

1 A bill to be entitled
2 An act relating to elections; creating the
3 Florida Election Reform Act of 2001; amending
4 s. 97.021, F.S.; revising definitions; amending
5 ss. 98.471, 100.341, 100.361, F.S.; removing
6 provisions relating to voting systems that use
7 voting machines or paper ballots; amending s.
8 101.015, F.S.; requiring the Division of
9 Elections to review the voting systems
10 certification standards to ensure that new
11 technologies are available and appropriately
12 certified for use; amending s. 101.151, F.S.;
13 modifying specifications for ballots; requiring
14 the Department of State to adopt rules
15 prescribing uniform ballots; amending ss.
16 101.21, 101.24, 101.292, 101.341, 101.43,
17 101.49, 101.58, 101.71, 101.75, 104.30, 138.05,
18 F.S.; removing provisions relating to voting
19 machines and updating references, to conform;
20 amending s. 101.5603, F.S.; deleting references
21 to punchcard marking and voting devices;
22 amending s. 101.5604, F.S.; providing for the
23 use of precinct tabulation electronic or
24 electromechanical voting systems in each
25 county; amending s. 101.5606, F.S.; providing
26 additional requirements for electronic and
27 electromechanical voting systems; prohibiting
28 the use of punchcard voting systems; amending
29 s. 101.5614, F.S.; removing references to
30 canvassing returns at central or regional
31 locations, to conform; creating s. 101.595,

1 F.S.; requiring supervisors of elections and
2 the Department of State to report on overvotes
3 and undervotes following the general election;
4 amending s. 103.101, F.S., relating to the form
5 of the presidential preference primary, to
6 conform; amending s. 582.18, F.S., relating to
7 the election of district supervisors;
8 conforming a cross-reference; repealing ss.
9 100.071, 101.141, 101.181, 101.191, 101.251,
10 101.5609, F.S., relating to the specification
11 and form of ballots, to conform; repealing ss.
12 101.011, 101.27, 101.28, 101.29, 101.32,
13 101.33, 101.34, 101.35, 101.36, 101.37, 101.38,
14 101.39, 101.40, 101.445, 101.45, 101.46,
15 101.47, 101.54, 101.55, 101.56, 102.012(7),
16 F.S., relating to voting machines, to conform;
17 amending s. 97.021, F.S.; revising the
18 definitions of the terms "absent elector" and
19 "primary election"; providing additional
20 definitions; creating s. 101.048, F.S.;
21 providing procedures for voting and counting
22 provisional ballots; amending s. 101.045, F.S.;
23 requiring verification of an elector's
24 eligibility if the elector's name is not on the
25 precinct register; amending s. 101.5614, F.S.;
26 providing for the return of provisional ballots
27 to the supervisor of elections; providing for
28 the canvass of provisional ballots; clarifying
29 the standard for counting votes on spoiled
30 ballots; amending s. 101.69, F.S.; allowing a
31 voter who has requested an absentee ballot and

1 who decides to vote at the polls on election
2 day to vote a provisional ballot, if the
3 absentee ballot is not returned; amending s.
4 102.111, F.S.; changing the composition of the
5 Elections Canvassing Commission; revising
6 deadlines for county returns; amending s.
7 102.112, F.S.; revising deadlines for
8 certification of election results; requiring
9 the acceptance of late-filed election returns
10 in certain circumstances; increasing the fine
11 for filing late-filed election returns;
12 amending s. 102.141, F.S.; requiring the county
13 canvassing board to provide public notice of
14 time and place of the canvass of provisional
15 ballots; modifying deadlines for submitting
16 unofficial returns; revising requirements for
17 an automatic machine recount; amending s.
18 102.166, F.S.; substantially modifying
19 standards and procedures for manual recounts;
20 amending s. 102.168, F.S.; revising the grounds
21 for an election contest; creating s. 102.135,
22 F.S.; prohibiting a member of the Elections
23 Canvassing Commission or a member of the county
24 canvassing board from rendering a post-election
25 decision that may affect the outcome of any
26 race in which the member publicly endorsed or
27 solicited contributions; creating s. 97.0555,
28 F.S.; providing for registration of certain
29 military and overseas persons; requiring the
30 Department of State to adopt rules specifying
31 eligibility; creating s. 101.6951, F.S.;

1 providing for a state write-in absentee ballot
2 for overseas voters; creating s. 101.6952,
3 F.S.; providing for absentee ballots for
4 overseas voters; creating s. 101.697, F.S.;
5 providing for absentee ballot requests and
6 voting via electronic transmission by overseas
7 voters under certain circumstances; creating s.
8 101.698, F.S.; authorizing the Elections
9 Canvassing Commission to adopt emergency rules
10 during crises to facilitate absentee voting;
11 amending s. 101.62, F.S.; modifying information
12 on absentee ballot requests; amending s.
13 101.64, F.S.; modifying absentee ballot
14 certificates; amending s. 101.65, F.S.;
15 modifying instructions to absent electors;
16 amending s. 101.657, F.S., relating to voting
17 absentee ballots; conforming provisions;
18 amending s. 101.68, F.S.; modifying information
19 that must be included on an absentee ballot;
20 authorizing the processing of absentee ballots
21 through tabulations for a specified period
22 before the election; amending s. 104.047, F.S.;
23 deleting a prohibition against persons
24 witnessing more than five ballots in an
25 election and a prohibition against returning
26 more than two ballots in an election, and the
27 penalties therefor; repealing ss. 101.647,
28 101.685, F.S., relating to returning absentee
29 ballots and absentee ballot coordinators;
30 amending s. 98.255, F.S.; providing for voter
31 education; amending s. 101.031, F.S.; providing

1 for a Voter's Bill of Rights and
2 Responsibilities; providing responsibilities of
3 supervisors of elections; amending s. 101.131,
4 F.S.; eliminating a requirement to call out
5 names of voters; creating s. 102.014, F.S.;
6 providing for pollworker recruitment and
7 training; repealing s. 102.012(8) and (9),
8 relating to pollworker training, to conform;
9 amending s. 102.021, F.S.; to correct a
10 cross-reference; amending s. 97.073, F.S.;
11 revising procedures to be followed when a voter
12 registration application is incomplete;
13 amending s. 98.015, F.S.; providing for the
14 nonpartisan election of supervisors of
15 elections; amending s. 105.031, F.S.; requiring
16 candidates for supervisor of elections to pay a
17 qualifying fee, subscribe to an oath, and file
18 certain items in order to qualify for election;
19 amending s. 105.035, F.S.; providing
20 alternative procedures for candidates for
21 supervisor of elections to qualify for
22 election; amending s. 105.041, F.S.; providing
23 for the form of the ballot for candidates for
24 supervisor of elections; providing for write-in
25 candidates for supervisor of elections;
26 amending s. 105.051, F.S.; providing for
27 determination of election to office of
28 candidates for supervisor of elections;
29 amending s. 105.061, F.S.; providing that
30 supervisors of elections are to be elected by
31 vote of the qualified electors of the county;

1 amending s. 105.08, F.S.; providing
2 requirements for candidates for supervisor of
3 elections with respect to campaign
4 contributions and expenses and their reporting;
5 repealing s. 100.091, F.S., to eliminate the
6 second primary election; repealing s. 100.096,
7 F.S., relating to the holding of special
8 elections in conjunction with the second
9 primary election, to conform; amending ss.
10 97.055, 97.071, 97.1031, 98.081, F.S., relating
11 to restrictions on changing party affiliation
12 between primary elections, to conform; amending
13 ss. 99.061, 99.095, F.S., relating to
14 qualifying for nomination or election to
15 office, to conform; amending s. 99.063, F.S.;
16 adjusting the date to designate a Lieutenant
17 Governor running mate, to conform; amending ss.
18 99.103, 100.061, 100.081, 100.111, 100.141,
19 101.252, 101.62, 102.168, 103.021, 103.022,
20 103.091, 105.031, 105.041, 105.051, 106.07,
21 106.08, 106.29, F.S.; revising references, to
22 conform to the elimination of the second
23 primary election; amending s. 236.25, F.S.;
24 allowing certain school districts to levy, by
25 referendum, additional district school taxes;
26 providing limitations on the uses of the
27 resulting revenues; amending s. 236.31, F.S.;
28 providing for millage elections pursuant to s.
29 236.25, F.S.; amending s. 236.32, F.S.;
30 revising the procedures for conducting school
31 district millage elections; amending s.

1 106.141, F.S.; increasing the amount that may
2 be transferred to an office account; amending
3 s. 106.15, F.S.; expanding prohibition against
4 candidates using state employees' services
5 during working hours to include all government
6 employees; amending s. 97.041, F.S.; providing
7 for automatic restoration of former felons'
8 right to vote following completion and
9 satisfaction of sentence of incarceration and
10 community supervision; providing conditions on
11 such automatic restoration; amending ss.
12 97.052, 97.053, F.S., to conform; providing an
13 appropriation for the design of a statewide
14 voter registration database; providing
15 requirements for the database; repealing s.
16 98.0975, F.S., relating to the central voter
17 file maintained by the Division of Elections;
18 providing an appropriation for voter education
19 and pollworker training; providing for the
20 appropriation from the General Appropriations
21 Act to be used to implement the provisions of
22 the act; providing for study of elections
23 process in multiple time zones; providing
24 effective dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. This act shall be known as the "Florida
29 Election Reform Act of 2001."

30
31

1 Section 2. Effective August 1, 2002, subsections (2),
2 (29), and (30) of section 97.021, Florida Statutes, are
3 amended to read:

4 97.021 Definitions.--For the purposes of this code,
5 except where the context clearly indicates otherwise, the
6 term:

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

9 ~~(a) "Voting machines," except when reference is made~~
10 ~~to write-in ballots, means that portion of the printed strips~~
11 ~~of cardboard, paper, or other material that is within the~~
12 ~~ballot frames containing the names of candidates, or a~~
13 ~~statement of a proposed constitutional amendment or other~~
14 ~~question or proposition submitted to the electorate at any~~
15 ~~election.~~

16 (a)(b) "Paper ballots" means that printed sheet of
17 paper, used in conjunction with an electronic or
18 electromechanical vote tabulation voting system, containing
19 the names of candidates, or a statement of proposed
20 constitutional amendments or other questions or propositions
21 submitted to the electorate at any election, on which sheet of
22 paper an elector casts his or her vote.

23 (b)(c) "Electronic or electromechanical devices" means
24 a ballot that ~~which~~ is voted by the process of electronically
25 designating, including by touchscreen, ~~punching~~ or marking
26 with a marking device for tabulation by automatic tabulating
27 equipment or data processing equipment.

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

1 (30) "Voting system" means a method of casting and
2 processing votes that functions wholly or partly by use of
3 ~~mechanical, electromechanical, or electronic~~ apparatus or by
4 use of paper ballots and includes, but is not limited to, the
5 procedures for casting and processing votes and the programs,
6 operating manuals, tabulating cards, printouts, and other
7 software necessary for the system's operation.

8 Section 3. Effective August 1, 2002, section 98.471,
9 Florida Statutes, is amended to read:

10 98.471 Use of precinct register at polls.--The
11 precinct register, as prescribed in s. 98.461, may be used at
12 the polls in lieu of the registration books for the purpose of
13 identifying the elector at the polls prior to allowing him or
14 her to vote. The clerk or inspector shall require each
15 elector, upon entering the polling place, to present a Florida
16 driver's license, a Florida identification card issued under
17 s. 322.051, or another form of picture identification approved
18 by the Department of State. The elector shall sign his or her
19 name in the space provided, and the clerk or inspector shall
20 compare the signature with that on the identification provided
21 by the elector and enter his or her initials in the space
22 provided and allow the elector to vote if the clerk or
23 inspector is satisfied as to the identity of the elector. If
24 the elector fails to furnish the required identification, or
25 if the clerk or inspector is in doubt as to the identity of
26 the elector, such clerk or inspector shall follow the
27 procedure prescribed in s. 101.49. ~~The precinct register may~~
28 ~~also contain the information set forth in s. 101.47(8) and, if~~
29 ~~so, the inspector shall follow the procedure required in s.~~
30 ~~101.47, except that the identification provided by the elector~~
31 ~~shall be used for the signature comparison.~~

1 Section 4. Section 100.341, Florida Statutes, is
2 amended to read:

3 100.341 Bond referendum ballot.--The ballots used in
4 bond referenda shall include a ~~be on plain white paper with~~
5 printed description of the issuance of bonds to be voted on as
6 prescribed by the authority calling the referendum. A separate
7 statement of each issue of bonds to be approved, giving the
8 amount of the bonds and interest rate thereon, together with
9 other details necessary to inform the electors, shall be
10 printed on the ballots in connection with the question "For
11 Bonds" and "Against Bonds."

12 Section 5. Effective August 1, 2002, subsection (3) of
13 section 100.361, Florida Statutes, is amended to read:

14 100.361 Municipal recall.--

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

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

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

22 "... (name of person) ... should not be removed from
23 office."

24

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

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

1 101.015 Standards for voting systems.--
2 (7) The Division of Elections shall review the voting
3 systems certification standards and ensure that new
4 technologies are available for selection by boards of county
5 commissioners which meet the requirements for voting systems
6 and meet user standards. The Division of Elections shall
7 continuously review the voting systems certification standards
8 to ensure that new technologies are appropriately certified
9 for all elections in a timely manner. The division shall also
10 develop methods to determine the will of the public with
11 respect to voting systems.

12 Section 7. Section 101.151, Florida Statutes, is
13 amended to read:

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

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

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

1 ~~name of the county, the precinct number, and the date of the~~
2 ~~election. On the left side shall be a blank line under which~~
3 ~~shall be printed "Signature of Voter." On the right side~~
4 ~~shall be "Initials of Issuing Official," above which there~~
5 ~~shall be a blank line. The second stub shall be the same,~~
6 ~~except there shall not be a space for signature of the~~
7 ~~elector. Both stubs No. 1 and No. 2 on ballots for each~~
8 ~~precinct shall be prenumbered consecutively, beginning with~~
9 ~~"No. 1." However, a second stub shall not be required for~~
10 ~~absentee ballots.~~

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

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

28 (b) ~~Immediately following the name of each office on~~
29 ~~the ballot shall be printed, "Vote for One."~~ When more than
30 one candidate is nominated for office, the candidates for such
31 office shall qualify and run in a group or district, and the

1 group or district number shall be printed beneath the name of
2 the office. Each nominee of a political party chosen in the
3 primary shall appear on the general election ballot in the
4 same numbered group or district as on the primary election
5 ballot. ~~The name of the office shall be printed over each~~
6 ~~numbered group or district and each numbered group or district~~
7 ~~shall be clearly separated from the next numbered group or~~
8 ~~district, the same as in the case of single offices.~~
9 ~~Following the group or district number shall be printed the~~
10 ~~words, "Vote for One," and the names of the candidates in the~~
11 ~~respective groups or districts shall be arranged thereunder.~~

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

15 (3)(a)(4) The names of the candidates of the party
16 that ~~which~~ received the highest number of votes for Governor
17 in the last election in which a Governor was elected shall be
18 placed first under the heading for each office on the general
19 election ballot, together with an appropriate abbreviation of
20 party name; the names of the candidates of the party that
21 ~~which~~ received the second highest vote for Governor shall be
22 second under the heading for each office, together with an
23 appropriate abbreviation of the party name.

