Elections Canvassing Commission.--
25 (1) Immediately after certification of any election by
26 the county canvassing board, the results shall be forwarded to
27 the Department of State concerning the election of any federal
28 or state officer. The Elections Canvassing Commission shall
29 consist of the Governor and two members of the Cabinet as
30 determined by the Governor, ~~the Secretary of State, and the~~
31 ~~Director of the Division of Elections shall be the Elections~~

1 ~~Canvassing Commission. The Elections Canvassing Commission~~
2 ~~shall, as soon as the official results are compiled from all~~
3 ~~counties, certify the returns of the election and determine~~
4 ~~and declare who has been elected for each office. In the event~~
5 ~~that the Governor is recused, or any other member of the~~
6 ~~commission cannot serve, the Governor shall fill the vacancy~~
7 ~~following the same procedure for appointment to the~~
8 ~~commission. If no other Cabinet members are available to~~
9 ~~serve, the Governor shall choose a registered voter to replace~~
10 ~~the member any member of the Elections Canvassing Commission~~
11 ~~is unavailable to certify the returns of any election, such~~
12 ~~member shall be replaced by a substitute member of the Cabinet~~
13 ~~as determined by the Director of the Division of Elections. If~~
14 ~~the county returns are not received by the Department of State~~
15 ~~by 5 p.m. of the seventh day following an election, all~~
16 ~~missing counties shall be ignored, and the results shown by~~
17 ~~the returns on file shall be certified.~~

18 Section 38. Section 102.112, Florida Statutes, is
19 amended to read:

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

22 (1) The county canvassing board or a majority thereof
23 shall file the county returns for the election of a federal or
24 state officer with the Department of State immediately after
25 certification of the election results.

26 (2) Returns must be filed by 5 p.m. on the 7th day
27 following the ~~first~~ primary election and by 5 p.m. on the 11th
28 day following the and general election ~~and by 3 p.m. on the~~
29 ~~3rd day following the second primary.~~

30 (3) If the returns are not received by the department
31 by the time specified, such returns shall ~~may~~ be ignored and

1 the results on file at that time shall ~~may~~ be certified by the
2 department.

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

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

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

15 Section 39. Subsection (4) of section 102.141, Florida
16 Statutes, is amended to read:

17 102.141 County canvassing board; duties.--

18 (4)(a) If the returns for any office reflect that a
19 candidate was defeated or eliminated by one-half of a percent
20 or less of the votes cast for such office, that a candidate
21 for retention to a judicial office was retained or not
22 retained by one-half of a percent or less of the votes cast on
23 the question of retention, or that a measure appearing on the
24 ballot was approved or rejected by one-half of a percent or
25 less of the votes cast on such measure, each county canvassing
26 the board responsible for certifying the results of the vote
27 on such race or measure shall order a machine recount of the
28 votes cast with respect to such office or measure. A recount
29 need not be ordered with respect to the returns for any
30 office, however, if the candidate or candidates defeated or
31 eliminated from contention for such office by one-half of a

1 percent or less of the votes cast for such office request in
2 writing that a recount not be made. Each canvassing board
3 responsible for conducting a machine recount shall recount the
4 ballots with the vote tabulation system. On optical scan
5 machines, a machine recount shall mean actually processing
6 each ballot through the vote tabulation system ~~examine the~~
7 ~~counters on the 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 returns and~~
11 ~~the counters of the machines or the tabulation of the ballots~~
12 ~~cast, the counters of such machines or the tabulation of the~~
13 ~~ballots cast shall be presumed correct and such votes shall be~~
14 ~~canvassed accordingly.~~

15 (b) If, after conducting a machine recount under
16 paragraph (a), the returns for any office reflect that a
17 candidate was defeated or eliminated by one-quarter of a
18 percent or less of the votes cast for such office, that a
19 candidate for retention to a judicial office was retained or
20 not retained by one-quarter of a percent or less of the votes
21 cast on the question of retention, or that a measure appearing
22 on the ballot was approved or rejected by one-quarter of a
23 percent or less of the votes cast on such measure, each county
24 canvassing board responsible for certifying the results of the
25 vote on such race or measure shall order a manual recount of
26 the votes cast with respect to such office or measure that
27 were not counted by an otherwise properly functioning vote
28 tabulation system. Manual recounts shall be conducted by the
29 county canvassing boards using the procedures described in s.
30 102.166. Upon completion of its manual recount, each county
31 canvassing board shall certify the returns for the applicable

1 office or measure.

2 Section 40. Section 102.166, Florida Statutes, is
3 amended to read:

4 102.166 Protest of election returns; procedure.--

5 (1)(a) Any candidate for nomination or election to a
6 federal, state, or multicounty district office, or any elector
7 qualified to vote in the election related to such candidacy,
8 shall have the right to protest the returns of the election as
9 being erroneous by filing with the Elections Canvassing
10 Commission ~~appropriate canvassing board~~ a sworn, written
11 protest.

12 (b)~~(2)~~ Such protest shall be filed with the Elections
13 Canvassing Commission ~~canvassing board~~ prior to the time the
14 Elections Canvassing Commission ~~canvassing board~~ certifies the
15 results for the office being protested or within 72 hours 5
16 days after the closing of the polls in that election ~~midnight~~
17 ~~of the date the election is held~~, whichever occurs later.

18 ~~(3) Before canvassing the returns of the election, the~~
19 ~~canvassing board shall:~~

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

22 ~~(b) When voting machines are used, examine the~~
23 ~~counters on the machines of nonprinter machines or the~~
24 ~~printer-pac on printer machines. If there is a discrepancy~~
25 ~~between the returns and the counters of the machines or the~~
26 ~~printer-pac, the counters of such machines or the printer-pac~~
27 ~~shall be presumed correct.~~

28 (c) Upon receipt of a sworn, written protest, the
29 Elections Canvassing Commission shall direct each county
30 canvassing board within the geographic jurisdiction of the
31 office or ballot measure to ~~When electronic or~~

Amendment No. ____ (for drafter's use only)

1 ~~electromechanical equipment is used, the canvassing board~~
2 ~~shall~~ examine precinct records and election returns. If there
3 is a clerical error, such error shall be corrected by the
4 county canvassing board. If there is a discrepancy ~~that~~ ~~which~~
5 could affect the outcome of an election, the Elections
6 Canvassing Commission may direct each county canvassing board
7 ~~to may~~ recount the ballots on the automatic tabulating
8 equipment.

9 (d)1.(4)(a) Upon completion of a machine recount
10 ordered by the Elections Canvassing Commission pursuant to
11 paragraph (c), any candidate for federal, state, or
12 multicounty district office whose name appeared on the ballot
13 or any political committee that supports or opposes a
14 statewide or multicounty an issue that which appeared on the
15 ballot, or any political party whose candidates' names
16 ~~appeared on the ballot~~ may file a written request with the
17 Elections Canvassing Commission county canvassing board for a
18 manual recount of the votes cast with respect to such office
19 or measure that were not counted by an otherwise properly
20 functioning vote tabulation system. The written request shall
21 contain a statement of the reason the manual recount is being
22 requested.

23 2.(b) Such request must be filed with the Elections
24 Canvassing Commission canvassing board prior to the time the
25 canvassing board certifies the results for the office being
26 protested or within 72 hours after completion of the machine
27 recount ordered by the Elections Canvassing Commission
28 pursuant to paragraph (c)midnight of the date the election
29 was held, whichever occurs later.

30 3.(c) Based on its evaluation of the validity of the
31 reasons stated in the written request, the Elections

Amendment No. ____ (for drafter's use only)

1 Canvassing Commission ~~county canvassing board~~ may authorize a
2 manual recount of those ballots not counted by the voting
3 equipment during the machine recount. If a manual recount is
4 authorized, the Elections Canvassing Commission shall direct
5 each county canvassing board within the geographic
6 jurisdiction of the office or ballot measure to manually
7 recount all ballots not previously counted by an otherwise
8 properly functioning vote tabulation system, using standards
9 for determining voter intent developed and published by the
10 Division of Elections. If a manual recount is authorized, the
11 Elections Canvassing Commission ~~county canvassing board~~ shall
12 make a reasonable effort to notify each candidate whose race
13 is being recounted of the time and place of such recount.

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

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

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

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

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

30 (2)(a) Any candidate for nomination or election to a
31 county office, municipal office, or district office not

1 covered by paragraph (1)(a), or any elector qualified to vote
2 in the election related to such candidacy, shall have the
3 right to protest the returns of the election as being
4 erroneous by filing with the appropriate county canvassing
5 board a sworn, written protest.

6 (b) Such protest shall be filed with the county
7 canvassing board prior to the time the canvassing board
8 certifies the results for the office being protested or within
9 72 hours after the closing of the polls in that election,
10 whichever occurs later.

11 (c) Upon receipt of a sworn, written protest, the
12 county canvassing board shall:

13 1. When paper ballots are used, examine the tabulation
14 of the paper ballots cast.

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

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

27 (d)1. Upon completion of a machine recount ordered by
28 a county canvassing board pursuant to subparagraph (c)3., any
29 candidate not covered by paragraph (1)(d) whose name appeared
30 on the ballot or any political committee that supports or
31 opposes an issue not covered by paragraph (1)(d) which

1 appeared on the ballot may file a written request with the
2 county canvassing board for a manual recount of the votes cast
3 with respect to such office or measure that were not counted
4 by an otherwise properly functioning vote tabulation system.
5 The written request shall contain a statement of the reason
6 the manual recount is being requested.

7 2. Such request must be filed with the canvassing
8 board within 72 hours after the completion of the machine
9 recount ordered pursuant to subparagraph (c)3.

10 3. Based on its evaluation of the validity of the
11 reasons stated in the written request, the county canvassing
12 board may authorize a manual recount of those ballots not
13 counted by the voting equipment during the machine recount. If
14 a manual recount is authorized, the county canvassing board
15 shall manually recount all ballots not previously counted by
16 an otherwise properly functioning vote tabulation system,
17 using standards for determining voter intent developed and
18 published by the Division of Elections. If a manual recount is
19 authorized, the county canvassing board shall make a
20 reasonable effort to notify each candidate whose race is being
21 recounted of the time and place of such recount.

22 (3)(6) Any manual recount shall be open to the public.

23 (4)(7) Procedures for a manual recount are as follows:

24 (a) The county canvassing board shall appoint as many
25 counting teams of at least two electors as is necessary to
26 manually recount the ballots. A counting team must have, when
27 possible, members of at least two political parties. A
28 candidate involved in the race shall not be a member of the
29 counting team.

30 (b) If a counting team is unable to determine a
31 voter's intent in casting a ballot, using the standards for

1 determining voter intent developed and published by the
 2 Division of Elections, the ballot shall be presented to the
 3 county canvassing board for it to determine the voter's
 4 intent. If the county canvassing board is unable to determine
 5 a voter's intent in casting a ballot using the standards for
 6 determining voter intent developed and published by the
 7 Division of Elections, the ballot shall not be counted in the
 8 official canvass.

9 ~~(5)(8)~~ If the county canvassing board determines the
 10 need to verify the tabulation software, the county canvassing
 11 board shall request in writing that the Department of State
 12 verify the software.

13 ~~(6)(9)~~ When the Department of State verifies such
 14 software, the department shall:

15 (a) Compare the software used to tabulate the votes
 16 with the software filed with the Department of State pursuant
 17 to s. 101.5607; and

18 (b) Check the election parameters.

19 ~~(7)(10)~~ The Department of State shall respond to the
 20 county canvassing board within 3 working days.

21 Section 41. Section 102.167, Florida Statutes, is
 22 amended to read:

23 102.167 Form of protest of election returns.--

24 (1) The form of the "Protest of Election Returns to
 25 the Elections Canvassing Commission" shall be as follows:

26
 27 PROTEST OF ELECTION RETURNS TO THE
 28 ELECTIONS CANVASSING COMMISSION

29
 30, Florida

31, ...(year)...

1 As provided in Section 102.166(1), Florida Statutes, I,
2 of County, Florida, believe the election returns
3 from in the election ...(year)... are erroneous.

4 I hereby protest the canvass of such returns by the
5 Elections Canvassing Commission, and request that said returns
6 be investigated, examined, checked, and corrected by the
7 Elections Canvassing Commission. The basis for this protest
8 is

9

10

11

12

13

14

15 Under penalties of perjury, I swear (or affirm) that I have
16 read the foregoing and that the facts alleged are true, to the
17 best of my knowledge and belief.

18

19 ...(Signature of person protesting election returns)...
20 (2) The form of the "Protest of Election Returns to
21 Canvassing Board" shall be as follows:

22

23 PROTEST OF ELECTION RETURNS TO
24 CANVASSING BOARD

25

26, Florida
27, ...(year)...
28 As provided in Section 102.166(2)~~(1)~~, Florida Statutes,
29 I, of County, Florida, believe the election returns
30 from Precinct No. in the election ...(year)... are
31 erroneous.

1 I hereby protest the canvass of such returns by the
 2 Canvassing Board, and request that said returns be
 3 investigated, examined, checked, and corrected by said
 4 Canvassing Board. The basis for this protest is
 5
 6
 7
 8
 9

10
 11 Under penalties of perjury, I swear (or affirm) that I have
 12 read the foregoing and that the facts alleged are true, to the
 13 best of my knowledge and belief.

14
 15 ...(Signature of person protesting election returns)...

16 Section 42. Section 102.168, Florida Statutes, is
 17 amended to read:

18 102.168 Contest of election.--

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

28 (2) Such contestant shall file a complaint, together
 29 with the fees prescribed in chapter 28, with the clerk of the
 30 circuit court within 10 days after midnight of the date the
 31 last county canvassing board empowered to canvass the returns

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

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

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

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

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

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

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

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

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

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

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

31 ~~(8) The circuit judge to whom the contest is presented~~

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

6 Section 43. Subsection (5) is added to section 99.096,
7 Florida Statutes, to read:

8 99.096 Minor party candidates; names on ballot.--

9 (5) Notwithstanding any other provision of this
10 section, a minor political party's entire slate of candidates
11 shall be automatically granted ballot access at the general
12 election that immediately follows a statewide or federal
13 election at which any candidate of the minor political party
14 received at least 1 percent of the votes cast statewide, and
15 shall be exempt from the qualifying fee provisions under
16 subsection (2) and the provisions for qualifying by the
17 alternative method under subsection (3), if otherwise
18 qualified for the office sought.

19 Section 44. Section 106.31, Florida Statutes, is
20 amended to read:

21 106.31 Legislative intent.--The Legislature finds that
22 the costs of running an effective campaign for statewide
23 office have reached a level which tends to discourage persons
24 from becoming candidates and to limit the persons who run for
25 such office to those who are independently wealthy, who are
26 supported by political committees representing special
27 interests which are able to generate substantial campaign
28 contributions, or who must appeal to special interest groups
29 for campaign contributions. The Legislature further finds
30 that campaign contributions generated by such political
31 committees are having a disproportionate impact vis-a-vis

1 contributions from unaffiliated individuals, which leads to
2 the misperception of government officials unduly influenced by
3 those special interests to the detriment of the public
4 interest. Furthermore, it is the intent of the Legislature
5 that the purpose of public campaign financing is to make
6 candidates more responsive to the voters of the State of
7 Florida and as insulated as possible from special interest
8 groups. The Legislature intends ss. 106.30-106.36 to
9 alleviate these factors, dispel the misperception, and
10 encourage qualified persons to seek statewide elective office
11 who would not, or could not otherwise do so and to protect the
12 effective competition by a candidate who uses public funding.

13 Section 45. Section 106.33, Florida Statutes, is
14 amended to read:

15 106.33 Election campaign financing; eligibility.--Each
16 candidate for the office of Governor or member of the Cabinet
17 who desires to receive contributions from the Election
18 Campaign Financing Trust Fund shall, upon qualifying for
19 office, file a request for such contributions with the filing
20 officer on forms provided by the Division of Elections. If a
21 candidate requesting contributions from the fund desires to
22 have such funds distributed by electronic fund transfers, the
23 request shall include information necessary to implement that
24 procedure. For the purposes of ss. 106.30-106.36, candidates
25 for Governor and Lieutenant Governor on the same ticket shall
26 be considered as a single candidate. To be eligible to
27 receive contributions from the fund, a candidate may ~~shall~~ not
28 be an unopposed candidate as defined in s. 106.011(15) and
29 must ~~shall~~:

30 (1) Agree to abide by the expenditure limits provided
31 in s. 106.34.

1 (2)(a) Raise contributions as follows:
2 1.(a) One hundred fifty thousand dollars for a
3 candidate for Governor.
4 2.(b) One hundred thousand dollars for a candidate for
5 Cabinet office.
6 (b) The following may not be used to meet the
7 threshold amounts in paragraph (a):
8 1. Loans or contributions from the candidate's
9 personal funds;
10 2. Contributions from national, state, and county
11 executive committees of a political party; or
12 3. Contributions from individuals who at the time of
13 contributing are not state residents. For purposes of this
14 subparagraph, any person validly registered to vote in this
15 state shall be considered a state resident.
16 (3) Limit loans or contributions from the candidate's
17 personal funds to \$25,000 and contributions from national,
18 state, and county executive committees of a political party to
19 \$25,000 in the aggregate, ~~which loans or contributions shall~~
20 ~~not qualify for meeting the threshold amounts in subsection~~
21 ~~(2).~~
22 (4) Submit to a postelection audit of the campaign
23 account by the division.
24 Section 46. Subsection (2) of section 106.35, Florida
25 Statutes, is amended to read:
26 106.35 Distribution of funds.--
27 (2)(a) Each candidate who has been certified to
28 receive contributions from the Election Campaign Financing
29 Trust Fund shall be entitled to distribution of funds as
30 follows:
31 1. For qualifying matching contributions making up all

1 or any portion of the threshold amounts specified in s.
2 106.33(2), distribution shall be on a two-to-one basis.

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

5 (b) Qualifying matching contributions are those of
6 \$250 or less from an individual, made after September 1 of the
7 calendar year prior to the election. Any contribution that is
8 a loan, is an in-kind contribution, is received from a
9 political committee or committee of continuous existence, or
10 is received from an individual who is not a state resident at
11 the time the contribution is made shall not be considered a
12 qualifying matching contribution. For purposes of this
13 paragraph, any person validly registered to vote in this state
14 shall be considered a state resident. Aggregate contributions
15 from an individual in excess of \$250 will be matched only up
16 to \$250. A contribution from an individual, if made by check,
17 must be drawn on the personal bank account of the individual
18 making the contribution, as opposed to any form of business
19 account, regardless of whether the business account is for a
20 corporation, partnership, sole proprietorship, trust, or other
21 form of business arrangement. For contributions made by check
22 from a personal joint account, the match shall only be for the
23 individual who actually signs the check.