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

28 (4)(a) The names of candidates for each office shall
29 be arranged alphabetically as to surnames on a primary
30 election ballot.

31

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

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

10 (6) The general election ballot shall be arranged so
11 that the offices of President and Vice President are joined in
12 a single voting space to allow each elector to cast a single
13 vote for the joint candidacies for President and Vice
14 President and so that the offices of Governor and Lieutenant
15 Governor are joined in a single voting space to allow each
16 elector to cast a single vote for the joint candidacies for
17 Governor and Lieutenant Governor.

18 ~~(7)~~~~(6)~~ Except for justices or judges seeking
19 retention, the names of unopposed candidates shall not appear
20 on the general election ballot. Each unopposed candidate
21 shall be deemed to have voted for himself or herself.

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

27 1. Clear and unambiguous ballot instructions and
28 directions;

29 2. Individual race layout; and

30 3. Overall ballot layout.

31

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

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

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

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

16 Section 8. Effective August 1, 2002, section 101.21,
17 Florida Statutes, is amended to read:

18 101.21 Official ballots; number; printing; payment.--

19 ~~(1) Where applicable in any county in which voting~~
20 ~~machines are not used, the supervisor of elections shall~~
21 ~~determine the actual number of ballots to be printed. The~~
22 ~~printing and delivery of ballots and cards of instruction~~
23 ~~shall, in a municipal election, be paid for by the~~
24 ~~municipality, and in all other elections by the county.~~

25 ~~(2) In any county in which voting machines are used,~~
26 ~~one set of official ballots shall be provided for each machine~~
27 ~~plus a number of sets equal to 5 percent of the total number~~
28 ~~of machines; one set shall be inserted or placed in or upon~~
29 ~~each machine, and the remainder of the sets shall be retained~~
30 ~~in the custody of the supervisor, unless it shall become~~

31

1 ~~necessary during the election to make use of same upon or in~~
2 ~~the machines.~~

3 Section 9. Effective August 1, 2002, section 101.24,
4 Florida Statutes, is amended to read:

5 101.24 Ballot boxes and ballots.--The supervisor of
6 elections, ~~except where voting machines are used,~~ shall
7 prepare for each polling place one ballot box of sufficient
8 size to contain all the ballots of the particular precinct,
9 and the ballot box shall be plainly marked with the name of
10 the precinct for which it is intended. An additional ballot
11 box, if necessary, may be supplied to any precinct. Before
12 each election, the supervisor shall place in the ballot box or
13 ballot transfer container as many ballots as are required in
14 s. 101.21. After securely sealing the ballot box or ballot
15 transfer container, the supervisor shall send the ballot box
16 or ballot transfer container to the clerk or inspector of
17 election of the precinct in which it is to be used. The clerk
18 or inspector shall be placed under oath or affirmation to
19 perform his or her duties faithfully and without favor or
20 prejudice to any political party.

21 Section 10. Effective August 1, 2002, section 101.292,
22 Florida Statutes, is amended to read:

23 101.292 Definitions; ss. 101.292-101.295.--As used in
24 ss. 101.292-101.295, the following terms shall have the
25 following meanings:

26 (1) "Governing body" means the board of county
27 commissioners of a county or any other governing body
28 empowered by general or special act or local ordinance to
29 purchase or sell voting equipment.

30 (2) "Voting equipment" means ~~new or used voting~~
31 ~~machines and materials, parts, or other equipment necessary~~

1 ~~for the maintenance or improvement of voting machines, the~~
2 ~~individual or combined retail value of which is in excess of~~
3 ~~the threshold amount for CATEGORY TWO purchases provided in s.~~
4 ~~287.017. The term "voting equipment" also includes electronic~~
5 ~~or electromechanical voting systems, voting devices, and~~
6 ~~automatic tabulating equipment as defined in s. 101.5603, as~~
7 ~~well as materials, parts, or other equipment necessary for the~~
8 ~~operation and maintenance of such systems and devices, the~~
9 individual or combined retail value of which is in excess of
10 the threshold amount for CATEGORY TWO purchases provided in s.
11 287.017.

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

14 Section 11. Effective August 1, 2002, section 101.341,
15 Florida Statutes, is amended to read:

16 101.341 Prohibited activities by voting system machine
17 custodians and deputy custodians.--

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

27 (2) Any person violating the provisions of this
28 section is guilty of a misdemeanor of the first degree,
29 punishable as provided by s. 775.082 or s. 775.083. Such
30 person shall also be subject to immediate discharge from his
31 or her position.

1 Section 12. Effective August 1, 2002, section 101.43,
2 Florida Statutes, is amended to read:

3 101.43 Substitute ballot.--When ~~voting machines are~~
4 ~~used~~ and the required official ballots for a precinct are not
5 delivered in time to be used on election day, or after
6 delivery, are lost, destroyed or stolen, the clerk or other
7 officials whose duty it is to provide ballots for use at such
8 election, in lieu of the official ballots, shall have
9 substitute ballots prepared, conforming as nearly as possible
10 to the official ballots, and the board of election shall
11 substitute these ballots to be used in the same manner as the
12 official ballots would have been used at the election.

13 Section 13. Effective August 1, 2002, section 101.49,
14 Florida Statutes, is amended to read:

15 101.49 Procedure of election officers where signatures
16 differ.--

17 (1) Whenever any clerk or inspector, upon a just
18 comparison of the signature, shall doubt that the handwriting
19 affixed to a signature identification slip of any elector who
20 presents himself or herself at the polls to vote is the same
21 as the signature of the elector affixed in the registration
22 book, the clerk or inspector shall deliver to the person an
23 affidavit which shall be in substantially the following form:

24
25 STATE OF FLORIDA,

26 COUNTY OF

27 I do solemnly swear (or affirm) that my name is;
28 that I am years old; that I was born in the State of
29; that I am registered to vote, and at the time I
30 registered I resided on Street, in the municipality of
31, County of, State of Florida; that I am a qualified

1 voter of the county and state aforesaid and have not voted in
2 this election.

3 ...(Signature of voter)...

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

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

7 Precinct No.

8 County of

9

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

21 Section 14. Effective August 1, 2002, subsections (5)
22 and (8) of section 101.5603, Florida Statutes, are amended to
23 read:

24 101.5603 Definitions relating to Electronic Voting
25 Systems Act.--As used in this act, the term:

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

31

1 (8) "Voting device" means ~~either an apparatus in which~~
2 ~~ballots are inserted and used in connection with a marking~~
3 ~~device for the piercing of ballots by the voter or an~~
4 apparatus by which votes are registered electronically.

5 Section 15. Effective August 1, 2002, section
6 101.5604, Florida Statutes, is amended to read:

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

25 Section 16. Effective August 1, 2002, section
26 101.5606, Florida Statutes, is amended to read:

27 101.5606 Requirements for approval of systems.--

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

31 (a)~~(1)~~ It permits and requires voting in secrecy.

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

7 **(c)**~~(3)~~ The automatic tabulating equipment will be set
8 to reject all votes for any office or measure when a race or
9 measure is overvoted or when every race and measure on the
10 ballot is undervoted ~~the number of votes therefor exceeds the~~
11 ~~number which the voter is entitled to cast or when the voter~~
12 ~~is not entitled to cast a vote for the office or measure.~~

13 **(d)**~~(4)~~ It is capable of correctly counting votes.

14 **(e)**~~(5)~~ It permits each voter at a primary election to
15 vote only for the candidates seeking nomination by the
16 political party in which such voter is registered, for any
17 candidate for nonpartisan office, and for any question upon
18 which the voter is entitled to vote.

19 **(f)**~~(6)~~ At presidential elections it permits each
20 elector, by one operation, to vote for all presidential
21 electors of a party or for all presidential electors of
22 candidates for President and Vice President with no party
23 affiliation.

24 **(g)**~~(7)~~ It provides a method for write-in voting.

25 **(h)**~~(8)~~ It is capable of accumulating a count of the
26 specific number of ballots tallied for a precinct,
27 accumulating total votes by candidate for each office, and
28 accumulating total votes for and against each question and
29 issue of the ballots tallied for a precinct.

30
31

1 ~~(i)(9)~~ It is capable of tallying votes from ballots of
2 different political parties from the same precinct, in the
3 case of a primary election.

4 ~~(j)(10)~~ It is capable of automatically producing
5 precinct totals in printed, marked, or punched form, or a
6 combination thereof.

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

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

15 (m) It uses a precinct-count tabulation system.

16 (2) A voting system that uses an apparatus or device
17 for the piercing of ballots by the voter may not be used in
18 this state.

19 Section 17. Effective August 1, 2002, subsections (2),
20 (3), and (7) of section 101.5614, Florida Statutes, are
21 amended to read:

22 101.5614 Canvass of returns.--

23 ~~(2)(a) If the ballots are to be tallied at a central~~
24 ~~location or at no more than three regional locations, the~~
25 ~~election board shall place all ballots that have been cast and~~
26 ~~the unused, void, and defective ballots in the container or~~
27 ~~containers provided for this purpose, which shall be sealed~~
28 ~~and delivered forthwith to the central or regional counting~~
29 ~~location or other designated location by two inspectors who~~
30 ~~shall not, whenever possible, be of the same political party.~~
31 ~~The election board shall certify that the ballots were placed~~

1 ~~in such container or containers and each container was sealed~~
2 ~~in its presence and under its supervision, and it shall~~
3 ~~further certify to the number of ballots of each type placed~~
4 ~~in the container or containers.~~

5 ~~(b) If ballots are to be counted at the precincts,~~
6 ~~such ballots shall be counted pursuant to rules adopted by the~~
7 ~~Department of State, which rules shall provide safeguards~~
8 ~~which conform as nearly as practicable to the safeguards~~
9 ~~provided in the procedures for the counting of votes at a~~
10 ~~central location.~~

11 ~~(2)(3)(a) All proceedings at any the central or~~
12 ~~regional counting location or other designated location shall~~
13 ~~be under the direction of the county canvassing board and~~
14 ~~shall be open to the public, but no person except a person~~
15 ~~employed and authorized for the purpose shall touch any ballot~~
16 ~~or ballot container, any item of automatic tabulating~~
17 ~~equipment, or any return prior to its release. ~~if the ballots~~~~
18 ~~are tabulated at regional locations, one member of the~~
19 ~~canvassing board or a person designated by the board to~~
20 ~~represent it shall be present at each location during the~~
21 ~~testing of the counting equipment and the tabulation of the~~
22 ~~ballots.~~

23 ~~(3)(b) Results of if ballots are tabulated at precinct~~
24 ~~regional locations, the results of such election may be~~
25 ~~transmitted via dedicated teleprocessing lines to the main~~
26 ~~computer system for the purpose of compilation of complete~~
27 ~~returns. The security guidelines for transmission of returns~~
28 ~~by dedicated teleprocessing lines shall conform to rules~~
29 ~~adopted by the Department of State pursuant to s. 101.015.~~

30 (7) Absentee ballots may be counted by automatic
31 tabulating equipment if they have been ~~punched or~~ marked in a

1 manner that ~~which~~ will enable them to be properly counted by
2 such equipment.

3 Section 18. Effective August 1, 2002, section 101.58,
4 Florida Statutes, is amended to read:

5 101.58 Supervising and observing registration and
6 election processes.--The Department of State may, at any time
7 it deems fit; upon the petition of 5 percent of the registered
8 electors; or upon the petition of any candidate, county
9 executive committee chair, state committeeman or
10 committeewoman, or state executive committee chair, appoint
11 one or more deputies whose duties shall be to observe and
12 examine the registration and election processes and the
13 condition, custody, and operation of voting systems and
14 equipment ~~machines~~ in any county or municipality. The deputy
15 shall have access to all registration books and records as
16 well as any other records or procedures relating to the voting
17 process. The deputy may supervise preparation of the voting
18 equipment ~~election machines~~ and procedures for election, and
19 it shall be unlawful for any person to obstruct the deputy in
20 the performance of his or her duty. The deputy shall file with
21 the Department of State a report of his or her findings and
22 observations of the registration and election processes in the
23 county or municipality, and a copy of the report shall also be
24 filed with the clerk of the circuit court of said county. The
25 compensation of such deputies shall be fixed by the Department
26 of State; and costs incurred under this section shall be paid
27 from the annual operating appropriation made to the Department
28 of State.

29 Section 19. Section 101.595, Florida Statutes, is
30 created to read:

31 101.595 Analysis and reports of voter error.--

1 (1) No later than December 15 of each general election
2 year, the supervisor of elections in each county shall report
3 on voter errors to the Department of State, along with the
4 likely reasons for the errors and other information as may be
5 useful in evaluating the performance of the voting system and
6 identifying problems with ballot design and instructions which
7 may have contributed to voter confusion.

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

12 (a) An identification of problems with the ballot
13 design or instructions which may have contributed to voter
14 confusion;

15 (b) An identification of voting system design
16 problems; and,

17 (c) Recommendations for correcting any problems
18 identified.

19 (3) The Department of State shall submit the report to
20 the Governor, the President of the Senate, and the Speaker of
21 the House of Representatives by January 31 of each year
22 following a general election.

23 Section 20. Effective August 1, 2002, subsection (2)
24 of section 101.71, Florida Statutes, is amended to read:

25 101.71 Polling place.--

26 (2) Notwithstanding the provisions of subsection (1),
27 whenever the supervisor of elections of any county determines
28 that the accommodations for holding any election at a polling
29 place designated for any precinct in the county are
30 unavailable or are inadequate for the expeditious and
31 efficient housing and handling of voting and voting

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

23 Section 21. Subsection (1) of section 101.75, Florida
24 Statutes, is amended to read:

25 101.75 Municipal elections; change of dates for
26 cause.--

27 (1) In any municipality, when the date of the
28 municipal election falls on the same date as any statewide or
29 county election and the voting devices of the voting system
30 used in the county ~~machines~~ are not available for both
31 elections, the municipality may provide that the municipal

1 election may be held within 30 days prior to or subsequent to
2 the statewide or county election.

3 Section 22. Subsections (8) and (9) of section
4 103.101, Florida Statutes, are amended to read:

5 103.101 Presidential preference primary.--

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

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

11
12 OFFICIAL PRESIDENTIAL PREFERENCE

13 PRIMARY BALLOT

14
15 No. Party

16COUNTY, FLORIDA

17
18 Precinct No.

19
20 ...(Date)...

21
22 ~~...(Signature of Voter)...~~
23 ~~Official)...~~

~~...(Initials of Issuing~~

24
25 Stub No. 1

26
27 OFFICIAL PRESIDENTIAL PREFERENCE

28 PRIMARY BALLOT

29
30 No. Party

31COUNTY, FLORIDA

1
2
3
4
5
6
7
8
9
10
11
12
13
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31

~~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)...~~

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

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

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

2 Section 23. Section 104.30, Florida Statutes, is
3 amended to read:

4 104.30 Voting system ~~machine~~; unlawful possession;
5 tampering.--

6 (1) Any unauthorized person who unlawfully has
7 possession of any voting system, components,~~machine~~ or key
8 thereof is guilty of a misdemeanor of the first degree,
9 punishable as provided in s. 775.082 or s. 775.083.

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

16 Section 24. Effective August 1, 2002, section 138.05,
17 Florida Statutes, is amended to read:

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

30 Section 25. Paragraph (c) of subsection (1) of section
31 582.18, Florida Statutes, is amended to read:

1 582.18 Election of supervisors of each district.--

2 (1)

3 (c) The names of all nominees on behalf of whom such
4 nominating petitions have been filed shall appear upon ballots
5 in accordance with the general election laws. All qualified
6 electors residing within the district shall be eligible to
7 vote in such election. The candidates who receive the largest
8 number of the votes cast from each group of candidates, ~~as~~
9 ~~provided in s. 100.071,~~ in such election shall be the elected
10 supervisors from such group for such district. In the case of
11 a newly created district participating in a regular election
12 for the first time, three groups of candidates shall be
13 elected for terms of 4 years, and two groups shall be elected
14 for initial terms of 2 years. Each candidate elected shall
15 assume office on the first Tuesday after the first Monday in
16 January following the election.

17 Section 26. Sections 100.071, 101.141, 101.181,
18 101.191, 101.251, and 101.5609, Florida Statutes, are
19 repealed.

20 Section 27. Effective August 1, 2002, sections
21 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34,
22 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445,
23 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, and
24 102.012(7), Florida Statutes, are repealed.

25 Section 28. Section 97.021, Florida Statutes, is
26 amended to read:

27 97.021 Definitions.--For the purposes of this code,
28 except where the context clearly indicates otherwise, the
29 term:

30 (1) "Absent elector" means any registered and
31 qualified voter who casts an absentee ballot.+

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

3 ~~(b) Is an inspector, a poll worker, a deputy voting~~
4 ~~machine custodian, a deputy sheriff, a supervisor of~~
5 ~~elections, or a deputy supervisor who is assigned to a~~
6 ~~different precinct than that in which he or she is registered~~
7 ~~to vote.~~

8 ~~(c) On account of the tenets of his or her religion,~~
9 ~~cannot attend the polls on the day of the general, special, or~~
10 ~~primary election.~~

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

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

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

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

24 (a) "Voting machines," except when reference is made
25 to write-in ballots, means that portion of the printed strips
26 of cardboard, paper, or other material that is within the
27 ballot frames containing the names of candidates, or a
28 statement of a proposed constitutional amendment or other
29 question or proposition submitted to the electorate at any
30 election.

31

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

6 (c) "Electronic or electromechanical devices" means a
7 ballot which is voted by the process of punching or marking
8 with a marking device for tabulation by automatic tabulating
9 equipment or data processing equipment.

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

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

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

16 (c) Any person who receives contributions or makes
17 expenditures, or gives his or her consent for any other person
18 to receive contributions or make expenditures, with a view to
19 bringing about his or her nomination or election to, or
20 retention in, public office.

21 (d) Any person who appoints a treasurer and designates
22 a primary depository.

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

25
26 However, this definition does not include any candidate for a
27 political party executive committee.

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

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

1 (6) "Division" means the Division of Elections of the
2 Department of State.

3 (7) "Election" means any primary election, special
4 primary election, special election, general election, or
5 presidential preference primary election.

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

8 (9) "Election costs" shall include, but not be limited
9 to, expenditures for all paper supplies such as envelopes,
10 instructions to voters, affidavits, reports, ballot cards,
11 ballot booklets for absentee voters, postage, notices to
12 voters; advertisements for registration book closings, testing
13 of voting equipment, sample ballots, and polling places; forms
14 used to qualify candidates; polling site rental and equipment
15 delivery and pickup; data processing time and supplies;
16 election records retention; and labor costs, including those
17 costs uniquely associated with absentee ballot preparation,
18 poll workers, and election night canvass.

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

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

27 (12) "Lists of registered electors" means copies of
28 printed lists of registered electors, computer tapes or disks,
29 or any other device used by the supervisor of elections to
30 maintain voter records.

31

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

5 (a) Employed as an officer or crew member of a vessel
6 documented under the laws of the United States, a vessel owned
7 by the United States, or a vessel of foreign-flag registry
8 under charter to or control of the United States; or

9 (b) Enrolled with the United States for employment or
10 training for employment, or maintained by the United States
11 for emergency relief service, as an officer or crew member of
12 such vessel.

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

27 (15)~~(14)~~ "Newspaper of general circulation" means a
28 newspaper printed in the language most commonly spoken in the
29 area within which it circulates and which is readily available
30 for purchase by all inhabitants in the area of circulation,
31 but does not include a newspaper intended primarily for

1 members of a particular professional or occupational group, a
2 newspaper the primary function of which is to carry legal
3 notices, or a newspaper that is given away primarily to
4 distribute advertising.

5 (16)~~(15)~~ "Nominal value" means having a retail value
6 of \$10 or less.

7 (17)~~(16)~~ "Nonpartisan office" means an office for
8 which a candidate is prohibited from campaigning or qualifying
9 for election or retention in office based on party
10 affiliation.

11 (18)~~(17)~~ "Office that serves persons with
12 disabilities" means any state office that takes applications
13 either in person or over the telephone from persons with
14 disabilities for any program, service, or benefit primarily
15 related to their disabilities.

16 (19) "Overseas voter" means:

17 (a) Members of the uniformed services while in the
18 active service who are permanent residents of the state and
19 are temporarily residing outside the territorial limits of the
20 United States and the District of Columbia;

21 (b) Members of the Merchant Marine of the United
22 States who are permanent residents of the state and are
23 temporarily residing outside the territorial limits of the
24 United States and the District of Columbia; and

25 (c) Other citizens of the United States who are
26 permanent residents of the state and are temporarily residing
27 outside the territorial limits of the United States and the
28 District of Columbia,

29
30 who are qualified and registered to vote as provided by law.
31

1 (20) "Overvote" means that the elector marks or
2 designates more names than there are persons to be elected to
3 an office or designates more than one answer to a ballot
4 question, and the tabulator records no vote for the office or
5 question.

6 (21)~~(18)~~ "Persons with disabilities" means individuals
7 who have a physical or mental impairment that substantially
8 limits one or more major life activities.

9 (22)~~(19)~~ "Polling place" is the building which
10 contains the polling room where ballots are cast.

11 (23)~~(20)~~ "Polling room" means the actual room in which
12 ballots are cast.

13 (24)~~(21)~~ "Primary election" means an election held
14 preceding the general election for the purpose of nominating a
15 party nominee to be voted for in the general election to fill
16 a national, state, county, or district office. The **first**
17 primary election is a nomination or elimination election; ~~the~~
18 ~~second primary is a nominating election only.~~

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

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

25 (b) There is an indication on the precinct register
26 that the voter has requested an absentee ballot and the voter
27 does not return the absentee ballot to the election board at
28 the precinct.

29 (26)~~(22)~~ "Public assistance" means assistance provided
30 through the food stamp program; the Medicaid program; the
31

1 Special Supplemental Food Program for Women, Infants, and
2 Children; and the WAGES Program.

3 (27)~~(23)~~ "Public office" means any federal, state,
4 county, municipal, school, or other district office or
5 position which is filled by vote of the electors.

6 (28)~~(24)~~ "Qualifying educational institution" means
7 any public or private educational institution receiving state
8 financial assistance which has, as its primary mission, the
9 provision of education or training to students who are at
10 least 18 years of age, provided such institution has more than
11 200 students enrolled in classes with the institution and
12 provided that the recognized student government organization
13 has requested this designation in writing and has filed the
14 request with the office of the supervisor of elections in the
15 county in which the institution is located.

16 (29)~~(25)~~ "Special election" is a special election
17 called for the purpose of voting on a party nominee to fill a
18 vacancy in the national, state, county, or district office.

19 (30)~~(26)~~ "Special primary election" is a special
20 nomination election designated by the Governor, called for the
21 purpose of nominating a party nominee to be voted on in a
22 general or special election.

23 (31)~~(27)~~ "Supervisor" means the supervisor of
24 elections.

25 (32) "Undervote" means that the elector does not
26 properly designate any choice for an office or ballot
27 question, and the tabulator records no vote for the office or
28 question.

29 (33) "Uniformed services" means the Army, Navy, Air
30 Force, Marine Corps, and Coast Guard, the commissioned corps

31

1 of the Public Health Service, and the commissioned corps of
2 the National Oceanic and Atmospheric Administration.

3 ~~(34)(28)~~ "Voter registration agency" means any office
4 that provides public assistance, any office that serves
5 persons with disabilities, any center for independent living,
6 or any public library.

7 ~~(35)(29)~~ "Voting booth" or "booth" means that booth or
8 enclosure wherein an elector casts his or her ballot, be it a
9 paper ballot, a voting machine ballot, or a ballot cast for
10 tabulation by an electronic or electromechanical device.

11 ~~(36)(30)~~ "Voting system" means a method of casting and
12 processing votes that functions wholly or partly by use of
13 mechanical, electromechanical, or electronic apparatus or by
14 use of paper ballots and includes, but is not limited to, the
15 procedures for casting and processing votes and the programs,
16 operating manuals, tabulating cards, printouts, and other
17 software necessary for the system's operation.

18 Section 29. Section 101.048, Florida Statutes, is
19 created to read:

20 101.048 Provisional ballots.--

21 (1)(a) At all elections, a voter claiming to be
22 properly registered in the county and eligible to vote in the
23 election but whose eligibility cannot be determined shall be
24 entitled to vote a provisional ballot. Once voted, the
25 provisional ballot shall be placed in a secrecy envelope and
26 thereafter sealed in a provisional ballot envelope. The
27 provisional ballot shall be deposited in a ballot box. All
28 provisional ballots shall remain sealed in their envelopes for
29 return to the supervisor of elections.

30 (b) The county canvassing board shall examine each
31 provisional ballot to determine whether the person voting that

1 ballot was entitled to vote in the election and to assure that
2 the person had not already cast a ballot in the election.

3 1. If it is determined that the person was registered
4 and entitled to vote, the canvassing board shall compare the
5 signature on the provisional ballot envelope with the
6 signature on the voter's registration and, if it matches,
7 shall count the ballot. The provisional ballot of a voter who
8 is otherwise entitled to vote shall not be rejected because
9 the voter did not cast his or her ballot in the precinct of
10 his or her legal residence. However, if the voter did not
11 vote the ballot to which he or she was entitled, the
12 canvassing board shall duplicate the ballot for the races that
13 the voter was entitled to vote in his or her legal precinct
14 and count the races for which the voter was entitled to vote.

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

21 (2) The Provisional Ballot Voter's Certificate shall
22 be in substantially the following form:

23 STATE OF FLORIDA

24 COUNTY OF _____

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

31

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.....

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

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 31. Subsections (1), (2), (5), (6), and (8) of
18 section 101.5614, Florida Statutes, are amended to read:

19 101.5614 Canvass of returns.--

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

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

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

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

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

31

1 (5) If any ballot card of the type for which the
2 offices and measures are not printed directly on the card is
3 damaged or defective so that it cannot properly be counted by
4 the automatic tabulating equipment, a true duplicate copy
5 shall be made of the damaged ballot card in the presence of
6 witnesses and substituted for the damaged ballot. Likewise, a
7 duplicate ballot card shall be made of a defective ballot
8 which shall not include the invalid votes. All duplicate
9 ballot cards shall be clearly labeled "duplicate," bear a
10 serial number which shall be recorded on the damaged or
11 defective ballot card, and be counted in lieu of the damaged
12 or defective ballot. If any ballot card of the type for which
13 offices and measures are printed directly on the card is
14 damaged or defective so that it cannot properly be counted by
15 the automatic tabulating equipment, a true duplicate copy may
16 be made of the damaged ballot card in the presence of
17 witnesses and in the manner set forth above, or the valid
18 votes on the damaged ballot card may be manually counted at
19 the counting center by the canvassing board, whichever
20 procedure is best suited to the system used. If any paper
21 ballot is damaged or defective so that it cannot be counted
22 properly by the automatic tabulating equipment, the ballot
23 shall be counted manually at the counting center by the
24 canvassing board. The totals for all such ballots or ballot
25 cards counted manually shall be added to the totals for the
26 several precincts or election districts. No vote shall be
27 declared invalid or void if there is a clear indication on the
28 ballot that the voter has made a definite choice ~~of the intent~~
29 ~~of the voter~~ as determined by the canvassing board. After
30 duplicating a ballot, the defective ballot shall be placed in
31 an envelope provided for that purpose, and the duplicate

1 ballot shall be tallied with the other ballots for that
2 precinct.

3 (6) If there is no clear indication on the ballot that
4 the voter has made a definite choice for an office or ballot
5 measure ~~If an elector marks more names than there are persons~~
6 ~~to be elected to an office or if it is impossible to determine~~
7 ~~the elector's choice~~, the elector's ballot shall not be
8 counted for that office or measure, but the ballot shall not
9 be invalidated as to those names or measures which are
10 properly marked.

11 (8) The return printed by the automatic tabulating
12 equipment, to which has been added the return of write-in,
13 absentee, and manually counted votes and votes from
14 provisional ballots, shall constitute the official return of
15 the election upon certification by the canvassing board. Upon
16 completion of the count, the returns shall be open to the
17 public. A copy of the returns may be posted at the central
18 counting place or at the office of the supervisor of elections
19 in lieu of the posting of returns at individual precincts.

20 Section 32. Section 101.69, Florida Statutes, is
21 amended to read:

22 101.69 Voting in person; return of absentee
23 ballot.--The provisions of this code shall not be construed to
24 prohibit any elector from voting in person at the elector's
25 precinct on the day of an election notwithstanding that the
26 elector has requested an absentee ballot for that election.
27 An elector who has received an absentee ballot, but desires to
28 vote in person, shall return the ballot, whether voted or not,
29 to the election board in the elector's precinct. The returned
30 ballot shall be marked "canceled" by the board and placed with
31 other canceled ballots. However, if the elector is unable to

1 return the ballot, the elector may vote a provisional ballot
2 as provided in s. 101.048 ~~execute an affidavit stating that~~
3 ~~the absentee ballot has not been voted and the elector may~~
4 ~~then vote at the precinct.~~

5 Section 33. Section 102.111, Florida Statutes, is
6 amended to read:

7 102.111 Elections Canvassing Commission.--

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

31

1 ~~ignored, and the results shown by the returns on file shall be~~
2 ~~certified.~~

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

5 Section 34. Section 102.112, Florida Statutes, is
6 amended to read:

7 102.112 Deadline for submission of county returns to
8 the Department of State; penalties.--

9 (1) The county canvassing board or a majority thereof
10 shall file the county returns for the election of a federal or
11 state officer with the Department of State immediately after
12 certification of the election results. Returns must be filed
13 by 5 p.m. on the 7th day following the ~~first~~ primary ~~and~~
14 ~~general~~ election and by 5 3 p.m. on the 11th 3rd day following
15 the general election second primary. If the county canvassing
16 board is unable to timely certify the results of an office or
17 measure for which late-filed returns must be accepted pursuant
18 to subsection (2), the canvassing board shall nevertheless
19 certify by the deadline all races in which returns are
20 complete.~~If the returns are not received by the department by~~
21 ~~the time specified, such returns may be ignored and the~~
22 ~~results on file at that time may be certified by the~~
23 ~~department.~~

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

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

31

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

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

6 c. For state legislative offices, until 5 p.m. on the
7 13th day following the election.