24 Section 47. Effective June 1, 2002, section 98.0975,
25 Florida Statutes, is repealed.

26 Section 48. Section 98.255, Florida Statutes, is
27 amended to read:

28 (Substantial rewording of section. See
29 s. 98.255, F.S., for present text.)
30 98.255 Voter-education programs.--

31 (1) By March 1, 2002, the Department of State shall

1 adopt rules prescribing minimum standards for nonpartisan
2 voter education. In developing the rules, the department shall
3 review current voter-education programs within each county of
4 the state. The standards shall address, but are not limited
5 to, the following subjects:

6 (a) Voter registration;

7 (b) Balloting procedures, absentee and polling place;

8 (c) Voter rights and responsibilities;

9 (d) Distribution of sample ballots; and

10 (e) Public service announcements.

11 (2) Each supervisor of elections shall implement the
12 minimum voter-education standards and shall conduct additional
13 nonpartisan education efforts as necessary to ensure that
14 voters have a working knowledge of the voting process.

15 (3)(a) By December 15 of each general election year,
16 each supervisor of elections shall report to the Department of
17 State a detailed description of the voter-education programs
18 implemented and any other information that may be useful in
19 evaluating the effectiveness of voter-education efforts.

20 (b) The Department of State, upon receipt of such
21 information, shall prepare a public report on the
22 effectiveness of voter-education programs and shall submit the
23 report to the Governor, the President of the Senate, and the
24 Speaker of the House of Representatives by January 31 of each
25 year following a general election.

26 (c) The Department of State shall reexamine the rules
27 adopted pursuant to subsection (1) and consider the findings
28 in the report as a basis for adopting modified rules that
29 incorporate successful voter-education programs and
30 techniques, as necessary.

31 Section 49. Section 102.014, Florida Statutes, is

1 created to read:

2 102.014 Pollworker recruitment and training.--

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

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

24 (3) In the case of absence or refusal to act on the
25 part of any inspector or clerk at any precinct on the day of
26 an election, the supervisor shall appoint a replacement who
27 meets the qualifications prescribed in section 102.012(2).
28 The inspector or clerk so appointed shall be a member of the
29 same political party as the clerk or inspector whom he or she
30 replaces.

31 (4) Each supervisor of elections shall be responsible

1 for training inspectors and clerks, subject to the following
2 minimum requirements:

3 (a) Each clerk shall receive four hours of training
4 biannually when not in a general election year, and two hours
5 of training quarterly in each general election year;

6 (b) Each inspector shall receive at least two hours of
7 training biannually when not in a general election year, and
8 one hour of training quarterly in each general election year.

9 (c) No clerk shall be entitled to work at the polls
10 unless he or she has had a minimum of six hours of training.

11 (d) No inspector shall work at the polls unless he or
12 she has had a minimum of three hours of training.

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

25 (a) Regulations governing solicitation by individuals
26 and groups at the polling place;

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

29 (c) Proper operation of the voting system;

30 (d) Ballot handling procedures;

31 (e) Procedures governing spoiled ballots;

Amendment No. ____ (for drafter's use only)

- 1 (f) Procedures to be followed after the polls close;
- 2 (g) Rights of voters at the polls;
- 3 (h) Procedures for handling emergency situations;
- 4 (i) Procedures for dealing with irate voters;
- 5 (j) The handling and processing of provisional
- 6 ballots; and
- 7 (k) Security procedures.

8

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

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

16 Section 50. Subsections (8) and (9) of section
17 102.012, Florida Statutes, are repealed.

18 Section 51. Subsection (2) of section 102.021, Florida
19 Statutes, is amended to read:

20 102.021 Compensation of inspectors, clerks, and deputy
21 sheriffs.--

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

26 Section 52. Section 101.031, Florida Statutes, is
27 amended to read:

28 101.031 Instructions for electors.--

29 (1) The Department of State, or in case of municipal
30 elections the governing body of the municipality, shall print,
31 in large type on cards, instructions for the electors to use

1 in voting. It shall provide not less than two cards for each
2 voting precinct for each election and furnish such cards to
3 each supervisor upon requisition. Each supervisor of
4 elections shall send a sufficient number of these cards to the
5 precincts prior to an election. The election inspectors shall
6 display the cards in the polling places as information for
7 electors. The cards shall contain information about how to
8 vote and such other information as the Department of State may
9 deem necessary. The cards must also include the list of rights
10 and responsibilities afforded to Florida voters, as described
11 in subsection (2).

12 (2) The supervisor of elections in each county shall
13 have posted at each polling place in the county the Voter's
14 Bill of Rights and Responsibilities in the following form:

15 VOTER'S BILL OF RIGHTS

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

- 17 1. Vote and have his or her vote accurately counted.
18 2. Cast a vote if he or she is in line when the polls
19 are closing.
20 3. Ask for and receive assistance in voting.
21 4. Up to two replacement ballots if he or she has
22 voted in error.
23 5. An explanation if his or her registration is in
24 question.
25 6. Cast a provisional ballot if his or her
26 registration is in question.
27 7. Prove his or her identity by signing an affidavit
28 if election officials doubt the voter's identity.
29 8. Written instructions to use when voting, and, upon
30 request, oral instructions in voting from elections officers.
31 9. Vote free from coercion or intimidation by

1 elections officers or any other person.

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

4 VOTER RESPONSIBILITIES

5 Each registered voter in this state has the
6 responsibility to:

7 1. Study and know candidates and issues.

8 2. Keep his or her voter address current.

9 3. Know his or her precinct and its hours of
10 operation.

11 4. Bring proper identification to the polling station.

12 5. Know how to operate voting equipment properly.

13 6. Treat precinct workers with courtesy.

14 7. Respect the privacy of other voters.

15 8. Report problems or violations of election law.

16 9. Ask questions when confused.

17 10. Check his or her completed ballot for accuracy.

18 (3) Nothing in this section shall give rise to a legal
19 cause of action.

20 (4)(2) In case any elector, after entering the voting
21 booth, shall ask for further instructions concerning the
22 manner of voting, two election officers who are not both
23 members of the same political party, if present, or, if not,
24 two election officers who are members of the same political
25 party, shall give such instructions to such elector, but no
26 officer or person assisting an elector shall in any manner
27 request, suggest, or seek to persuade or induce any elector to
28 vote for or against any particular ticket, candidate,
29 amendment, question, or proposition. After giving the elector
30 instructions and before the elector has voted, the officers or
31 persons assisting the elector shall retire, and such elector

1 shall vote in secret.

2 Section 53. Effective September 2, 2002, paragraph (b)
3 of subsection (1) and subsections (2), (31), and (32) of
4 section 97.021, Florida Statutes, as amended by this act, are
5 amended to read:

6 97.021 Definitions.--For the purposes of this code,
7 except where the context clearly indicates otherwise, the
8 term:

9 (1) "Absent elector" means any registered and
10 qualified voter who:

11 (b) Is an inspector, a poll worker, a deputy voting
12 ~~system machine~~ custodian, a deputy sheriff, a supervisor of
13 elections, or a deputy supervisor who is assigned to a
14 different precinct than that in which he or she is registered
15 to vote.

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

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

25 (a)(b) "Paper ballots" means that printed sheet of
26 paper, used in conjunction with an electronic or
27 electromechanical vote tabulation voting system, containing
28 the names of candidates, or a statement of proposed
29 constitutional amendments or other questions or propositions
30 submitted to the electorate at any election, on which sheet of
31 paper an elector casts his or her vote.

Amendment No. ____ (for drafter's use only)

1 **(b)**~~(c)~~ "Electronic or electromechanical devices" means
2 a ballot which is voted by the process of electronically
3 designating ~~punching~~ or marking with a marking device for
4 tabulation by automatic tabulating equipment or data
5 processing equipment.

6 (31) "Voting booth" or "booth" means that booth or
7 enclosure wherein an elector casts his or her ballot, ~~be it a~~
8 ~~paper ballot, a voting machine ballot, or a ballot cast for~~
9 tabulation by an electronic or electromechanical device.

10 (32) "Voting system" means a method of casting and
11 processing votes that functions wholly or partly by use of
12 ~~mechanical, electromechanical, or electronic apparatus or by~~
13 use of paper ballots and includes, but is not limited to, the
14 procedures for casting and processing votes and the programs,
15 operating manuals, ~~tabulating cards,~~ printouts, and other
16 software necessary for the system's operation.