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

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

14 2. Following a general election, the Department of
15 State shall not accept returns filed after the certification
16 deadline for the offices of United States President and Vice
17 President.

18 (c) If returns are missing from any county for an
19 office for which late-filed returns must be accepted pursuant
20 to paragraph (b), the Elections Canvassing Commission shall
21 nevertheless certify the results for all other offices for
22 which all returns have been received. Following receipt of
23 all late-filed returns accepted pursuant to paragraph (b), or
24 upon the expiration of the late-filing deadline for the office
25 in question, whichever occurs earlier, the Elections
26 Canvassing Commission shall separately certify the results of
27 that office.

28 (3)~~(2)~~ The department shall fine each board member
29 ~~\$500~~~~\$200~~ for each day such returns are late, the fine to be
30 paid only from the board member's personal funds. Such fines
31

1 shall be deposited into the Election Campaign Financing Trust
2 Fund, created by s. 106.32.

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

6 Section 35. Present subsections (5) and (6) of section
7 102.141, Florida Statutes, are redesignated as subsections (7)
8 and (8), respectively, present subsection (4) is amended and
9 redesignated as subsection (6), subsections (2) and (3) are
10 amended, and new subsections (4) and (5) are added to that
11 section to read:

12 102.141 County canvassing board; duties.--

13 (2) The county canvassing board shall meet in a
14 building accessible to the public in the county where the
15 election occurred at a time and place to be designated by the
16 supervisor of elections to publicly canvass the absentee
17 electors' ballots as provided for in s. 101.68 and provisional
18 ballots as provided by s. 101.048. Public notice of the time
19 and place at which the county canvassing board shall meet to
20 canvass the absentee electors' ballots and provisional ballots
21 shall be given at least 48 hours prior thereto by publication
22 once in one or more newspapers of general circulation in the
23 county or, if there is no newspaper of general circulation in
24 the county, by posting such notice in at least four
25 conspicuous places in the county. As soon as the absentee
26 electors' ballots and the provisional ballots are canvassed,
27 the board shall proceed to publicly canvass the vote given
28 each candidate, nominee, constitutional amendment, or other
29 measure submitted to the electorate of the county, as shown by
30 the returns then on file in the office of the supervisor of
31 elections and the office of the county court judge.

1 (3) The canvass, except the canvass of absentee
2 electors' returns and the canvass of provisional ballots,
3 shall be made from the returns and certificates of the
4 inspectors as signed and filed by them with the county court
5 judge and supervisor, respectively, and the county canvassing
6 board shall not change the number of votes cast for a
7 candidate, nominee, constitutional amendment, or other measure
8 submitted to the electorate of the county, respectively, in
9 any polling place, as shown by the returns. All returns shall
10 be made to the board on or before 2 a.m.~~noon~~ of the day
11 following any primary, general, special, or other election.
12 If the returns from any precinct are missing, if there are any
13 omissions on the returns from any precinct, or if there is an
14 obvious error on any such returns, the canvassing board shall
15 order a recount of the returns from such precinct. Before
16 canvassing such returns, the canvassing board shall examine
17 the counters on the machines or the tabulation of the ballots
18 cast in such precinct and determine whether the returns
19 correctly reflect the votes cast. If there is a discrepancy
20 between the returns and the counters of the machines or the
21 tabulation of the ballots cast, the counters of such machines
22 or the tabulation of the ballots cast shall be presumed
23 correct and such votes shall be canvassed accordingly.

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

29 (5) If the county canvassing board determines that the
30 unofficial returns may contain a counting error in which the
31 vote tabulation system failed to count votes that were

1 properly marked in accordance with the instructions on the
2 ballot, the county canvassing board shall:

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

5 (b) Request that the Department of State verify the
6 tabulation software. When the Department of State verifies
7 such software, the department shall compare the software used
8 to tabulate the votes with the software filed with the
9 department pursuant to s. 101.5607 and check the election
10 parameters.

11 (6)(4) If the unofficial returns ~~for any office~~
12 reflect that a candidate for any office was defeated or
13 eliminated by one-half of a percent or less of the votes cast
14 for such office, that a candidate for retention to a judicial
15 office was retained or not retained by one-half of a percent
16 or less of the votes cast on the question of retention, or
17 that a measure appearing on the ballot was approved or
18 rejected by one-half of a percent or less of the votes cast on
19 such measure, the board responsible for certifying the results
20 of the vote on such race or measure shall order a recount of
21 the votes cast with respect to such office or measure. A
22 recount need not be ordered with respect to the returns for
23 any office, however, if the candidate or candidates defeated
24 or eliminated from contention for such office by one-half of a
25 percent or less of the votes cast for such office request in
26 writing that a recount not be made.

27 (a) In counties with voting systems that use ballot
28 cards or paper ballots, each canvassing board responsible for
29 conducting a recount shall put each ballot through the
30 automatic tabulating equipment for each precinct in which the
31 office or issue appeared on the ballot and determine whether

1 the returns correctly reflect the votes cast. Immediately
2 before the start of the recount and after completion of the
3 count, a test of the tabulating equipment shall be conducted
4 as provided in s. 101.5612(2). If the test indicates no
5 error, the recount tabulation of the ballots cast shall be
6 presumed correct and such votes shall be canvassed
7 accordingly. If an error is detected, the cause therefor
8 shall be ascertained and corrected and the recount repeated,
9 as necessary. The canvassing board shall immediately report
10 the error, along with the cause of the error and the
11 corrective measures being taken, to the Department of State.
12 No later than 11 days after the election, the canvassing board
13 shall file a separate incident report with the Department of
14 State, detailing the resolution of the matter and identifying
15 any measures that will avoid a future recurrence of the error.

16 (b) In counties with voting systems that do not use
17 ballot cards or paper ballots, each canvassing board
18 responsible for conducting a recount shall examine the
19 counters on the precinct tabulators to ensure that the total
20 of the returns on the precinct tabulators equals the overall
21 election return ~~machines or the tabulation of the ballots cast~~
22 in each precinct in which the office or issue appeared on the
23 ballot and determine whether the returns correctly reflect the
24 votes cast. If there is a discrepancy between the overall
25 election return ~~returns~~ and the counters of the precinct
26 tabulators ~~machines or the tabulation of the ballots cast~~, the
27 counters of the precinct tabulators ~~of such machines or the~~
28 tabulation of the ballots cast shall be presumed correct and
29 such votes shall be canvassed accordingly.

30 (c) The canvassing board shall submit a second set of
31 unofficial returns to the Department of State for each

1 federal, statewide, state, or multi-county office or ballot
2 measure no later than noon on the second day after any
3 election in which a recount was conducted pursuant to this
4 subsection. If the canvassing board is unable to complete the
5 recount prescribed in this subsection by the deadline, the
6 second set of unofficial returns submitted by the canvassing
7 board shall be identical to the initial unofficial returns and
8 the submission shall also include a detailed explanation of
9 why it was unable to timely complete the recount. However,
10 the canvassing board shall complete the recount prescribed in
11 this subsection, along with any manual recount prescribed in
12 s. 102.166, and certify election returns in accordance with
13 the requirements of this chapter.

14 Section 36. Section 102.166, Florida Statutes, is
15 amended to read:

16 102.166 Manual recounts ~~Protest of election returns~~
17 ~~procedure.--~~

18 (1) If the second set of unofficial returns pursuant
19 to s. 102.141 indicates that a candidate for any office was
20 defeated or eliminated by one-quarter of a percent or less of
21 the votes cast for such office, that a candidate for retention
22 to a judicial office was retained or not retained by
23 one-quarter of a percent or less of the votes cast on the
24 question of retention, or that a measure appearing on the
25 ballot was approved or rejected by one-quarter of a percent or
26 less of the votes cast on such measure, the board responsible
27 for certifying the results of the vote on such race or measure
28 shall order a manual recount of the overvotes and undervotes
29 cast in the entire geographic jurisdiction of such office or
30 ballot measure.

31

1 (2)(a) If the second set of unofficial returns
2 pursuant to s. 102.141 indicates that a candidate for any
3 office was defeated or eliminated by between one-quarter and
4 one-half of a percent of the votes cast for such office, that
5 a candidate for retention to judicial office was retained or
6 not retained by between one-quarter and one-half of a percent
7 of the votes cast on the question of retention, or that a
8 measure appearing on the ballot was approved or rejected by
9 between one-quarter and one-half of a percent of the votes
10 cast on such measure, any such candidate, the political party
11 of such candidate, or any political committee that supports or
12 opposes such ballot measure is entitled to a manual recount of
13 the overvotes and undervotes cast in the entire geographic
14 jurisdiction of such office or ballot measure, provided that:
15 1. A request for a manual recount is made by 5 p.m. on
16 the second day after the election; and
17 2. At the time of the request, the requesting party
18 posts a bond in an amount prescribed by rule of the Department
19 of State, which shall be forfeited if the outcome of the
20 election does not change.
21 (b) For federal, statewide, state, and multi-county
22 racess and ballot issues, requests for a manual recount shall
23 be made in writing to the state Elections Canvassing
24 Commission. For all other races and ballot issues, requests
25 for a manual recount shall be made in writing to the county
26 canvassing board.
27 (c) Upon receipt of an appropriate, timely request
28 accompanied by an adequate bond, the Elections Canvassing
29 Commission or county canvassing board shall immediately order
30 a manual recount of overvotes and undervotes in all affected
31 jurisdictions.

1 (d) The Department of State shall adopt rules
2 prescribing the amount of the bond required to be posted when
3 requesting a manual recount. The amount of the bond shall
4 cover the overall cost to conduct the recount. The rules may
5 provide for formulas to calculate the costs of an election
6 recount, based on factors such as:

- 7 1. Number of ballots involved;
- 8 2. Number of counties involved;
- 9 3. Type of voting system involved;
- 10 4. Geographic location of the recount;
- 11 5. Timeframe to conduct the recount; and
- 12 6. Any other factor that may affect the cost of the
13 recount.

14
15 The department shall solicit information from each county as
16 to recount costs, and shall consider such information in
17 adopting the rules. The department's rules shall also provide
18 procedures for posting of the bond and the distribution of
19 funds to the affected counties upon forfeiture.

20 (3)(a) Any hardware or software used to identify and
21 sort overvotes and undervotes for a given race or ballot
22 measure must be certified by the Department of State as part
23 of the voting system pursuant to s. 101.015. Any such hardware
24 or software must be capable of simultaneously counting votes.
25 For certified voting systems, the department shall certify
26 such hardware or software by July 1, 2002. If the department
27 is unable to certify such hardware or software for a certified
28 voting system by July 1, 2002, the department shall adopt
29 rules prescribing procedures for identifying and sorting such
30 overvotes and undervotes. The department's rules may provide
31

1 for the temporary use of hardware or software whose sole
2 function is identifying and sorting overvotes and undervotes.

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

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

9 ~~(1) Any candidate for nomination or election, or any~~
10 ~~elector qualified to vote in the election related to such~~
11 ~~candidacy, shall have the right to protest the returns of the~~
12 ~~election as being erroneous by filing with the appropriate~~
13 ~~canvassing board a sworn, written protest.~~

14 ~~(2) Such protest shall be filed with the canvassing~~
15 ~~board prior to the time the canvassing board certifies the~~
16 ~~results for the office being protested or within 5 days after~~
17 ~~midnight of the date the election is held, whichever occurs~~
18 ~~later.~~

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

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

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

29 ~~(c) When electronic or electromechanical equipment is~~
30 ~~used, the canvassing board shall examine precinct records and~~
31 ~~election returns. If there is a clerical error, such error~~

1 ~~shall be corrected by the county canvassing board. If there is~~
2 ~~a discrepancy which could affect the outcome of an election,~~
3 ~~the canvassing board may recount the ballots on the automatic~~
4 ~~tabulating equipment.~~

5 ~~(4)(a) Any candidate whose name appeared on the~~
6 ~~ballot, any political committee that supports or opposes an~~
7 ~~issue which appeared on the ballot, or any political party~~
8 ~~whose candidates' names appeared on the ballot may file a~~
9 ~~written request with the county canvassing board for a manual~~
10 ~~recount. The written request shall contain a statement of the~~
11 ~~reason the manual recount is being requested.~~

12 ~~(b) Such request must be filed with the canvassing~~
13 ~~board prior to the time the canvassing board certifies the~~
14 ~~results for the office being protested or within 72 hours~~
15 ~~after midnight of the date the election was held, whichever~~
16 ~~occurs later.~~

17 ~~(c) The county canvassing board may authorize a manual~~
18 ~~recount. If a manual recount is authorized, the county~~
19 ~~canvassing board shall make a reasonable effort to notify each~~
20 ~~candidate whose race is being recounted of the time and place~~
21 ~~of such recount.~~

22 ~~(d) The manual recount must include at least three~~
23 ~~precincts and at least 1 percent of the total votes cast for~~
24 ~~such candidate or issue. In the event there are less than~~
25 ~~three precincts involved in the election, all precincts shall~~
26 ~~be counted. The person who requested the recount shall choose~~
27 ~~three precincts to be recounted, and, if other precincts are~~
28 ~~recounted, the county canvassing board shall select the~~
29 ~~additional precincts.~~

30
31

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

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

6 ~~(b) Request the Department of State to verify the~~
7 ~~tabulation software; or~~

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

9 (4)(6) Any manual recount shall be open to the public.

10 (5)(a) A vote for a candidate or ballot measure shall
11 be counted if there is a clear indication on the ballot that
12 the voter has made a definite choice.

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

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

19 2. Contain a catch-all provision that fails to
20 identify specific standards, such as "any other mark or
21 indication clearly indicating that the voter has made a
22 definite choice."

23 ~~(6)(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 whether
31 the ballot contains a clear indication that the voter has made

1 a definite choice ~~a voter's intent in casting a ballot~~, the
2 ballot shall be presented to the county canvassing board for a
3 determination ~~it to determine the voter's intent~~.

4 (c) The Department of State shall adopt detailed rules
5 prescribing additional recount procedures for each certified
6 voting system which shall be uniform to the extent
7 practicable. The rules shall address, at a minimum, the
8 following areas:

- 9 1. Security of ballots during the recount process;
- 10 2. Time and place of recounts;
- 11 3. Public observance of recounts;
- 12 4. Objections to ballot determinations;
- 13 5. Record of recount proceedings; and
- 14 6. Procedures relating to candidate and petitioner
15 representatives.

16 ~~(8) If the county canvassing board determines the need~~
17 ~~to verify the tabulation software, the county canvassing board~~
18 ~~shall request in writing that the Department of State verify~~
19 ~~the software.~~

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

22 ~~(a) Compare the software used to tabulate the votes~~
23 ~~with the software filed with the Department of State pursuant~~
24 ~~to s. 101.5607; and~~

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

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

28 Section 37. Subsections (2), (3) and (4) of section
29 102.168, Florida Statutes, are amended to read:

30 102.168 Contest of election.--

31

1 (2) Such contestant shall file a complaint, together
2 with the fees prescribed in chapter 28, with the clerk of the
3 circuit court within 10 days after midnight of the date the
4 last county canvassing board empowered to canvass the returns
5 certifies the results of the election being contested ~~or~~
6 ~~within 5 days after midnight of the date the last county~~
7 ~~canvassing board empowered to canvass the returns certifies~~
8 ~~the results of that particular election following a protest~~
9 ~~pursuant to s. 102.166(1), whichever occurs later.~~

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

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

19 (b) Ineligibility of the successful candidate for the
20 nomination or office in dispute.

21 (c) Receipt of a number of illegal votes or rejection
22 of a number of legal votes sufficient to change or place in
23 doubt the result of the election.

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

30 (e) Proof that valid votes were not counted due to
31 system malfunctions or any other valid reason ~~Any other cause~~

1 ~~or allegation~~ which, if sustained, would show that a person
2 other than the successful candidate was the person duly
3 nominated or elected to the office in question or that the
4 outcome of the election on a question submitted by referendum
5 was contrary to the result declared by the canvassing board or
6 Elections Canvassing Commission ~~election board~~.

7 (4) The canvassing board or Elections Canvassing
8 Commission ~~election board~~ shall be the proper party defendant,
9 and the successful candidate shall be an indispensable party
10 to any action brought to contest the election or nomination of
11 a candidate.

12 Section 38. Section 102.135, Florida Statutes, is
13 created to read:

14 102.135 Prohibited activities.--A member of the
15 Elections Canvassing Commission or a member of the county
16 canvassing board who publicly endorses or solicits
17 contributions on behalf of a candidate for public office may
18 not render any post-election decision in his or her official
19 capacity as a member of the commission or board which may
20 affect the outcome of any race in which he or she publicly
21 endorsed or solicited contributions on behalf of a candidate
22 for public office.

23 Section 39. Section 97.0555, Florida Statutes, is
24 created to read:

25 97.0555 Late registration.--An individual or
26 accompanying family member who has been discharged or
27 separated from the uniformed services, Merchant Marine, or
28 from employment outside the territorial limits of the United
29 States, after the book closing for an election pursuant to s.
30 97.055 who is otherwise qualified, may register to vote in
31 such election until 5 p.m. on the Friday before that election.

1 Such persons must produce sufficient documentation showing
2 evidence of qualifying for late registration pursuant to this
3 section. The Department of State shall adopt rules specifying
4 documentation that is sufficient to determine eligibility.

5 Section 40. Section 101.6951, Florida Statutes, is
6 created to read:

7 101.6951 State write-in ballot.--

8 (1) An overseas voter may request, not earlier than
9 180 days before a general election, a state write-in absentee
10 ballot from the supervisor of elections in the county of
11 registration. In order to receive a state write-in ballot, the
12 voter shall state that due to military or other contingencies
13 that preclude normal mail delivery, the voter cannot vote an
14 absentee ballot during the normal absentee voting period.
15 State write-in absentee ballots shall be made available to
16 voters 90 to 180 days prior to a general election. The
17 Department of State shall prescribe by rule the form of the
18 state write-in ballot.

19 (2) In completing the ballot, the overseas voter may
20 designate his or her choice by writing in the name of the
21 candidate or by writing in the name of a political party, in
22 which case the ballot must be counted for the candidate of
23 that political party, if there is such a party candidate on
24 the ballot.

25 (3) Any abbreviation, misspelling, or other minor
26 variation in the form of the name of a candidate or a
27 political party must be disregarded in determining the
28 validity of the ballot if there is a clear indication on the
29 ballot that the voter has made a definite choice.
30
31

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

4 Section 41. Section 101.6952, Florida Statutes, is
5 created to read:

6 101.6952 Absentee ballots for overseas voters.--

7 (1) If an overseas voter's request for an absentee
8 ballot includes an e-mail address, the supervisor of elections
9 shall inform the voter of the names of candidates who will be
10 on the ballots via electronic transmission. The supervisor of
11 elections shall e-mail to the voter the list of candidates for
12 the primary and general election not later than 30 days before
13 each election.

14 (2) For absentee ballots received from overseas
15 voters, there is a presumption that the envelope was mailed on
16 the date stated and witnessed on the outside of the return
17 envelope, regardless of the absence of a postmark on the
18 mailed envelope or the existence of a postmark date that is
19 later than the date of the election.

20 Section 42. Section 101.697, Florida Statutes, is
21 created to read:

22 101.697 Electronic transmission of election
23 materials.--The Department of State shall adopt rules to
24 authorize a supervisor of elections to accept a request for an
25 absentee ballot and a voted absentee ballot by facsimile
26 machine or other electronic means from overseas voters. The
27 rules must provide that in order to accept a voted ballot, the
28 verification of the voter must be established, the security of
29 the transmission must be established, and each ballot received
30 must be recorded.

31

1 Section 43. Section 101.698, Florida Statutes, is
 2 created to read:
 3 101.698 Absentee voting in emergency situations.--If a
 4 national or local emergency or other situation arises which
 5 makes substantial compliance with the provisions of state or
 6 federal law relating to the methods of voting for overseas
 7 voters impossible or unreasonable, such as an armed conflict
 8 involving United States Armed Forces or mobilization of those
 9 forces, including state National Guard and reserve components,
 10 the Elections Canvassing Commission may adopt by emergency
 11 rules, such special procedures or requirements necessary to
 12 facilitate absentee voting by those persons directly affected
 13 who are otherwise eligible to vote in the election.

14 Section 44. Paragraph (b) of subsection (1) and
 15 subsection (7) of section 101.62, Florida Statutes, are
 16 amended to read:

- 17 101.62 Request for absentee ballots.--
- 18 (1)
- 19 (b) The supervisor may accept a written or telephonic
 20 request for an absentee ballot from the elector, or, if
 21 directly instructed by the elector, a member of the elector's
 22 immediate family, or the elector's legal guardian. For
 23 purposes of this section, the term "immediate family" has the
 24 same meaning as specified in paragraph (4)(b). The person
 25 making the request must disclose:
- 26 1. The name of the elector for whom the ballot is
 - 27 requested;
 - 28 2. The elector's address;
 - 29 3. The last four digits of the elector's social
 - 30 security number;

1 4. The ~~registration number on the~~ elector's date of
2 birth ~~registration identification card~~;

3 5. The requester's name;

4 6. The requester's address;

5 7. The requester's social security number and, if
6 available, driver's license number;

7 8. The requester's relationship to the elector; and

8 9. The requester's signature (written requests only).

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

11 ~~1. Members of the Armed Forces while in the active~~
12 ~~service who are permanent residents of the state and are~~
13 ~~temporarily residing outside the territorial limits of the~~
14 ~~United States and the District of Columbia;~~

15 ~~2. Members of the Merchant Marine of the United States~~
16 ~~who are permanent residents of the state and are temporarily~~
17 ~~residing outside the territorial limits of the United States~~
18 ~~and the District of Columbia; and~~

19 ~~3. Other citizens of the United States who are~~
20 ~~permanent residents of the state and are temporarily residing~~
21 ~~outside the territorial limits of the United States and the~~
22 ~~District of Columbia,~~

23
24 ~~who are qualified and registered as provided by law.~~

25 ~~(b) Notwithstanding any other provision of law to the~~
26 ~~contrary, there shall appear on the ballots sent to absent~~
27 ~~qualified electors overseas, in addition to the names of the~~
28 ~~candidates for each office, the political party affiliation of~~
29 ~~each candidate for each office, other than a nonpartisan~~
30 ~~office.~~

31

1 ~~1. I am unable without another's assistance to attend~~
2 ~~the polls.~~

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

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

9 ~~4. On account of the tenets of my religion, I cannot~~
10 ~~attend the polls on the day of the general, special, or~~
11 ~~primary election.~~

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

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

21 ~~7. I am unable to attend the polls on election day and~~
22 ~~am voting this ballot in person at the office of, and under~~
23 ~~the supervision of, the county supervisor of elections.~~

24
25
26 ...(Date)...

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

27
28 ~~...(Last four digits of voter's social security number)...~~

29 Note: Your Signature Must Be Witnessed By ~~Either:~~

30 ~~a. A Notary or Officer Defined in Item 6.b. of the~~
31 ~~Instruction Sheet.~~

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~~Sworn to (or affirmed) and subscribed before me this
.... day of, ... (year) ..., by ... (name of person
making statement) My commission expires this day of
....., ... (year)~~

~~..... (Signature of Official) ...
..... (Print, Type, or Stamp Name) ...
..... (State or Country of Commission) ...~~

~~Personally Known OR Produced Identification~~

~~.....
Type of Identification Produced.....~~

OR

~~b. One Witness 18 Years of Age or Older as provided in
item 8 of the Instruction Sheet, who is a registered voter in
the State.~~

I swear or affirm that the voter signed this Voter's
Certificate in my presence ~~and that, unless certified as an
absentee ballot coordinator, I have not witnessed more than 5
ballots for this election.~~

WITNESS:

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

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

1 ...(Address)...

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

3
4 (2) The certificate shall be arranged on the back of
5 the mailing envelope so that the lines for the signatures of
6 the absent elector and the attesting witness are across the
7 seal of the envelope; however, no statement shall appear on
8 the envelope which indicates that a signature of the voter or
9 witness must cross the seal of the envelope. The absent
10 elector and the attesting witness shall execute the
11 certificate on the envelope.

12 Section 46. Section 101.65, Florida Statutes, is
13 amended to read:

14 101.65 Instructions to absent electors.--The
15 supervisor shall enclose with each absentee ballot separate
16 printed instructions in substantially the following form:

17
18 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

19 1. VERY IMPORTANT. In order to ensure that your
20 absentee ballot will be counted, it should be completed and
21 returned as soon as possible so that it can reach the
22 supervisor of elections of the county in which your precinct
23 is located no later than 7 p.m. on the day of the election.

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

28 3. Place your marked ballot in the enclosed secrecy
29 envelope.

30 4. Insert the secrecy envelope into the enclosed
31 mailing envelope which is addressed to the supervisor.

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

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

6 7. VERY IMPORTANT. If you are an overseas voter, you
7 must include the date you signed the Voter's Certificate on
8 the line above (Date) or your ballot may not be counted.
9 ~~place the last four digits of your Social Security number in~~
10 ~~the space provided, and your ballot must be witnessed in~~
11 ~~either of the following manners:~~

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

19 b. ~~Any notary or other officer entitled to administer~~
20 ~~oaths or any Florida supervisor of elections or deputy~~
21 ~~supervisor of elections, other than a candidate, may serve as~~
22 ~~an attesting witness.~~

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

27 9.7. Mail, deliver, or have delivered the completed
28 mailing envelope. Be sure there is sufficient postage if
29 mailed.

30 10.8. FELONY NOTICE. It is a felony under Florida law
31 to accept any gift, payment, or gratuity in exchange for your

1 vote for a candidate. It is also a felony under Florida law to
2 vote in an election using a false identity or false address,
3 or under any other circumstances making your ballot false or
4 fraudulent.

5 Section 47. Section 101.657, Florida Statutes, is
6 amended to read:

7 101.657 Voting absentee ballots in person.--

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

20 (2) As an alternative to the provisions of ss. 101.64,
21 ~~101.647,~~ and 101.65, the supervisor of elections may allow an
22 elector to cast an absentee ballot in the main or branch
23 office of the supervisor by depositing the voted ballot in a
24 voting device used by the supervisor to collect or tabulate
25 ballots. The results or tabulation may not be made before the
26 close of the polls on election day.

27 (a)(3) The elector must provide picture identification
28 and must complete an In-Office Voter Certificate in
29 substantially the following form:

30
31

IN-OFFICE VOTER CERTIFICATE

1
2 I,, am a qualified elector in this election and
3 registered voter of County, Florida. I do solemnly swear
4 or affirm that I am the person so listed on the voter
5 registration rolls of County and that I reside at the
6 listed address. I understand that if I commit or attempt to
7 commit fraud in connection with voting, vote a fraudulent
8 ballot, or vote more than once in an election I could be
9 convicted of a felony of the third degree and both fined up to
10 \$5,000 and imprisoned for up to 5 years. I understand that my
11 failure to sign this certificate and have my signature
12 witnessed invalidates my ballot. ~~I am entitled to vote an~~
13 ~~absentee ballot because I am unable to attend the polls on~~
14 ~~election day.~~

15
16
17 ...(Voter's Signature)...

18
19 ...(Address)...

20
21 ...(City/State)...

22
23 ...(Name of Witness)...

24
25 ...(Signature of Witness)...

26
27 ...(Type of identification provided)...

28
29 (b)(4) Any elector may challenge an elector seeking to
30 cast an absentee ballot under the provisions of s. 101.111.
31 Any challenged ballot must be placed in a regular absentee

1 ballot envelope. The canvassing board shall review the ballot
2 and decide the validity of the ballot by majority vote.

3 ~~(c)(5)~~ The canvass of returns for ballots cast under
4 this subsection ~~section~~ shall be substantially the same as
5 votes cast by electors in precincts, as provided in s.
6 101.5614.

7 Section 48. Paragraphs (a) and (c) of subsection (2)
8 of section 101.68, Florida Statutes, are amended to read:

9 101.68 Canvassing of absentee ballot.--

10 (2)(a) The county canvassing board may begin the
11 canvassing of absentee ballots at 7 a.m. on the fourth day
12 before the election, but not later than noon on the day
13 following the election. In addition, for any county using
14 electronic tabulating equipment, the processing of absentee
15 ballots through such tabulating equipment may also begin at 7
16 a.m. on the fourth day before the election ~~begin upon the~~
17 ~~opening of the polls on election day~~. However,
18 notwithstanding any such authorization to begin canvassing or
19 otherwise processing absentee ballots early, no result or
20 tabulation of absentee ballots shall be made until after the
21 close of the polls on election day.

22 (c)1. The canvassing board shall, if the supervisor
23 has not already done so, compare the signature of the elector
24 on the voter's certificate with the signature of the elector
25 in the registration books to see that the elector is duly
26 registered in the county and to determine the legality of that
27 absentee ballot. An absentee ballot shall be considered
28 illegal if it does not include the signature ~~and the last four~~
29 ~~digits of the social security number~~ of the elector, as shown
30 by the registration records, and the signature and address of
31 an attesting witness. ~~either~~

1 ~~a. The subscription of a notary or officer defined in~~
2 ~~Item 6.b. of the instruction sheet, or~~

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

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

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

25 Section 49. Section 104.047, Florida Statutes, is
26 amended to read:

27 104.047 Absentee ballots and voting; violations.--

28 (1) Any person who provides or offers to provide, and
29 any person who accepts, a pecuniary or other benefit in
30 exchange for distributing, ordering, requesting, collecting,
31 delivering, or otherwise physically possessing absentee

1 ballots, except as provided in ss. 101.6105-101.694, is guilty
2 of a felony of the third degree, punishable as provided in s.
3 775.082, s. 775.083, or s. 775.084.

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

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

14 (3)~~(4)~~ Any person who marks or designates a choice on
15 the ballot of another person, except as provided in s.
16 101.051, s. 101.655, or s. 101.661, is guilty of a felony of
17 the third degree, punishable as provided in s. 775.082, s.
18 775.083, or s. 775.084.