17 Section 54. Effective September 2, 2002, section
18 98.471, Florida Statutes, is amended to read:

19 98.471 Use of precinct register at polls.--The
20 precinct register, as prescribed in s. 98.461, may be used at
21 the polls in lieu of the registration books for the purpose of
22 identifying the elector at the polls prior to allowing him or
23 her to vote. The clerk or inspector shall require each
24 elector, upon entering the polling place, to present a Florida
25 driver's license, a Florida identification card issued under
26 s. 322.051, or another form of picture identification approved
27 by the Department of State. The elector shall sign his or her
28 name in the space provided, and the clerk or inspector shall
29 compare the signature with that on the identification provided
30 by the elector and enter his or her initials in the space
31 provided and allow the elector to vote if the clerk or

1 inspector is satisfied as to the identity of the elector. If
2 the elector fails to furnish the required identification, or
3 if the clerk or inspector is in doubt as to the identity of
4 the elector, such clerk or inspector shall follow the
5 procedure prescribed in s. 101.49. ~~The precinct register may~~
6 ~~also contain the information set forth in s. 101.47(8) and, if~~
7 ~~so, the inspector shall follow the procedure required in s.~~
8 ~~101.47, except that the identification provided by the elector~~
9 ~~shall be used for the signature comparison.~~

10 Section 55. Effective September 2, 2002, paragraph (a)
11 of subsection (1) of section 100.071, Florida Statutes, as
12 amended by this act, is amended to read:

13 100.071 Grouping of candidates on primary election
14 ballot.--

15 (1)(a) Where two or more similar offices are to be
16 filled in the same election, the names of candidates shall be
17 placed or printed upon the ballot ~~or voting machine~~ in groups
18 or districts; that is, if two or more members of the
19 Legislature or two or more members of a governing board are to
20 be elected from the same geographical area, then the
21 candidates' names shall be placed or printed on the ballot ~~or~~
22 ~~voting machines~~ in groups or districts, as the case may be.

23 Section 56. Effective September 2, 2002, subsection
24 (3) of section 100.361, Florida Statutes, is amended to read:

25 100.361 Municipal recall.--

26 (3) BALLOTS.--The ballots at the recall election shall
27 conform to the following: With respect to each person whose
28 removal is sought, the question shall be submitted: "Shall
29 be removed from the office of by recall?"
30 Immediately following each question there shall be printed on
31 the ballots the two propositions in the order here set forth:

Amendment No. ____ (for drafter's use only)

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

2 "... (name of person)... should not be removed from
3 office."

4
5 ~~Immediately to the right of each of the propositions shall be~~
6 ~~placed a square on which the electors, by making a crossmark~~
7 ~~(X), may vote either of the propositions. Voting machines or~~
8 ~~electronic or electromechanical equipment may be used.~~

9 Section 57. Section 101.151, Florida Statutes, is
10 amended to read:

11 101.151 Specifications for ballots ~~general election~~
12 ~~ballot.--In counties in which voting machines are not used,~~
13 ~~and in other counties for use as absentee ballots not designed~~
14 ~~for tabulation by an electronic or electromechanical voting~~
15 ~~system, the general election ballot shall conform to the~~
16 ~~following specifications:~~

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

20 ~~(2) Across the top of the ballot shall be printed~~
21 ~~"Official Ballot, General Election," beneath which shall be~~
22 ~~printed the county, the precinct number, and the date of the~~
23 ~~election. The precinct number, however, shall not be required~~
24 ~~for absentee ballots. Above the caption of the ballot shall~~
25 ~~be two stubs with a perforated line between the stubs and~~
26 ~~between the lower stub and the top of the ballot. The top~~
27 ~~stub shall be stub No. 1 and shall have printed thereon,~~
28 ~~"General Election, Official Ballot," and then shall appear the~~
29 ~~name of the county, the precinct number, and the date of the~~
30 ~~election. On the left side shall be a blank line under which~~
31 ~~shall be printed "Signature of Voter." On the right side~~

Amendment No. ____ (for drafter's use only)

1 ~~shall be "Initials of Issuing Official," above which there~~
2 ~~shall be a blank line. The second stub shall be the same,~~
3 ~~except there shall not be a space for signature of the~~
4 ~~elector. Both stubs No. 1 and No. 2 on ballots for each~~
5 ~~precinct shall be prenumbered consecutively, beginning with~~
6 ~~"No. 1." However, a second stub shall not be required for~~
7 ~~absentee ballots.~~

8 (2)~~(3)~~(a) ~~Beneath the caption and preceding the names~~
9 ~~of candidates shall be the following words: "To vote for a~~
10 ~~candidate whose name is printed on the ballot, place a cross~~
11 ~~(X) mark in the blank space at the right of the name of the~~
12 ~~candidate for whom you desire to vote. To vote for a write-in~~
13 ~~candidate, write the name of the candidate in the blank space~~
14 ~~provided for that purpose." The ballot shall have headings~~
15 ~~under which shall appear the names of the offices and names of~~
16 ~~duly nominated candidates for the respective offices in the~~
17 ~~following order: the heading "Electors for President and Vice~~
18 ~~President" and thereunder the names of the candidates for~~
19 ~~President and Vice President of the United States nominated by~~
20 ~~the political party which received the highest vote for~~
21 ~~Governor in the last general election of the Governor in this~~
22 ~~state, above which shall appear the name of said party. Then~~
23 ~~shall appear the names of other candidates for President and~~
24 ~~Vice President of the United States who have been properly~~
25 ~~nominated. Votes cast for write-in candidates for President~~
26 ~~and Vice President shall be counted as votes cast for the~~
27 ~~presidential electors supporting such candidates. Then shall~~
28 ~~follow the heading "Congressional" and thereunder the offices~~
29 ~~of United States Senator and Representative in Congress; then~~
30 ~~the heading "State" and thereunder the offices of Governor and~~
31 ~~Lieutenant Governor, Secretary of State, Attorney General,~~

Amendment No. ____ (for drafter's use only)

1 Comptroller, Treasurer, Commissioner of Education,
2 Commissioner of Agriculture, state attorney, and public
3 defender, together with the names of the candidates for each
4 office and the title of the office which they seek; then the
5 heading "Legislative" and thereunder the offices of state
6 senator and state representative; then the heading "County"
7 and thereunder clerk of the circuit court, clerk of the county
8 court (when authorized by law), sheriff, property appraiser,
9 tax collector, district superintendent of schools, and
10 supervisor of elections. Thereafter follows: members of the
11 board of county commissioners, and such other county and
12 district offices as are involved in the general election, in
13 the order fixed by the Department of State, followed, in the
14 year of their election, by "Party Offices," and thereunder the
15 offices of state and county party executive committee members.
16 ~~When a write-in candidate has qualified for any office, a~~
17 ~~subheading "Write-in Candidate for ...(name of office)..."~~
18 ~~shall be provided followed by a blank space in which to write~~
19 ~~the name of the candidate. With respect to write-in~~
20 candidates, if two or more candidates are seeking election to
21 one office, only one blank space shall be provided.

22 (b) ~~Immediately following the name of each office on~~
23 ~~the ballot shall be printed, "Vote for One."~~ When more than
24 one candidate is nominated for office, the candidates for such
25 office shall qualify and run in a group or district, and the
26 group or district number shall be printed beneath the name of
27 the office. ~~The name of the office shall be printed over each~~
28 ~~numbered group or district and each numbered group or district~~
29 ~~shall be clearly separated from the next numbered group or~~
30 ~~district, the same as in the case of single offices.~~
31 ~~Following the group or district number shall be printed the~~

1 ~~words, "Vote for One," and the names of the candidates in the~~
2 ~~respective groups or districts shall be arranged thereunder.~~

3 (c) If in any election all the offices as set forth in
4 paragraph (a) are not involved, those offices to be filled
5 shall be arranged on the ballot in the order named.

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

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

19 (4)(a) The name of candidates for each office shall be
20 arranged alphabetically as to surnames on a primary election
21 ballot.

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

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

31 (6) The general election ballot shall be arranged so

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

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

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

18 1. Clear and unambiguous ballot instructions and
19 directions;

20 2. Individual race layout; and

21 3. Overall ballot layout.

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

25 ~~(7) The same requirement as to the type, size, and~~
26 ~~kind of printing of official ballots in primary elections as~~
27 ~~provided in s. 101.141(5) shall govern the printing of~~
28 ~~official ballots in general elections.~~

29 ~~(8) Should the above directions for complete~~
30 ~~preparation of the ballot be insufficient, the Department of~~
31 ~~State shall determine and prescribe any additional matter or~~

1 ~~form. Not less than 60 days prior to a general election, the~~
2 ~~Department of State shall mail to each supervisor of elections~~
3 ~~the format of the ballot to be used for the general election.~~

4 ~~(9) The provisions of s. 101.141(7) shall be~~
5 ~~applicable in printing of said ballot.~~

6 Section 58. Effective September 2, 2002, section
7 101.21, Florida Statutes, is amended to read:

8 101.21 Official ballots; number; printing; payment.--

9 ~~(1) In any county in which voting machines are not~~
10 ~~used,~~The supervisor of elections shall determine the actual
11 number of ballots to be printed for an election. The printing
12 and delivery of ballots and cards of instruction shall, in a
13 municipal election, be paid for by the municipality, and in
14 all other elections by the county.

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

23 Section 59. Effective September 2, 2002, section
24 101.24, Florida Statutes, is amended to read:

25 101.24 Ballot boxes and ballots.--The supervisor of
26 elections, ~~except where voting machines are used,~~shall
27 prepare for each polling place one ballot box of sufficient
28 size to contain all the ballots of the particular precinct,
29 and the ballot box shall be plainly marked with the name of
30 the precinct for which it is intended. An additional ballot
31 box, if necessary, may be supplied to any precinct. Before

1 each election, the supervisor shall place in the ballot box or
2 ballot transfer container as many ballots as are required in
3 s. 101.21. After securely sealing the ballot box or ballot
4 transfer container, the supervisor shall send the ballot box
5 or ballot transfer container to the clerk or inspector of
6 election of the precinct in which it is to be used. The clerk
7 or inspector shall be placed under oath or affirmation to
8 perform his or her duties faithfully and without favor or
9 prejudice to any political party.