19 ~~(5) Any person who returns more than two absentee~~
20 ~~ballots to the supervisors of elections in violation of s.~~
21 ~~101.647 is guilty of a misdemeanor of the first degree,~~
22 ~~punishable as provided in s. 775.082 or s. 775.083.~~

23 Section 50. Sections 101.647 and 101.685, Florida
24 Statutes, are repealed.

25 Section 51. Section 98.255, Florida Statutes, is
26 amended to read:

27 (Substantial rewording of section. See
28 s. 98.255, F.S., for present text.)

29 98.255 Voter education programs.--

30 (1) By March 1, 2002, the Department of State shall
31 adopt rules prescribing minimum standards for nonpartisan

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

5 (a) Voter registration;

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

7 (c) Voter rights and responsibilities;

8 (d) Distribution of sample ballots; and

9 (e) Public service announcements.

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

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

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

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

30 Section 52. Section 101.031, Florida Statutes, is
31 amended to read:

1 101.031 Instructions for electors.--

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

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

19 VOTER'S BILL OF RIGHTS

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

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

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

24 3. Ask for and receive assistance in voting.

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

27 5. An explanation if his or her registration is in
28 question.

29 6. If his or her registration is in question, cast a
30 provisional ballot.

31

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

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

5 9. Vote free from coercion or intimidation by
6 elections officers or any other person.

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

9 VOTER RESPONSIBILITIES

10 Each registered voter in this state has the
11 responsibility to:

12 1. Study and know candidates and issues.

13 2. Keep his or her voter address current.

14 3. Know his or her precinct and its hours of
15 operation.

16 4. Bring proper identification to the polling station.

17 5. Know how to operate voting equipment properly.

18 6. Treat precinct workers with courtesy.

19 7. Respect the privacy of other voters.

20 8. Report problems or violations of election law.

21 9. Ask questions when confused.

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

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

25 ~~(4)(2)~~ In case any elector, after entering the voting
26 booth, shall ask for further instructions concerning the
27 manner of voting, two election officers who are not both
28 members of the same political party, if present, or, if not,
29 two election officers who are members of the same political
30 party, shall give such instructions to such elector, but no
31 officer or person assisting an elector shall in any manner

1 request, suggest, or seek to persuade or induce any elector to
2 vote for or against any particular ticket, candidate,
3 amendment, question, or proposition. After giving the elector
4 instructions and before the elector has voted, the officers or
5 persons assisting the elector shall retire, and such elector
6 shall vote in secret.

7 Section 53. Subsection (1) of section 101.131, Florida
8 Statutes, is amended to read:

9 101.131 Watchers at polls.--

10 (1) Each political party and each candidate may have
11 one watcher in each polling room at any one time during the
12 election. No watcher shall be permitted to come closer to the
13 officials' table or the voting booths than is reasonably
14 necessary to properly perform his or her functions, but each
15 shall be allowed within the polling room to watch and observe
16 the conduct of electors and officials. The watchers shall
17 furnish their own materials and necessities and shall not
18 obstruct the orderly conduct of any election. Each watcher
19 shall be a qualified and registered elector of the county in
20 which he or she serves. ~~During the elections the officials~~
21 ~~shall call out the names of electors loudly enough to be heard~~
22 ~~by the watchers.~~

23 Section 54. Section 102.014, Florida Statutes, is
24 created to read:

25 102.014 Pollworker recruitment and training.--

26 (1) The supervisor of elections shall conduct training
27 for inspectors, clerks, and deputy sheriffs prior to each
28 primary, general, and special election for the purpose of
29 instructing such persons in their duties and responsibilities
30 as election officials. A certificate may be issued by the
31 supervisor of elections to each person completing such

1 training. No person shall serve as an inspector, clerk, or
2 deputy sheriff for an election unless such person has
3 completed the training as required. A clerk may not work at
4 the polls unless he or she demonstrates a working knowledge of
5 the laws and procedures relating to voter registration, voting
6 system operation, balloting and polling place procedures, and
7 problem-solving and conflict-resolution skills.

8 (2) A person who has attended previous training
9 conducted within 2 years before the election may be appointed
10 by the supervisor to fill a vacancy on election day. If no
11 person with prior training is available to fill such vacancy,
12 the supervisor of elections may fill such vacancy in
13 accordance with the provisions of subsection (3) from among
14 persons who have not received the training required by this
15 section.

16 (3) In the case of absence or refusal to act on the
17 part of any inspector or clerk at any precinct on the day of
18 an election, the supervisor shall appoint a replacement who
19 meets the qualifications prescribed in section 102.012(2).
20 The inspector or clerk so appointed shall be a member of the
21 same political party as the clerk or inspector whom he or she
22 replaces.

23 (4) Each supervisor of elections shall be responsible
24 for training inspectors and clerks, subject to the following
25 minimum requirements:

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

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

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

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

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

17 (a) Regulations governing solicitation by individuals
18 and groups at the polling place;

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

21 (c) Proper operation of the voting system;

22 (d) Ballot handling procedures;

23 (e) Procedures governing spoiled ballots;

24 (f) Procedures to be followed after the polls close;

25 (g) Rights of voters at the polls;

26 (h) Procedures for handling emergency situations;

27 (i) Procedures for dealing with irate voters;

28 (j) The handling and processing of provisional
29 ballots; and

30 (k) Security procedures.
31

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

4 (6) State, county, and municipal workers who volunteer
5 to serve as clerks and inspectors and whose jobs are not of an
6 emergency nature may work at the polls, as needed, in lieu of
7 their normal work.

8 (7) Supervisors of elections shall work with the
9 business and local community to develop public-private
10 programs to ensure the recruitment of skilled inspectors and
11 clerks.

12 Section 55. Subsections (8) and (9) of section
13 102.012, Florida Statutes, are repealed.

14 Section 56. Subsection (2) of section 102.021, Florida
15 Statutes, is amended to read:

16 102.021 Compensation of inspectors, clerks, and deputy
17 sheriffs.--

18 (2) Inspectors and clerks of election and deputy
19 sheriffs serving at the precincts may receive compensation and
20 travel expenses, as provided in s. 112.061, for attending the
21 poll worker training required by s. 102.014 ~~102.012(8)~~.

22 Section 57. Subsection (1) of section 97.073, Florida
23 Statutes, is amended to read:

24 97.073 Disposition of voter registration applications;
25 cancellation notice.--

26 (1) The supervisor must notify each applicant of the
27 disposition of the applicant's voter registration application.
28 The notice must inform the applicant that the application has
29 been approved, is incomplete, has been denied, or is a
30 duplicate of a current registration. A registration
31 identification card sent to an applicant constitutes notice of

1 approval of registration. If the application is incomplete,
2 the supervisor must request that ~~notice must instruct~~ the
3 applicant supply the missing information in writing and sign a
4 statement that the additional information is true and correct
5 ~~to complete another voter registration application, which the~~
6 ~~supervisor must provide~~. A notice of denial must inform the
7 applicant of the reason the application was denied.

8 Section 58. Subsection (1) of section 98.015, Florida
9 Statutes, is amended to read:

10 98.015 Supervisor of elections; election, tenure of
11 office, compensation, custody of books, office hours,
12 successor, seal; appointment of deputy supervisors; duties.--

13 (1) A supervisor of elections shall be elected in a
14 nonpartisan election in each county at the general election in
15 each year the number of which is a multiple of four for a
16 4-year term commencing on the first Tuesday after the first
17 Monday in January succeeding his or her election. Each
18 supervisor shall, before performing any of his or her duties,
19 take the oath prescribed in s. 5, Art. II of the State
20 Constitution.

21 Section 59. Subsection (3), paragraph (a) of
22 subsection (4), and paragraph (a) of subsection (5) of section
23 105.031, Florida Statutes, are amended to read:

24 105.031 Qualification; filing fee; candidate's oath;
25 items required to be filed.--

26 (3) QUALIFYING FEE.--Each candidate qualifying for
27 election to a judicial office, the office of supervisor of
28 elections, or the office of school board member, except
29 write-in ~~judicial~~ candidates, shall, during the time for
30 qualifying, pay to the officer with whom he or she qualifies a
31 qualifying fee, which shall consist of a filing fee and an

1 election assessment, or qualify by the alternative method. The
2 amount of the filing fee is 3 percent of the annual salary of
3 the office sought. The amount of the election assessment is 1
4 percent of the annual salary of the office sought. The
5 Department of State shall forward all filing fees to the
6 Department of Revenue for deposit in the Elections Commission
7 Trust Fund. The supervisor of elections shall forward all
8 filing fees to the Elections Commission Trust Fund. The
9 election assessment shall be deposited into the Elections
10 Commission Trust Fund. The annual salary of the office for
11 purposes of computing the qualifying fee shall be computed by
12 multiplying 12 times the monthly salary authorized for such
13 office as of July 1 immediately preceding the first day of
14 qualifying. This subsection shall not apply to candidates
15 qualifying for retention to judicial office.

16 (4) CANDIDATE'S OATH.--

17 (a) All candidates for the office of supervisor of
18 elections or the office of school board member shall subscribe
19 to the oath as prescribed in s. 99.021.

20 (5) ITEMS REQUIRED TO BE FILED.--

21 (a) In order for a candidate for judicial office, the
22 office of supervisor of elections, or the office of school
23 board member to be qualified, the following items must be
24 received by the filing officer by the end of the qualifying
25 period:

26 1. Except for candidates for retention to judicial
27 office, a properly executed check drawn upon the candidate's
28 campaign account in an amount not less than the fee required
29 by subsection (3) or, in lieu thereof, the copy of the notice
30 of obtaining ballot position pursuant to s. 105.035. If a
31 candidate's check is returned by the bank for any reason, the

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5. The full and public disclosure of financial interests required by s. 8, Art. II of the State Constitution or the statement of financial interests required by s. 112.3145, whichever is applicable.

Section 60. Section 105.035, Florida Statutes, is amended to read:

105.035 Alternative method of qualifying for certain judicial offices, the office of supervisor of elections, and the office of school board member.--

(1) A person seeking to qualify for election to the office of circuit judge or county court judge, the office of supervisor of elections, or the office of school board member may qualify for election to such office by means of the petitioning process prescribed in this section. A person qualifying by this alternative method shall not be required to pay the qualifying fee required by this chapter. A person using this petitioning process shall file an oath with the officer before whom the candidate would qualify for the office stating that he or she intends to qualify by this alternative method for the office sought. Such oath shall be filed at any time after the first Tuesday after the first Monday in January of the year in which the election is held, but prior to the 21st day preceding the first day of the qualifying period for the office sought. The form of such oath shall be prescribed by the Division of Elections. No signatures shall be obtained until the person has filed the oath prescribed in this subsection.

(2) Upon receipt of a written oath from a candidate, the qualifying officer shall provide the candidate with a

1 petition format prescribed by the Division of Elections to be
2 used by the candidate to reproduce petitions for circulation.
3 If the candidate is running for an office which will be
4 grouped on the ballot with two or more similar offices to be
5 filled at the same election, the candidate's petition must
6 indicate, prior to the obtaining of registered electors'
7 signatures, for which group or district office the candidate
8 is running.

9 (3) Each candidate for election to a judicial office,
10 the office of supervisor of elections, or the office of school
11 board member shall obtain the signature of a number of
12 qualified electors equal to at least 1 percent of the total
13 number of registered electors of the district, circuit,
14 county, or other geographic entity represented by the office
15 sought as shown by the compilation by the Department of State
16 for the last preceding general election. A separate petition
17 shall be circulated for each candidate availing himself or
18 herself of the provisions of this section.

19 (4)(a) Each candidate seeking to qualify for election
20 to the office of circuit judge or the office of school board
21 member from a multicounty school district pursuant to this
22 section shall file a separate petition from each county from
23 which signatures are sought. Each petition shall be
24 submitted, prior to noon of the 21st day preceding the first
25 day of the qualifying period for the office sought, to the
26 supervisor of elections of the county for which such petition
27 was circulated. Each supervisor of elections to whom a
28 petition is submitted shall check the signatures on the
29 petition to verify their status as electors of that county and
30 of the geographic area represented by the office sought. Prior
31 to the first date for qualifying, the supervisor shall certify

1 the number shown as registered electors and submit such
2 certification to the Division of Elections. The division
3 shall determine whether the required number of signatures has
4 been obtained for the name of the candidate to be placed on
5 the ballot and shall notify the candidate. If the required
6 number of signatures has been obtained, the candidate shall,
7 during the time prescribed for qualifying for office, submit a
8 copy of such notice and file his or her qualifying papers and
9 oath prescribed in s. 105.031 with the Division of Elections.
10 Upon receipt of the copy of such notice and qualifying papers,
11 the division shall certify the name of the candidate to the
12 appropriate supervisor or supervisors of elections as having
13 qualified for the office sought.

14 (b) Each candidate seeking to qualify for election to
15 the office of county court judge, the office of supervisor of
16 elections, or the office of school board member from a single
17 county school district pursuant to this section shall submit
18 his or her petition, prior to noon of the 21st day preceding
19 the first day of the qualifying period for the office sought,
20 to the supervisor of elections of the county for which such
21 petition was circulated. The supervisor shall check the
22 signatures on the petition to verify their status as electors
23 of the county and of the geographic area represented by the
24 office sought. Prior to the first date for qualifying, the
25 supervisor shall determine whether the required number of
26 signatures has been obtained for the name of the candidate to
27 be placed on the ballot and shall notify the candidate. If the
28 required number of signatures has been obtained, the candidate
29 shall, during the time prescribed for qualifying for office,
30 submit a copy of such notice and file his or her qualifying
31 papers and oath prescribed in s. 105.031 with the qualifying

1 officer. Upon receipt of the copy of such notice and
2 qualifying papers, such candidate shall be entitled to have
3 his or her name printed on the ballot.

4 Section 61. Subsection (4) of section 105.041, Florida
5 Statutes, is amended to read:

6 105.041 Form of ballot.--

7 (4) WRITE-IN CANDIDATES.--Space shall be made
8 available on the general election ballot for an elector to
9 write in the name of a write-in candidate for judge of a
10 circuit court or county court, supervisor of elections, or
11 member of a school board if a candidate has qualified as a
12 write-in candidate for such office pursuant to s. 105.031.
13 This subsection shall not apply to the offices of justices and
14 judges seeking retention.

15 Section 62. Paragraph (a) of subsection (1) of section
16 105.051, Florida Statutes, is amended to read:

17 105.051 Determination of election or retention to
18 office.--

19 (1) ELECTION.--In circuits and counties holding
20 elections:

21 (a) The name of an unopposed candidate for the office
22 of circuit judge, county court judge, supervisor of elections,
23 or member of a school board shall not appear on any ballot,
24 and such candidate shall be deemed to have voted for himself
25 or herself at the general election.

26 Section 63. Subsection (3) is added to section
27 105.061, Florida Statutes, to read:

28 105.061 Electors qualified to vote.--

29 (3) The election of the supervisor of elections shall
30 be by vote of the qualified electors of the county.

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1 Section 64. Subsection (1) of section 105.08, Florida
2 Statutes, is amended to read:

3 105.08 Campaign contribution and expense; reporting.--

4 (1) A candidate for judicial office, the office of
5 supervisor of elections, or the office of school board member
6 may accept contributions and may incur only such expenses as
7 are authorized by law. Each such candidate shall keep an
8 accurate record of his or her contributions and expenses, and
9 shall file reports pursuant to chapter 106.