10 Section 60. Effective September 2, 2002, subsection
11 (2) of section 101.292, Florida Statutes, is amended to read:

12 101.292 Definitions; ss. 101.292-101.295.--As used in
13 ss. 101.292-101.295, the following terms shall have the
14 following meanings:

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 Section 61. Effective September 2, 2002, section
29 101.34, Florida Statutes, is amended to read:

30 101.34 Custody of voting system ~~machines~~.--The
31 supervisor of elections shall be the custodian of the voting

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

6 Section 62. Effective September 2, 2002, section
7 101.341, Florida Statutes, is amended to read:

8 101.341 Prohibited activities by voting system machine
9 custodians and deputy custodians.--

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

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

24 Section 63. Effective September 2, 2002, section
25 101.43, Florida Statutes, is amended to read:

26 101.43 Substitute ballot.--When ~~voting machines are~~
27 ~~used and~~ the required official ballots for a precinct are not
28 delivered in time to be used on election day, or after
29 delivery, are lost, destroyed or stolen, the clerk or other
30 officials whose duty it is to provide ballots for use at such
31 election, in lieu of the official ballots, shall have

1 substitute ballots prepared, conforming as nearly as possible
2 to the official ballots, and the board of election shall
3 substitute these ballots to be used in the same manner as the
4 official ballots would have been used at the election.

5 Section 64. Section 101.49, Florida Statutes, is
6 amended to read:

7 101.49 Procedure of election officers where signatures
8 differ.--

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

17

18 STATE OF FLORIDA,

19 COUNTY OF

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

27 ... (Signature of voter) ...

28 Sworn to and subscribed before me this day of
29, A. D. ... (year)

30 ... (Clerk or inspector of election) ...

31 Precinct No.

1 County of

2
3 (2) The person shall fill out, in his or her own
4 handwriting or with assistance from a member of the election
5 board, the form and make an affidavit to the facts stated in
6 the filled-in form; such affidavit shall then be sworn to and
7 subscribed before one of the inspectors or clerks of the
8 election who is authorized to administer the oath. Whenever
9 the affidavit is made and filed with the clerk or inspector,
10 the person shall then be permitted ~~admitted to the voting~~
11 ~~machine~~ to cast his or her vote, but if the person fails or
12 refuses to make out or file such affidavit, then he or she
13 shall not be permitted to vote.

14 Section 65. Effective September 2, 2002, subsections
15 (4), (5), and (8) of section 101.5603, Florida Statutes, are
16 amended to read:

17 101.5603 Definitions relating to Electronic Voting
18 Systems Act.--As used in this act, the term:

19 (4) "Electronic or electromechanical voting system"
20 means a system of casting votes by use of voting devices or
21 marking devices and counting ballots by employing automatic
22 tabulating equipment or data processing equipment, and the
23 term includes touchscreen systems.

24 (5) "Marking device" means ~~either an approved~~
25 ~~apparatus used for the piercing of ballots by the voter or any~~
26 approved device for marking a ballot with ink or other
27 substance or by touching a screen which will enable the ballot
28 to be tabulated by means of automatic tabulating equipment.

29 (8) "Voting device" means ~~either an apparatus in which~~
30 ~~ballots are inserted and used in connection with a marking~~
31 ~~device for the piercing of ballots by the voter or an~~

1 apparatus by which votes are registered electronically.

2 Section 66. Effective September 2, 2002, section
3 101.5604, Florida Statutes, is amended to read:

4 101.5604 Adoption of system; procurement of equipment;
5 commercial tabulations.--The board of county commissioners of
6 any county, at any regular meeting or a special meeting called
7 for the purpose, may, upon consultation with the supervisor of
8 elections, adopt, purchase or otherwise procure, and provide
9 for the use of any electronic or electromechanical voting
10 system approved by the Department of State in all or a portion
11 of the election precincts of that county. Thereafter the
12 electronic or electromechanical voting system may be used for
13 voting at all elections for public and party offices and on
14 all measures and for receiving, registering, and counting the
15 votes thereof in such election precincts as the governing body
16 directs. Any electronic or electromechanical voting system
17 used by the county must be a precinct tabulation voting
18 system.~~Any such board may contract for the tabulation of~~
19 ~~votes at a location within the county when there is no~~
20 ~~suitable tabulating equipment available which is owned by the~~
21 ~~county.~~

22 Section 67. Effective September 2, 2002, subsections
23 (3) and (10) of section 101.5606, Florida Statutes, are
24 amended, and subsections (13) and (14) are added to said
25 section, to read:

26 101.5606 Requirements for approval of systems.--No
27 electronic or electromechanical voting system shall be
28 approved by the Department of State unless it is so
29 constructed that:

30 (3)(a) The automatic tabulating equipment will be set
31 to reject all votes for any office or measure when the number

1 of votes therefor exceeds the number which the voter is
2 entitled to cast or when the voter is not entitled to cast a
3 vote for the office or measure.

4 (b) The automatic tabulating equipment will be set to
5 reject a ballot which the tabulating equipment reads as a
6 ballot with no votes cast.

7 (10) It is capable of automatically producing precinct
8 totals in printed and electronic format for use in producing
9 countywide totals, marked, or punched form, or a combination
10 thereof.

11 (13) It is a precinct count tabulation system.

12 (14) It does not use a punch card ballot.

13 Section 68. Section 101.56062, Florida Statutes, is
14 created to read:

15 101.56062 Voting system loan program; use; rule.--

16 (1) The purpose of this section is to provide
17 assistance to counties to purchase voting systems necessary to
18 conduct elections.

19 (2) The department is authorized to make and
20 administer loans to eligible counties for the purpose of
21 purchasing voting systems and ancillary equipment needed to
22 record and tabulate a vote in each precinct for any election
23 held by the county supervisor of elections.

24 (3) The term of loans made pursuant to this section
25 shall be interest free and not exceed 10 years.

26 (4) The department is authorized to adopt rules
27 pursuant to ss. 120.536(1) and 120.54 to administer this
28 section. Such rules shall set forth, a median price range
29 which the cost of voting systems shall not exceed for the
30 purpose of procuring loans under this section, and a priority
31 system for loans based on need. The department shall consider

1 the cost of similar voting systems within the state in
2 determining the median price range. The priority system shall
3 give special consideration to the following:

4 (a) The county millage rate;

5 (b) Growth in the county's tax base over the last 3
6 years;

7 (c) The financial health of the county;

8 (d) The financial ability of the county to repay the
9 loan;

10 (e) The median household income of the county
11 population;

12 (f) Poverty rate estimates;

13 (g) Per capita income level; and

14 (h) Any other reliably documented measures of
15 disadvantage status.

16 (5)(a) If a county defaults under the terms of its
17 loan agreement, the department shall so certify to the
18 Comptroller, who shall forward the amount delinquent to the
19 department from any unobligated funds due to the county under
20 any revenue-sharing or tax-sharing fund established by the
21 state, except as otherwise provided by the State Constitution.
22 Certification of delinquency shall not limit the department
23 from pursuing other remedies available for default on a loan,
24 including accelerating loan repayments.

25 (b) The department may impose a penalty for delinquent
26 loan payments in the amount of 5 percent of the amount due, in
27 addition to charging the cost to handle and process the debt.
28 Penalty interest shall accrue on any amount due and payable
29 beginning on the 30th day following the date upon which
30 payment is due.

31 (6) The department is authorized to terminate or

1 rescind a financial assistance agreement when the county fails
2 to comply with the terms and conditions of the agreement.

3 (7) A county that has secured a loan pursuant to this
4 section and meets any of the conditions set forth in s.
5 218.503(1)(a)-(d) may petition the Governor for suspension of
6 payment of the loan principle and, if applicable, unpaid
7 penalties. The Governor is authorized to suspend any payment
8 of a loan secured pursuant to this section, including any
9 unpaid penalties, for any county that has fulfilled the
10 requirements of this subsection.

11 Section 69. Paragraph (b) of subsection (1) of section
12 101.5607, Florida Statutes, is amended to read:

13 101.5607 Department of State to maintain voting system
14 information; prepare software.--

15 (1)

16 (b) Within 24 hours after the completion of any logic
17 and accuracy test conducted pursuant to s. 101.5612~~(1)~~, the
18 supervisor of elections shall send by certified mail to the
19 Department of State a copy of the tabulation program which was
20 used in the logic and accuracy testing.

21 Section 70. Paragraph (b) of subsection (2) of section
22 101.5608, Florida Statutes, is amended to read:

23 101.5608 Voting by electronic or electromechanical
24 method; procedures.--

25 (2) When an electronic or electromechanical voting
26 system utilizes a ballot card or paper ballot, the following
27 procedures shall be followed:

28 (b) Any voter who spoils his or her ballot or makes an
29 error may return the ballot to the election official and
30 secure another ballot, except that in no case shall a voter be
31 furnished more than three ballots. If the vote tabulation

1 device has rejected a ballot, the ballot shall be considered
2 spoiled and a new ballot shall be provided to the voter. The
3 election official, without examining the original ballot,
4 shall state the possible reasons for the rejection and direct
5 the voter to the instruction model provided at the precinct
6 pursuant to s. 101.5611.A spoiled ballot shall be preserved,
7 without examination, in an envelope provided for that purpose.
8 The stub shall be removed from the ballot and placed in an
9 envelope.