10 Section 65. Sections 100.091 and 100.096, Florida
11 Statutes, are repealed.

12 Section 66. Subsection (1) of section 97.055, Florida
13 Statutes, is amended to read:

14 97.055 Registration books; when closed for an
15 election.--

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

27 Section 67. Subsection (3) of section 97.071, Florida
28 Statutes, is amended to read:

29 97.071 Registration identification card.--

30 (3) In the case of a change of name, address, or party
31 affiliation, the supervisor must issue the voter a new

1 registration identification card. ~~However, a registration~~
2 ~~identification card indicating a party affiliation change made~~
3 ~~between the book-closing date for the first primary election~~
4 ~~and the date of the second primary election may not be issued~~
5 ~~until after the second primary election.~~

6 Section 68. Subsection (3) of section 97.1031, Florida
7 Statutes, is amended to read:

8 97.1031 Notice of change of residence within the same
9 county, change of name, or change of party.--

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

15 Section 69. Section 98.081, Florida Statutes, is
16 amended to read:

17 98.081 Names removed from registration books;
18 ~~restrictions on reregistering; recordkeeping; restoration of~~
19 ~~erroneously or illegally removed names.--~~

20 ~~(1) Any person who requested that his or her name be~~
21 ~~removed from the registration books between the book-closing~~
22 ~~date of the first primary and the date of the second primary~~
23 ~~may not register in a different political party until after~~
24 ~~the date of the second primary election.~~

25 (1)~~(2)~~ When the name of any elector is removed from
26 the registration books pursuant to s. 98.065, s. 98.075, or s.
27 98.093, the elector's original registration form shall be
28 filed alphabetically in the office of the supervisor. As
29 alternatives, registrations removed from the registration
30 books may be microfilmed and such microfilms substituted for
31 the original registration forms; or, when voter registration

1 information, including the voter's signature, is maintained
2 digitally or on electronic, magnetic, or optic media, such
3 stored information may be substituted for the original
4 registration form. Such microfilms or stored information shall
5 be retained in the custody of the supervisor. In the event the
6 original registration forms are microfilmed or maintained
7 digitally or on electronic or other media, such originals may
8 be destroyed in accordance with the schedule approved by the
9 Bureau of Archives and Records Management of the Division of
10 Library and Information Services of the department.

11 (2)~~(3)~~ When the name of any elector has been
12 erroneously or illegally removed from the registration books,
13 the name of the elector shall be restored by the supervisor
14 upon satisfactory proof, even though the registration period
15 for that election is closed.

16 Section 70. Subsections (1), (2), and (8) of section
17 99.061, Florida Statutes, are amended to read:

18 99.061 Method of qualifying for nomination or election
19 to federal, state, county, or district office.--

20 (1) The provisions of any special act to the contrary
21 notwithstanding, each person seeking to qualify for nomination
22 or election to a federal, state, or multicounty district
23 office, other than election to a judicial office as defined in
24 chapter 105 or the office of school board member, shall file
25 his or her qualification papers with, and pay the qualifying
26 fee, which shall consist of the filing fee and election
27 assessment, and party assessment, if any has been levied, to,
28 the Department of State, or qualify by the alternative method
29 with the Department of State, at any time after noon of the
30 1st day for qualifying, which shall be as follows: the 120th
31 day prior to the ~~first~~ primary election, but not later than

1 noon of the 116th day prior to the date of the ~~first~~ primary
2 election, for persons seeking to qualify for nomination or
3 election to federal office; and noon of the 50th day prior to
4 the ~~first~~ primary election, but not later than noon of the
5 46th day prior to the date of the ~~first~~ primary election, for
6 persons seeking to qualify for nomination or election to a
7 state or multicounty district office.

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

1 county offices and the candidacy of members of the
2 Legislature.

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

10 Section 71. Subsections (1), (2), and (4) of section
11 99.063, Florida Statutes, are amended to read:

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

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

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

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

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

28 (c) If the office sought is partisan, the written
29 statement of political party affiliation required by s.
30 99.021(1)(b).

31

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

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

15 Section 72. Subsection (1) of section 99.095, Florida
16 Statutes, is amended to read:

17 99.095 Alternative method of qualifying.--

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

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

15 Section 73. Section 99.103, Florida Statutes, is
16 amended to read:

17 99.103 Department of State to remit part of filing
18 fees and party assessments of candidates to state executive
19 committee.--

20 (1) If more than three-fourths of the full authorized
21 membership of the state executive committee of any party was
22 elected at the last previous election for such members and if
23 such party is declared by the Department of State to have
24 recorded on the registration books of the counties, as of the
25 first Tuesday after the first Monday in January prior to the
26 ~~first~~ primary election in general election years, 5 percent of
27 the total registration of such counties when added together,
28 such committee shall receive, for the purpose of meeting its
29 expenses, all filing fees collected by the Department of State
30 from its candidates less an amount equal to 15 percent of the
31

1 filing fees, which amount the Department of State shall
2 deposit in the General Revenue Fund of the state.

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

18 Section 74. Section 100.061, Florida Statutes, is
19 amended to read:

20 100.061 ~~First~~ Primary election.--In each year in which
21 a general election is held, a ~~first~~ primary election for
22 nomination of candidates of political parties shall be held on
23 the second Tuesday following the first Monday in September ~~9~~
24 ~~weeks prior to the general election.~~ The ~~Each~~ candidate
25 receiving the highest number ~~a majority of the~~ votes cast in
26 each contest in the ~~first~~ primary election shall be declared
27 nominated for such office. If two or more candidates receive
28 an equal and highest number of votes for the same office, such
29 candidates shall draw lots to determine who shall receive the
30 nomination. ~~A second primary election shall be held as~~

31

1 ~~provided by s. 100.091 in every contest in which a candidate~~
2 ~~does not receive a majority.~~

3 Section 75. Section 100.081, Florida Statutes, is
4 amended to read:

5 100.081 ~~Conducting primary elections;~~Nomination of
6 county commissioners at primary election.--The primary
7 election ~~elections~~ shall provide for the nomination of county
8 commissioners by the qualified electors of such county at the
9 time and place set for voting on other county officers.

10 Section 76. Paragraph (c) of subsection (1),
11 subsection (3), and paragraph (a) of subsection (4) of section
12 100.111, Florida Statutes, are amended to read:

13 100.111 Filling vacancy.--

14 (1)

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

27 (3) Whenever there is a vacancy for which a special
28 election is required pursuant to s. 100.101(1)-(4), the
29 Governor, after consultation with the Secretary of State,
30 shall fix the dates ~~date~~ of a special ~~first~~ primary election,
31 ~~a special second primary election~~, and a special election.

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

28 (a) The dates for candidates to qualify in such
29 special election or special primary election shall be fixed by
30 the Department of State, and candidates shall qualify not
31 later than noon of the last day so fixed. The dates fixed for

1 qualifying shall allow a minimum of 14 days between the last
2 day of qualifying and the special ~~first~~ primary election.

3 (b) The filing of campaign expense statements by
4 candidates in such special elections or special primaries and
5 by committees making contributions or expenditures to
6 influence the results of such special primaries or special
7 elections shall be not later than such dates as shall be fixed
8 by the Department of State, and in fixing such dates the
9 Department of State shall take into consideration and be
10 governed by the practical time limitations.

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

20 (d) The qualifying fees and party assessments of such
21 candidates as may qualify shall be the same as collected for
22 the same office at the last previous primary for that office.
23 The party assessment shall be paid to the appropriate
24 executive committee of the political party to which the
25 candidate belongs.

26 (e) Each county canvassing board shall make as speedy
27 a return of the result of such special primary elections and
28 special elections ~~and primaries~~ as time will permit, and the
29 Elections Canvassing Commission likewise shall make as speedy
30 a canvass and declaration of the nominees as time will permit.

31

1 (4)(a) In the event that death, resignation,
2 withdrawal, removal, or any other cause or event should cause
3 a party to have a vacancy in nomination which leaves no
4 candidate for an office from such party, the Governor shall,
5 after conferring with the Secretary of State, call a special
6 primary election ~~and, if necessary, a second special primary~~
7 ~~election~~ to select for such office a nominee of such political
8 party. The dates on which candidates may qualify for such
9 special primary election shall be fixed by the Department of
10 State, and the candidates shall qualify no later than noon of
11 the last day so fixed. The filing of campaign expense
12 statements by candidates in special primary elections
13 ~~primaries~~ shall not be later than such dates as shall be fixed
14 by the Department of State. In fixing such dates, the
15 Department of State shall take into consideration and be
16 governed by the practical time limitations. The qualifying
17 fees and party assessment of such candidates as may qualify
18 shall be the same as collected for the same office at the last
19 previous primary for that office. Each county canvassing
20 board shall make as speedy a return of the results of such
21 special primary elections ~~primaries~~ as time will permit, and
22 the Elections Canvassing Commission shall likewise make as
23 speedy a canvass and declaration of the nominees as time will
24 permit.

25 Section 77. Subsection (2) of section 100.141, Florida
26 Statutes, is amended to read:

27 100.141 Notice of special election to fill any vacancy
28 in office or nomination.--

29 (2) The Department of State shall prepare a notice
30 stating what offices and vacancies are to be filled in the
31 special election, the dates ~~date~~ set for the ~~each~~ special

1 primary election and the special election, the dates fixed for
2 qualifying for office, the dates fixed for qualifying by the
3 alternative method, and the dates fixed for filing campaign
4 expense statements.

5 Section 78. Subsection (2) of section 101.252, Florida
6 Statutes, is amended to read:

7 101.252 Candidates entitled to have names printed on
8 certain ballots; exception.--

9 (2) Any candidate for party executive committee member
10 who has qualified as prescribed by law is entitled to have his
11 or her name printed on the ~~first~~ primary election ballot.
12 However, when there is only one candidate of any political
13 party qualified for such an office, the name of the candidate
14 shall not be printed on the ~~first~~ primary election ballot, and
15 such candidate shall be declared elected to the state or
16 county executive committee.

17 Section 79. Paragraph (a) of subsection (4) of section
18 101.62, Florida Statutes, is amended to read:

19 101.62 Request for absentee ballots.--

20 (4)(a) To each absent qualified elector overseas who
21 has requested an absentee ballot, the supervisor of elections
22 shall, not fewer than 35 days before the ~~first~~ primary
23 election and not fewer than 45 days before the general
24 election, mail an absentee ballot. ~~Not fewer than 45 days~~
25 ~~before the second primary and general election, the supervisor~~
26 ~~of elections shall mail an advance absentee ballot to those~~
27 ~~persons requesting ballots for such elections. The advance~~
28 ~~absentee ballot for the second primary shall be the same as~~
29 ~~the first primary absentee ballot as to the names of~~
30 ~~candidates, except that for any offices where there are only~~
31 ~~two candidates, those offices and all political party~~

1 ~~executive committee offices shall be omitted. Except as~~
2 ~~provided in s. 99.063(4), the advance absentee ballot for the~~
3 ~~general election shall be as specified in s. 101.151, except~~
4 ~~that in the case of candidates of political parties where~~
5 ~~nominations were not made in the first primary, the names of~~
6 ~~the candidates placing first and second in the first primary~~
7 ~~election shall be printed on the advance absentee ballot. The~~
8 ~~advance absentee ballot or advance absentee ballot information~~
9 ~~booklet shall be of a different color for each election and~~
10 ~~also a different color from the absentee ballots for the first~~
11 ~~primary, second primary, and general election. The supervisor~~
12 ~~shall mail an advance absentee ballot for the second primary~~
13 ~~and general election to each qualified absent elector for whom~~
14 ~~a request is received until the absentee ballots are printed.~~
15 ~~The supervisor shall enclose with the advance second primary~~
16 ~~absentee ballot and advance general election absentee ballot~~
17 ~~an explanation stating that the absentee ballot for the~~
18 ~~election will be mailed as soon as it is printed; and, if both~~
19 ~~the advance absentee ballot and the absentee ballot for the~~
20 ~~election are returned in time to be counted, only the absentee~~
21 ~~ballot will be counted.~~

22 Section 80. Subsection (7) of section 102.168, Florida
23 Statutes, is amended to read:

24 102.168 Contest of election.--

25 (7) Any candidate, 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

1 Section 81. Subsection (3) and paragraph (b) of
2 subsection (4) of section 103.021, Florida Statutes, are
3 amended to read:

4 103.021 Nomination for presidential
5 electors.--Candidates for presidential electors shall be
6 nominated in the following manner:

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

29 (4)

30 (b) A minor party that is not affiliated with a
31 national party holding a national convention to nominate

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

24 Section 82. Section 103.022, Florida Statutes, is
25 amended to read:

26 103.022 Write-in candidates for President and Vice
27 President.--Persons seeking to qualify for election as
28 write-in candidates for President and Vice President of the
29 United States may have a blank space provided on the general
30 election ballot for their names to be written in by filing an
31 oath with the Department of State at any time after the 57th

1 day, but before noon of the 49th day, prior to the date of the
2 ~~first~~ primary election in the year in which a presidential
3 election is held. The Department of State shall prescribe the
4 form to be used in administering the oath. The candidates
5 shall file with the department a certificate naming the
6 required number of persons to serve as electors. Such
7 write-in candidates shall not be entitled to have their names
8 on the ballot.

9 Section 83. Subsection (4) of section 103.091, Florida
10 Statutes, is amended to read:

11 103.091 Political parties.--

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

31

1 organizational meeting of all newly elected members for the
2 purpose of electing officers.

3 Section 84. Subsection (1) of section 105.031, Florida
4 Statutes, is amended to read:

5 105.031 Qualification; filing fee; candidate's oath;
6 items required to be filed.--

7 (1) TIME OF QUALIFYING.--Except for candidates for
8 judicial office, nonpartisan candidates for multicounty office
9 shall qualify with the Division of Elections of the Department
10 of State and nonpartisan candidates for countywide or less
11 than countywide office shall qualify with the supervisor of
12 elections. Candidates for judicial office other than the
13 office of county court judge shall qualify with the Division
14 of Elections of the Department of State, and candidates for
15 the office of county court judge shall qualify with the
16 supervisor of elections of the county. Candidates shall
17 qualify no earlier than noon of the 50th day, and no later
18 than noon of the 46th day, before the ~~first~~ primary election.
19 Filing shall be on forms provided for that purpose by the
20 Division of Elections and furnished by the appropriate
21 qualifying officer. Any person seeking to qualify by the
22 alternative method, as set forth in s. 105.035, if the person
23 has submitted the necessary petitions by the required deadline
24 and is notified after the fifth day prior to the last day for
25 qualifying that the required number of signatures has been
26 obtained, shall be entitled to subscribe to the candidate's
27 oath and file the qualifying papers at any time within 5 days
28 from the date he or she is notified that the necessary number
29 of signatures has been obtained. Any person other than a
30 write-in candidate who qualifies within the time prescribed in
31

1 this subsection shall be entitled to have his or her name
2 printed on the ballot.