10 Section 71. Section 101.5612, Florida Statutes, is
11 amended to read:

12 101.5612 Testing of tabulating equipment.--

13 (1) All electronic or electromechanical voting systems
14 shall be thoroughly tested at the conclusion of maintenance
15 and programming. Tests shall be sufficient to determine that
16 the voting system is properly programmed, the election is
17 correctly defined on the voting system, and all of the voting
18 system input, output, and communication devices are working
19 properly.

20 (2)(1) On any day not more than 10 days prior to the
21 election day, the supervisor of elections shall have the
22 automatic tabulating equipment publicly tested to ascertain
23 that the equipment will correctly count the votes cast for all
24 offices and on all measures. Public notice of the time and
25 place of the test shall be given at least 48 hours prior
26 thereto by publication once in one or more newspapers of
27 general circulation in the county or, if there is no newspaper
28 of general circulation in the county, by posting such notice
29 in at least four conspicuous places in the county. The
30 supervisor or the municipal elections official may, at the
31 time of qualifying, give written notice of the time and

1 location of such public ~~the~~ preelection test to each candidate
2 qualifying with that office and obtain a signed receipt that
3 such notice has been given. The Department of State shall
4 give written notice to each statewide candidate at the time of
5 qualifying, or immediately at the end of qualifying, that the
6 voting equipment will be tested and advise each such candidate
7 to contact the county supervisor of elections as to the time
8 and location of the public preelection test ~~pretest~~. The
9 supervisor or the municipal elections official shall, at least
10 15 days prior to an election, send written notice by certified
11 mail to the county party chair of each political party and to
12 all candidates for other than statewide office whose names
13 appear on the ballot in the county and who did not receive
14 written notification from the supervisor or municipal
15 elections official at the time of qualifying, stating the time
16 and location of the public preelection test of the automatic
17 tabulating equipment. The canvassing board shall convene, and
18 each member of the canvassing board shall certify to the
19 accuracy of the test. For the test, the canvassing board may
20 designate one member to represent it. The test shall be open
21 to representatives of the political parties, the press, and
22 the public. Each political party may designate one person
23 with expertise in the computer field who shall be allowed in
24 the central counting room when all tests are being conducted
25 and when the official votes are being counted. Such designee
26 shall not interfere with the normal operation of the
27 canvassing board.

28 (3) For electronic or electromechanical voting systems
29 configured to tabulate absentee ballots at a central or
30 regional site, the public testing shall be conducted by
31 processing a preaudited group of ballots so produced as to

1 record a predetermined number of valid votes for each
2 candidate and on each measure and to include one or more
3 ballots for each office which have activated voting positions
4 in excess of the number allowed by law in order to test the
5 ability of the automatic tabulating equipment to reject such
6 votes. If any error is detected, the cause therefor shall be
7 corrected and an errorless count shall be made before the
8 automatic tabulating equipment is approved. The test shall be
9 repeated and errorless results achieved immediately before the
10 start of the official count of the ballots and again after the
11 completion of the official count. The programs and ballots
12 used for testing shall be sealed and retained under the
13 custody of the county canvassing board.

14 (4)(a)1. For electronic or electromechanical voting
15 systems configured to include electronic or electromechanical
16 tabulation devices which are distributed to the precincts, all
17 or a sample of the devices to be used in the election shall be
18 publicly tested. If a sample is to be tested, the sample
19 shall consist of a random selection of at least 5 percent or
20 10 of the devices, whichever is greater. The test shall be
21 conducted by processing a group of ballots, causing the device
22 to output results for the ballots processed, and comparing the
23 output of results to the results expected for the ballots
24 processed. The group of ballots shall be produced so as to
25 record a predetermined number of valid votes for each
26 candidate and on each measure and to include for each office
27 one or more ballots which have activated voting positions in
28 excess of the number allowed by law in order to test the
29 ability of the tabulating device to reject such votes.

30 2. If any tested tabulating device is found to have an
31 error in tabulation, it shall be deemed unsatisfactory. For

1 each device deemed unsatisfactory, the canvassing board shall
2 take steps to determine the cause of the error, shall attempt
3 to identify and test other devices that could reasonably be
4 expected to have the same error, and shall test a number of
5 additional devices sufficient to determine that all devices
6 are satisfactory. Upon deeming any device unsatisfactory, the
7 canvassing board may require all devices to be tested or may
8 declare that all devices are unsatisfactory.

9 3. If the operation or output of any tested tabulation
10 device, such as spelling or the order of candidates on a
11 report, is in error, such problem shall be reported to the
12 canvassing board. The canvassing board shall then determine
13 if the reported problem warrants its deeming the device
14 unsatisfactory.

15 (b) At the completion of testing under this
16 subsection, the canvassing board or its representative, the
17 representatives of the political parties, and the candidates
18 or their representatives who attended the test shall witness
19 the resetting of each device that passed to a preelection
20 state of readiness and the sealing of each device that passed
21 in such a manner as to secure its state of readiness until the
22 opening of the polls.

23 (c) The canvassing board or its representative shall
24 execute a written statement setting forth the tabulation
25 devices tested, the results of the testing, the protective
26 counter numbers, if applicable, of each tabulation device, the
27 number of the seal securing each tabulation device at the
28 conclusion of testing, any problems reported to the board as a
29 result of the testing, and whether each device tested is
30 satisfactory or unsatisfactory.

31 (d) Any tabulating device deemed unsatisfactory shall

1 be reprogrammed, repaired, or replaced and shall be made
2 available for retesting. Such device must be determined by
3 the canvassing board or its representative to be satisfactory
4 before it may be used in any election. The canvassing board
5 or its representative shall announce at the close of the first
6 testing the date, place, and time that any unsatisfactory
7 device will be retested or may, at the option of the board,
8 notify by telephone each person who was present at the first
9 testing as to the date, place, and time that the retesting
10 will occur.

11 (e) Records must be kept of all preelection testing of
12 electronic or electromechanical tabulation devices used in any
13 election. Such records are to be present and available for
14 inspection and reference during public preelection testing by
15 any person in attendance during such testing. The need of the
16 canvassing board for access to such records during the testing
17 shall take precedence over the need of other attendees to
18 access such records so that the work of the canvassing board
19 will not be delayed or hindered. Records of testing must
20 include, for each device, the name of each person who tested
21 the device and the date, place, time, and results of each
22 test. Records of testing shall be retained as part of the
23 official records of the election in which any device was used.

24 ~~(2) The test shall be conducted by processing a~~
25 ~~preaudited group of ballots so produced as to record a~~
26 ~~predetermined number of valid votes for each candidate and on~~
27 ~~each measure and shall include for each office one or more~~
28 ~~ballots which have votes in excess of the number allowed by~~
29 ~~law in order to test the ability of the automatic tabulating~~
30 ~~equipment to reject such votes. If any error is detected, the~~
31 ~~cause therefor shall be ascertained and corrected and an~~

1 ~~errorless count shall be made before the automatic tabulating~~
2 ~~equipment is approved. The test shall be repeated immediately~~
3 ~~before the start of the official count of the ballots in the~~
4 ~~same manner as set forth above. After the completion of the~~
5 ~~count, the test shall be repeated. The programs and ballots~~
6 ~~used shall be sealed and retained under the custody of the~~
7 ~~county canvassing board.~~

8 Section 72. Effective September 2, 2002, subsections
9 (1), (2), (3), and (7) of section 101.5614, Florida Statutes,
10 as amended by this act, are amended to read:

11 101.5614 Canvass of returns.--

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

29 ~~(b) In lieu of opening the ballot box at the precinct,~~
30 ~~the supervisor may direct the election board to keep the~~
31 ~~ballot box sealed and deliver it to a central or regional~~

1 ~~counting location. In this case, the election board shall~~
2 ~~count the stubs removed from the ballots to determine the~~
3 ~~number of voted ballots.~~

4 ~~(2)(a) If the ballots are to be tallied at a central~~
5 ~~location or at no more than three regional locations, the~~
6 ~~election board shall place all ballots that have been cast and~~
7 ~~the unused, void, provisional, and defective ballots in the~~
8 ~~container or containers provided for this purpose, which shall~~
9 ~~be sealed and delivered forthwith to the central or regional~~
10 ~~counting location or other designated location by two~~
11 ~~inspectors who shall not, whenever possible, be of the same~~
12 ~~political party. The election board shall certify that the~~
13 ~~ballots were placed in such container or containers and each~~
14 ~~container was sealed in its presence and under its~~
15 ~~supervision, and it shall further certify to the number of~~
16 ~~ballots of each type placed in the container or containers.~~

17 ~~(2)(b) If ballots are to be counted at the precincts,~~
18 ~~such ballots shall be counted pursuant to rules adopted by The~~
19 ~~Department of State, which rules shall, in accordance with s.~~
20 ~~101.015, adopt rules that provide safeguards which conform as~~
21 ~~nearly as practicable to the safeguards provided in the~~
22 ~~procedures for the counting of votes at a precinct and at a~~
23 ~~central or regional location.~~

24 ~~(3)(a) All proceedings at the central or regional~~
25 ~~counting location or other designated location shall be under~~
26 ~~the direction of the county canvassing board and shall be open~~
27 ~~to the public, but no person except a person employed and~~
28 ~~authorized for the purpose shall touch any ballot or ballot~~
29 ~~container, any item of automatic tabulating equipment, or any~~
30 ~~return prior to its release. If the ballots are tabulated at~~
31 ~~regional locations, one member of the canvassing board or a~~

1 ~~person designated by the board to represent it shall be~~
2 ~~present at each location during the testing of the counting~~
3 ~~equipment and the tabulation of the ballots.~~

4 (3)(b) The results of ~~if~~ ballots ~~are~~ tabulated at
5 precinct ~~regional~~ locations, ~~the results of such election may~~
6 be transmitted ~~via dedicated teleprocessing lines~~ to the main
7 computer system for the purpose of compilation of complete
8 returns. The security guidelines for transmission of returns
9 ~~by dedicated teleprocessing lines~~ shall conform to rules
10 adopted by the Department of State pursuant to s. 101.015.

11 (7) Absentee ballots may be counted by automatic
12 tabulating equipment if they have been ~~punched or~~ marked in a
13 manner which will enable them to be properly counted by such
14 equipment.

15 Section 73. Effective September 2, 2002, section
16 101.58, Florida Statutes, is amended to read:

17 101.58 Supervising and observing registration and
18 election processes.--The Department of State may, at any time
19 it deems fit, ~~upon~~ the petition of 5 percent of the
20 registered electors ~~or~~ upon the petition of any candidate,
21 county executive committee chair, state committeeman or
22 committeewoman, or state executive committee chair, appoint
23 one or more deputies whose duties shall be to observe and
24 examine the registration and election processes and the
25 condition, custody, and operation of the voting system and
26 equipment ~~machines~~ in any county or municipality. The deputy
27 shall have access to all registration books and records as
28 well as any other records or procedures relating to the voting
29 process. The deputy may supervise preparation of the election
30 equipment ~~machines~~ and procedures for election, and it shall
31 be unlawful for any person to obstruct the deputy in the

1 performance of his or her duty. The deputy shall file with the
2 Department of State a report of his or her findings and
3 observations of the registration and election processes in the
4 county or municipality, and a copy of the report shall also be
5 filed with the clerk of the circuit court of said county. The
6 compensation of such deputies shall be fixed by the Department
7 of State; and costs incurred under this section shall be paid
8 from the annual operating appropriation made to the Department
9 of State.

10 Section 74. Effective September 2, 2002, subsection
11 (1) of section 101.64, Florida Statutes, is amended to read:

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

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

21

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

24

VOTER'S CERTIFICATE

25

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

Amendment No. ____ (for drafter's use only)

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

3

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

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

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

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

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

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

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

27

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

29

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

31 Note: Your Signature Must Be Witnessed By Either:

1 ...(Address)...

2 ... (City/State)...

3

4 Section 75. Effective September 2, 2002, subsection
5 (2) of section 101.71, Florida Statutes, is amended to read:
6 101.71 Polling place.--

7 (2) Notwithstanding the provisions of subsection (1),
8 whenever the supervisor of elections of any county determines
9 that the accommodations for holding any election at a polling
10 place designated for any precinct in the county are
11 unavailable or are inadequate for the expeditious and
12 efficient housing and handling of voting and voting
13 paraphernalia, ~~including voting machines where used,~~the
14 supervisor may provide, not less than 30 days prior to the
15 holding of an election, that the voting place for such
16 precinct shall be moved to another site which shall be
17 accessible to the public on election day in said precinct or,
18 if such is not available, to another site which shall be
19 accessible to the public on election day in a contiguous
20 precinct. If such action of the supervisor results in the
21 voting place for two or more precincts being located for the
22 purposes of an election in one building, the voting places for
23 the several precincts involved shall be established and
24 maintained separate from each other in said building. When
25 any supervisor moves any polling place pursuant to this
26 subsection, the supervisor shall, not more than 30 days or
27 fewer than 7 days prior to the holding of an election, give
28 notice of the change of the polling place for the precinct
29 involved, with clear description of the voting place to which
30 changed, at least once in a newspaper of general circulation
31 in said county. A notice of the change of the polling place

1 involved shall be mailed, at least 14 days prior to an
2 election, to each registered elector or to each household in
3 which there is a registered elector.

4 Section 76. Effective September 2, 2002, subsection
5 (1) of section 101.75, Florida Statutes, is amended to read:
6 101.75 Municipal elections; change of dates for
7 cause.--

8 (1) In any municipality, when the date of the
9 municipal election falls on the same date as any statewide or
10 county election and the voting devices of the voting system
11 used in the county machines are not available for both
12 elections, the municipality may provide that the municipal
13 election may be held within 30 days prior to or subsequent to
14 the statewide or county election.

15 Section 77. Effective September 2, 2002, subsections
16 (4) and (7) of section 102.012, Florida Statutes, are amended
17 to read:

18 102.012 Inspectors and clerks to conduct elections.--

19 (4)(a) The election board of each precinct shall
20 attend the polling place by 6 a.m. of the day of the election
21 and shall arrange the furniture, stationery, and voting
22 equipment.

23 (b) An election board shall conduct the voting,
24 beginning and closing at the time set forth in s. 100.011. If
25 more than one board has been appointed, the second board
26 shall, upon the closing of the polls, come on duty and count
27 the votes cast. In such case, the first board shall turn over
28 to the second board all closed ballot boxes, registration
29 books, and other records of the election at the time the
30 boards change. The second board shall continue counting until
31 the count is complete or until 7 a.m. the next morning, and,

1 if the count is not completed at that time, the first board
2 that conducted the election shall again report for duty and
3 complete the count. The second board shall turn over to the
4 first board all ballots counted, all ballots not counted, and
5 all registration books and other records and shall advise the
6 first board as to what has transpired in tabulating the
7 results of the election.

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

13 Section 78. Effective September 2, 2002, subsection
14 (3) of section 102.141, Florida Statutes, is amended to read:

15 102.141 County canvassing board; duties.--

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

Amendment No. ____ (for drafter's use only)

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

8 Section 79. Subsections (8) and (9) of section
9 103.101, Florida Statutes, are amended to read:

10 103.101 Presidential preference primary.--

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

14 ~~(9) The presidential preference primary ballot shall~~
15 ~~be in substantially the following form:~~

16
17 OFFICIAL ~~PRESIDENTIAL PREFERENCE~~

18 PRIMARY BALLOT

19
20 No. Party

21COUNTY, FLORIDA

22
23 Precinct No.

24
25 ...(Date)...

26
27 ...(Signature of Voter)... ..(Initials of Issuing
28 Official)...

29
30 Stub No. 1

31

Amendment No. (for drafter's use only)

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~~OFFICIAL PRESIDENTIAL PREFERENCE~~

~~PRIMARY BALLOT~~

~~No. Party~~

~~....COUNTY, FLORIDA~~

~~Precinct No.~~

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

~~...(Initials of Issuing Official)...~~

~~Stub No. 2~~

~~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)...~~

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

2

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

5

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

7 Section 80. Effective September 2, 2002, section
8 104.30, Florida Statutes, is amended to read:

9 104.30 Voting systems ~~machine~~; unlawful possession;
10 tampering.--

11 (1) Any unauthorized person who unlawfully has
12 possession of any voting system or component ~~machine or key~~
13 thereof commits ~~is guilty of~~ a misdemeanor of the first
14 degree, punishable as provided in s. 775.082 or s. 775.083.

15 (2) Any person who tampers or attempts to tamper with
16 or destroy any voting system or equipment ~~machine~~ with the
17 intention of interfering with the election process or the
18 results thereof commits ~~is guilty of~~ a felony of the third
19 degree, punishable as provided in s. 775.082, s. 775.083, or
20 s. 775.084.

21 Section 81. Effective September 2, 2002, section
22 138.05, Florida Statutes, is amended to read:

23 138.05 Form of ballot.--The clerk of the circuit court
24 of any county in this state, when the names of the towns,
25 villages, and cities required in s. 138.04 have been furnished
26 him or her, shall have printed, at the expense of the county,
27 a suitable ballot to be used in said election, said ballot to
28 contain, in alphabetical order, the names of all such towns,
29 villages, and cities, and no other places shall be printed on
30 ~~the said ballots; provided, that in counties where the use of~~
31 ~~voting machines is now or may hereafter be authorized by law,~~

1 ~~the requirements of this section shall, insofar as~~
2 ~~practicable, be adapted to the use of said voting machines.~~

3 Section 82. Sections 101.141, 101.181, 101.191, and
4 101.5609, Florida Statutes, are repealed.

5 Section 83. Effective September 2, 2002, sections
6 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35,
7 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45,
8 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes,
9 are repealed.

10 Section 84. The Division of Elections of the
11 Department of State shall provide a report to the Governor,
12 the President of the Senate, and the Speaker of the House of
13 Representatives by November 15, 2001, detailing the progress
14 that each county required by this act to upgrade a voting
15 system has made toward the implementation of such system. This
16 section shall take effect July 1, 2001.

17 Section 85. Funding for the implementation of this act
18 shall be as provided for in the 2001-2002 General
19 Appropriations Act. This section shall take effect July 1,
20 2001.

21 Section 86. If any provision of this act or the
22 application thereof to any person or circumstance is held
23 invalid, the invalidity shall not affect other provisions or
24 applications of the act which can be given effect without the
25 invalid provision or application, and to this end the
26 provisions of this act are declared severable.

27 Section 87. Except as otherwise provided herein, this
28 act shall take effect July 1, 2001.
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31

Amendment No. ____ (for drafter's use only)

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

2 And the title is amended as follows:

3 remove from the title of the bill: everything before the
4 enacting clause

5

6 and insert in lieu thereof:

7

A bill to be entitled

8

An act relating to elections; amending s.

9

97.021, F.S.; defining the terms "error in the

10

vote tabulation" and "provisional ballot";

11

revising the definition of "primary election";

12

amending s. 100.061, F.S.; providing for a

13

single primary election, including the date for

14

holding that election; providing that

15

candidates receiving the highest number of

16

votes in the primary election are declared

17

nominated; providing a method for deciding tie

18

votes; repealing s. 100.091, F.S., relating to

19

the second primary election, to conform;

20

repealing s. 100.096, F.S., relating to the

21

holding of special elections in conjunction

22

with the second primary election, to conform;

23

amending ss. 97.055, 97.071, 97.1031, and

24

98.081, F.S., relating to restrictions on

25

changing party affiliation between primary

26

elections, to conform; amending s. 99.063,

27

F.S.; revising the date to designate a

28

Lieutenant Governor running mate, to conform;

29

amending s. 101.62, F.S.; revising the dates

30

for mailing absentee ballots to absent electors

31

overseas and eliminating advance absentee

Amendment No. ____ (for drafter's use only)

1 ballots, to conform; amending ss. 10.1008,
2 99.061, 99.095, 99.103, 100.071, 100.081,
3 100.111, 100.141, 101.251, 101.252, 103.021,
4 103.022, 103.091, 105.031, 105.041, 105.051,
5 106.07, and 106.29, F.S.; revising and deleting
6 references, to conform; amending s. 106.08,
7 F.S.; increasing campaign contribution limits;
8 providing penalties; revising and deleting
9 references to the primary elections, to
10 conform; creating s. 98.0977, F.S.; providing
11 for development of a statewide voter
12 registration database; providing for update of
13 information in the database; requiring
14 quarterly progress reports to the Legislature
15 until fully implemented; providing for an
16 operational date; providing for an
17 appropriation; creating s. 98.0979, F.S.;

18 providing that voter registration information
19 is public except for information made
20 confidential by law; providing requirements for
21 securing copies of any voter registration
22 information; creating s. 101.048, F.S.;

23 authorizing and providing requirements for
24 provisional ballots, including the canvassing
25 thereof; amending s. 101.045, F.S.; requiring
26 verification of an elector's eligibility if the
27 elector's name is not on the precinct register;
28 authorizing the voting of a provisional ballot
29 if eligibility cannot be determined; amending
30 s. 101.5614, F.S., relating to the canvass of
31 returns; providing for provisional ballots, to

Amendment No. ____ (for drafter's use only)

1 conform; providing a penalty for releasing the
2 results of an election prior to the closing of
3 the polls; amending s. 101.68, F.S.; allowing
4 the processing of absentee ballots through
5 electronic tabulating equipment prior to
6 election day; prohibiting the release of the
7 results of a canvassing or processing of
8 absentee ballots prior to the closing of the
9 polls; providing a penalty; amending s. 101.69,
10 F.S.; allowing a voter who has requested an
11 absentee ballot and who decides to vote at the
12 polls on election day to vote a provisional
13 ballot, if the absentee ballot is not returned;
14 amending s. 102.111, F.S.; revising membership
15 of the Elections Canvassing Commission;
16 revising provisions for filling vacancies on
17 the commission; amending s. 102.112, F.S.;
18 revising the deadline for submission of county
19 returns to the Department of State following
20 the general election; eliminating reference to
21 the second primary election; providing that
22 late returns shall be ignored; providing an
23 exception due to an emergency; eliminating
24 provisions establishing fines for late
25 reporting; amending s. 102.141, F.S.;
26 clarifying canvassing procedures relating to
27 election recounts; providing conditions under
28 which a manual recount is required; amending s.
29 102.166, F.S.; modifying protest procedures and
30 deadlines for requesting a manual recount;
31 providing for the use of certain standards for

Amendment No. ____ (for drafter's use only)

1 determining voter intent; amending s. 102.167,
2 F.S.; providing the form of protest of election
3 returns with the Elections Canvassing
4 Commission; amending s. 102.168, F.S.;
5 providing that an unsuccessful candidate is the
6 proper party to bring an election contest for
7 certain elections; providing that any elector
8 is the proper party to bring an election
9 contest for elections involving a referendum;
10 clarifying the circumstances under which a
11 person may bring an election contest; providing
12 that the Elections Canvassing Commission is a
13 defendant in certain contested elections;
14 removing certain authority of circuit judges to
15 fashion orders relating to contests; amending
16 s. 99.096, F.S.; providing conditions for
17 automatic ballot access for minor party
18 candidates without having to pay a filing fee
19 or qualify by the alternative method, if
20 otherwise qualified; amending s. 106.31, F.S.;
21 providing legislative intent with respect to
22 public campaign financing; amending s. 106.33,
23 F.S.; prohibiting the use of contributions from
24 individuals who are not state residents to meet
25 the eligibility threshold for receiving
26 election campaign financing; amending s.
27 106.35, F.S.; providing that certain
28 contributions may not be used as qualifying
29 matching contributions; repealing s. 98.0975,
30 F.S., relating to list maintenance of the
31 central voter file; amending s. 98.255, F.S.;

Amendment No. ____ (for drafter's use only)

1 providing for nonpartisan voter education;
2 requiring the supervisors of elections to
3 report to the Division of Elections on
4 voter-education programs; requiring the
5 division to report to the Legislature on the
6 effectiveness of voter-education programs;
7 creating s. 102.014, F.S.; providing for
8 pollworker recruitment and training; repealing
9 s. 102.012(8) and (9), F.S., relating to
10 pollworker training; amending s. 102.021, F.S.,
11 revising a cross reference, to conform;
12 amending s. 101.031, F.S.; providing for a
13 Voter's Bill of Rights and Responsibilities;
14 providing responsibilities of supervisors of
15 elections; amending s. 97.021, F.S.; revising
16 certain definitions applicable to the Florida
17 Election Code to remove provisions relating to
18 voting systems that use voting machines or
19 paper ballots and to restrict such definitions
20 to electronic or electromechanical voting
21 systems; amending s. 101.151, F.S.; providing
22 general specifications for ballots; deleting
23 provisions specific to certain elections and
24 voting systems; requiring the Department of
25 State to adopt rules prescribing uniform
26 primary and general election ballots for each
27 certified voting system; amending s. 101.5603,
28 F.S.; revising definitions relating to the
29 Electronic Voting Systems Act to specify
30 touchscreen voting systems as electronic or
31 electromechanical voting systems and to remove

Amendment No. ____ (for drafter's use only)

1 provisions relating to voting machines;
2 amending s. 101.5604, F.S.; requiring any
3 electronic or electromechanical voting system
4 used by a county to be a precinct tabulation
5 system; amending s. 101.5606, F.S.; providing
6 additional requirements for electronic or
7 electromechanical voting systems; creating s.
8 101.56062, F.S.; establishing a loan program
9 for counties to purchase voting equipment;
10 providing the terms and conditions of such
11 loans; providing for a priority system based on
12 county need; providing penalties for default or
13 delinquent payments; providing for suspension
14 of payment of principal and penalties under
15 certain financial emergency conditions;
16 providing rulemaking authority; amending s.
17 101.5607, F.S.; conforming a cross reference;
18 amending s. 101.5608, F.S.; providing
19 procedures to be followed after a vote
20 tabulation device rejects a ballot; amending s.
21 101.5612, F.S.; providing standards and
22 requirements for the testing of electronic or
23 electromechanical voting systems; providing
24 recordkeeping requirements; amending s.
25 101.5614, F.S.; removing references to the
26 canvassing of returns at central or regional
27 locations, to conform; revising requirements
28 for the transmission of precinct returns;
29 providing for adoption of security guidelines
30 by rule; amending s. 101.292, F.S.; modifying
31 the definition of "voting equipment,"

Amendment No. ____ (for drafter's use only)

1 applicable to purchasing requirements, to
2 remove provisions relating to voting machines;
3 amending s. 104.30, F.S.; prohibiting any
4 unauthorized person from unlawfully possessing
5 any voting system or component thereof;
6 prohibiting any person from tampering or
7 attempting to tamper with or destroying any
8 voting system or equipment with the intention
9 of interfering with the election process or the
10 results thereof; providing penalties; removing
11 references to voting machines, to conform;
12 amending ss. 98.471, 100.071, 100.361, 101.21,
13 101.24, 101.34, 101.341, 101.43, 101.49,
14 101.58, 101.64, 101.71, 101.75, 102.012,
15 102.141, 103.101, and 138.05, F.S.; removing
16 provisions relating to voting systems that use
17 voting machines or paper ballots and revising
18 references to conform to changes made by the
19 act; repealing ss. 101.141, 101.181, 101.191,
20 and 101.5609, F.S., relating to the
21 specifications and form of ballots, to conform;
22 repealing ss. 101.011, 101.27, 101.28, 101.29,
23 101.32, 101.33, 101.35, 101.36, 101.37, 101.38,
24 101.39, 101.40, 101.445, 101.45, 101.46,
25 101.47, 101.54, 101.55, and 101.56, F.S.,
26 relating to voting systems that use voting
27 machines or paper ballots, to conform;
28 requiring the Division of Elections to provide
29 the Governor and Legislature a progress report
30 on the upgrading of county voting systems;
31 providing that funding for implementation of

Amendment No. ____ (for drafter's use only)

1 the act shall be as provided for in the General
2 Appropriations Act; providing severability;
3 providing effective dates.
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