3 Section 85. Subsection (1) and paragraph (b) of
4 subsection (2) of section 105.041, Florida Statutes, are
5 amended to read:

6 105.041 Form of ballot.--

7 (1) BALLOTS.--The names of candidates for nonpartisan
8 ~~judicial office and candidates for the office of school board~~
9 ~~member~~ which appear on the ballot at the ~~first~~ primary
10 election shall either be grouped together on a separate
11 portion of the ballot or on a separate ballot. The names of
12 candidates for election to nonpartisan judicial office ~~and~~
13 ~~candidates for the office of school board member~~ which appear
14 on the ballot at the general election and the names of
15 justices and judges seeking retention to office shall be
16 grouped together on a separate portion of the general election
17 ballot.

18 (2) LISTING OF CANDIDATES.--

19 (b)1. The names of candidates for the office of
20 circuit judge shall be listed on the ~~first~~ primary election
21 ballot in the order determined by lot conducted by the
22 director of the Division of Elections of the Department of
23 State after the close of the qualifying period.

24 2. Candidates who have secured a position on the
25 general election ballot, after having survived elimination at
26 the ~~first~~ primary election, shall have their names listed in
27 the same order as on the ~~first~~ primary election ballot,
28 notwithstanding the elimination of any intervening names as a
29 result of the ~~first~~ primary election.

30 Section 86. Paragraph (b) of subsection (1) of section
31 105.051, Florida Statutes, is amended to read:

1 105.051 Determination of election or retention to
2 office.--

3 (1) ELECTION.--In circuits and counties holding
4 elections:

5 (b) If two or more candidates, neither of whom is a
6 write-in candidate, qualify for such an office, the names of
7 those candidates shall be placed on the ballot at the ~~first~~
8 primary election. If any candidate for such office receives a
9 majority of the votes cast for such office in the ~~first~~
10 primary election, the name of the candidate who receives such
11 majority shall not appear on any other ballot unless a
12 write-in candidate has qualified for such office. An
13 unopposed candidate shall be deemed to have voted for himself
14 or herself at the general election. If no candidate for such
15 office receives a majority of the votes cast for such office
16 in the ~~first~~ primary election, the names of the two candidates
17 receiving the highest number of votes for such office shall be
18 placed on the general election ballot. If more than two
19 candidates receive an equal and highest number of votes, the
20 name of each candidate receiving an equal and highest number
21 of votes shall be placed on the general election ballot. In
22 any contest in which there is a tie for second place and the
23 candidate placing first did not receive a majority of the
24 votes cast for such office, the name of the candidate placing
25 first and the name of each candidate tying for second shall be
26 placed on the general election ballot.

27 Section 87. Paragraphs (a) and (b) of subsection (1)
28 of section 106.07, Florida Statutes, are amended to read:

29 106.07 Reports; certification and filing.--

30 (1) Each campaign treasurer designated by a candidate
31 or political committee pursuant to s. 106.021 shall file

1 regular reports of all contributions received, and all
2 expenditures made, by or on behalf of such candidate or
3 political committee. Reports shall be filed on the 10th day
4 following the end of each calendar quarter from the time the
5 campaign treasurer is appointed, except that, if the 10th day
6 following the end of a calendar quarter occurs on a Saturday,
7 Sunday, or legal holiday, the report shall be filed on the
8 next following day which is not a Saturday, Sunday, or legal
9 holiday. Quarterly reports shall include all contributions
10 received and expenditures made during the calendar quarter
11 which have not otherwise been reported pursuant to this
12 section.

13 (a) Except as provided in paragraph (b), following the
14 last day of qualifying for office, the reports shall be filed
15 on the 32nd, 18th, and 4th days immediately preceding the
16 ~~first~~ primary election and on the 46th, 32nd, 18th, and 4th
17 days immediately preceding the ~~second primary~~ and general
18 election, for a candidate who is opposed in seeking nomination
19 or election to any office, for a political committee, or for a
20 committee of continuous existence.

21 (b) Following the last day of qualifying for office,
22 any statewide candidate who has requested to receive
23 contributions from the Election Campaign Financing Trust Fund
24 or any statewide candidate in a race with a candidate who has
25 requested to receive contributions from the trust fund shall
26 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior
27 to the ~~first primary election and general elections,~~ and on
28 the 4th, 11th, 18th, ~~and 25th,~~ 32nd, 39th, 46th, and 53rd days
29 prior to the general election ~~second primary~~.

30 Section 88. Paragraph (c) of subsection (1) of section
31 106.08, Florida Statutes, is amended to read:

1 106.08 Contributions; limitations on.--

2 (1)

3 (c) The contribution limits of this subsection apply
4 to each election. For purposes of this subsection, the ~~first~~
5 primary election, ~~second primary~~, and the general election are
6 separate elections so long as the candidate is not an
7 unopposed candidate as defined in s. 106.011(15). However,
8 for the purpose of contribution limits with respect to
9 candidates for retention as a justice or judge, there is only
10 one election, which is the general election. ~~With respect to~~
11 ~~candidates in a circuit holding an election for circuit judge~~
12 ~~or in a county holding an election for county court judge,~~
13 ~~there are only two elections, which are the first primary~~
14 ~~election and general election.~~

15 Section 89. Subsection (1) of section 106.29, Florida
16 Statutes, is amended to read:

17 106.29 Reports by political parties; restrictions on
18 contributions and expenditures; penalties.--

19 (1) The state executive committee and each county
20 executive committee of each political party regulated by
21 chapter 103 shall file regular reports of all contributions
22 received and all expenditures made by such committee. Such
23 reports shall contain the same information as do reports
24 required of candidates by s. 106.07 and shall be filed on the
25 10th day following the end of each calendar quarter, except
26 that, during the period from the last day for candidate
27 qualifying until the general election, such reports shall be
28 filed on the Friday immediately preceding both the ~~first~~
29 ~~primary election, the second primary election,~~ and the general
30 election. Each state executive committee shall file the
31 original and one copy of its reports with the Division of

1 Elections. Each county executive committee shall file its
2 reports with the supervisor of elections in the county in
3 which such committee exists. Any state or county executive
4 committee failing to file a report on the designated due date
5 shall be subject to a fine as provided in subsection (3). No
6 separate fine shall be assessed for failure to file a copy of
7 any report required by this section.

8 Section 90. Subsection (6) is added to section 236.25,
9 Florida Statutes, to read:

10 236.25 District school tax.--

11 (6) In addition to the maximum millage levied under
12 this section and the General Appropriations Act, a school
13 district may levy, by local referendum or in a general
14 election, additional millage for school operational purposes
15 up to an amount that, when combined with nonvoted millage
16 levied under this section, does not exceed the 10-mill limit
17 established in s. 9(b), Art. VII of the State Constitution.
18 Any such levy shall be for a maximum of 4 years and shall be
19 counted as part of the 10-mill limit established in s. 9(b),
20 Art. VII of the State Constitution. Millage elections
21 conducted under the authority granted pursuant to this section
22 are subject to ss. 236.31 and 236.32. Funds generated by such
23 additional millage do not become a part of the calculation of
24 the Florida Education Finance Program total potential funds in
25 2001-2002 or any subsequent year and must not be incorporated
26 in the calculation of any hold-harmless or other component of
27 the Florida Education Finance Program formula in any year.

28 Section 91. Section 236.31, Florida Statutes, is
29 amended to read:

30 236.31 District millage elections.--

31

1 (1) The school board, pursuant to resolution adopted
2 at a regular meeting, shall direct the county commissioners to
3 call an election at which the electors within the school
4 districts may approve an ad valorem tax millage as authorized
5 in s. 9, Art. VII of the State Constitution. Such election may
6 be held at any time, except that not more than one such
7 election shall be held during any 12-month period. Any
8 millage so authorized shall be levied for a period not in
9 excess of 2 years or until changed by another millage
10 election, whichever is the earlier. In the event any such
11 election is invalidated by a court of competent jurisdiction,
12 such invalidated election shall be considered not to have been
13 held.

14 (2) The school board, pursuant to resolution adopted
15 at a regular meeting, shall direct the county commissioners to
16 call an election at which the electors within the school
17 district may approve an ad valorem tax millage as authorized
18 under s. 236.25(6). Such election may be held at any time,
19 except that not more than one such election shall be held
20 during any 12-month period. Any millage so authorized shall be
21 levied for a period not in excess of 4 years or until changed
22 by another millage election, whichever is earlier. If any such
23 election is invalidated by a court of competent jurisdiction,
24 such invalidated election shall be considered not to have been
25 held.

26 Section 92. Section 236.32, Florida Statutes, is
27 amended to read:

28 (Substantial rewording of section. See
29 s. 236.32, F.S., for present text.)
30 236.32 Procedures for holding and conducting school
31 district millage elections.--

1 (1) HOLDING ELECTIONS.--All school district millage
2 elections shall be held and conducted in the manner prescribed
3 by law for holding general elections, except as provided in
4 this chapter.

5 (2) FORM OF BALLOT.--

6 (a) The school board may propose a single millage or
7 two millages, with one for operating expenses and another for
8 a local capital improvement reserve fund. When two millage
9 figures are proposed, each millage must be voted on
10 separately.

11 (b) The school board shall provide the wording of the
12 substance of the measure and the ballot title in the
13 resolution calling for the election. The wording of the
14 ballot must conform to the provisions of s. 101.161.

15 (3) QUALIFICATION OF ELECTORS.--All qualified electors
16 of the school district are entitled to vote in the election to
17 set the school tax district millage levy.

18 (4) RESULTS OF ELECTION.--When the school board
19 proposes one tax levy for operating expenses and another for
20 the local capital improvement reserve fund, the results shall
21 be considered separately. The tax levy shall be levied only
22 in case a majority of the electors participating in the
23 election vote in favor of the proposed special millage.

24 (5) EXPENSES OF ELECTION.--The cost of the publication
25 of the notice of the election and all expenses of the election
26 in the school district shall be paid by the school board.

27 Section 93. Subsection (5) of section 106.141, Florida
28 Statutes, is amended to read:

29 106.141 Disposition of surplus funds by candidates.--

30 (5) A candidate elected to office or a candidate who
31 will be elected to office by virtue of his or her being

1 unopposed may, in addition to the disposition methods provided
2 in subsection (4), transfer from the campaign account to an
3 office account any amount of the funds on deposit in such
4 campaign account up to:

5 (a) Ten thousand dollars, for a candidate for
6 statewide office. The Governor and Lieutenant Governor shall
7 be considered separate candidates for the purpose of this
8 section.

9 (b) Five thousand dollars, for a candidate for
10 multicounty office.

11 (c) Five thousand ~~Two thousand five hundred~~ dollars
12 multiplied by the number of years in the term of office for
13 which elected, for a candidate for legislative office.

14 (d) One thousand dollars multiplied by the number of
15 years in the term of office for which elected, for a candidate
16 for county office or for a candidate in any election conducted
17 on less than a countywide basis.

18 (e) Six thousand dollars, for a candidate for
19 retention as a justice of the Supreme Court.

20 (f) Three thousand dollars, for a candidate for
21 retention as a judge of a district court of appeal.

22 (g) One thousand five hundred dollars, for a candidate
23 for county court judge or circuit judge.

24

25 The office account established pursuant to this subsection
26 shall be separate from any personal or other account. Any
27 funds so transferred by a candidate shall be used only for
28 legitimate expenses in connection with the candidate's public
29 office. Such expenses may include travel expenses incurred by
30 the officer or a staff member, personal taxes payable on
31 office account funds by the candidate or elected public

1 official, or expenses incurred in the operation of his or her
2 office, including the employment of additional staff. The
3 funds may be deposited in a savings account; however, all
4 deposits, withdrawals, and interest earned thereon shall be
5 reported at the appropriate reporting period. If a candidate
6 is reelected to office or elected to another office and has
7 funds remaining in his or her office account, he or she may
8 transfer surplus campaign funds to the office account. At no
9 time may the funds in the office account exceed the limitation
10 imposed by this subsection. Upon leaving public office, any
11 person who has funds in an office account pursuant to this
12 subsection remaining on deposit shall give such funds to a
13 charitable organization or organizations which meet the
14 requirements of s. 501(c)(3) of the Internal Revenue Code or,
15 in the case of a state officer, to the state to be deposited
16 in the General Revenue Fund or, in the case of an officer of a
17 political subdivision, to the political subdivision to be
18 deposited in the general fund thereof.

19 Section 94. Subsection (3) of section 106.15, Florida
20 Statutes, is amended to read:

21 106.15 Certain acts prohibited.--

22 (3) A ~~No~~ candidate may not ~~shall~~, in the furtherance
23 of his or her candidacy for nomination or election to public
24 office in any election, use the services of any officer or
25 employee of the government ~~state~~ during working hours.

26 Section 95. Effective upon the effective date of the
27 amendment to the State Constitution proposed in Senate Joint
28 Resolution 434 or another amendment to the State Constitution
29 that authorizes, or removes impediments to, the enactment of
30 this section by the Legislature, paragraph (b) of subsection
31 (2) of section 97.041, Florida Statutes, is amended to read:

1 97.041 Qualifications to register or vote.--
2 (2) The following persons, who might be otherwise
3 qualified, are not entitled to register or vote:
4 (b) A person who has been convicted of any felony by
5 any court of record; however, such a person's right to
6 register or vote is automatically restored by operation of
7 law, for persons convicted of a forcible felony as defined in
8 s. 776.08, 5 years after completion and satisfaction of all
9 sentences imposed upon such person or, for all other felons, 1
10 year after completion and satisfaction of all sentences
11 imposed upon such person. For the purposes of this paragraph,
12 "completion and satisfaction of all sentences" occurs when a
13 person is released from incarceration upon expiration of
14 sentence and has paid all court costs and court-ordered
15 restitution and has achieved or completed all other
16 nonmonetary terms and conditions of the sentence or subsequent
17 supervision or, if the person has not been incarcerated for
18 the felony offense, has paid all court costs and court-ordered
19 restitution and has achieved or completed all nonmonetary
20 terms and conditions of community supervision imposed by a
21 court and who has not had his or her right to vote restored
22 pursuant to law. If a majority of the Board of Executive
23 Clemency objects before the automatic restoration of the right
24 to register or vote, such rights shall be restored only upon
25 application to, and approval by, the Board of Executive
26 Clemency.

27 Section 96. Effective upon the effective date of the
28 amendment to the State Constitution proposed in Senate Joint
29 Resolution 434 or another amendment to the State Constitution
30 that authorizes, or removes impediments to, the enactment of
31

1 this section by the Legislature, subsection (2) of section
2 97.052, Florida Statutes, is amended to read:

3 97.052 Uniform statewide voter registration
4 application.--

5 (2) The uniform statewide voter registration
6 application must be designed to elicit the following
7 information from the applicant:

8 (a) Full name.

9 (b) Date of birth.

10 (c) Address of legal residence.

11 (d) Mailing address, if different.

12 (e) County of legal residence.

13 (f) Address of property for which the applicant has
14 been granted a homestead exemption, if any.

15 (g) Race or ethnicity that best describes the
16 applicant:

17 1. American Indian or Alaskan Native.

18 2. Asian or Pacific Islander.

19 3. Black, not Hispanic.

20 4. White, not Hispanic.

21 5. Hispanic.

22 (h) Sex.

23 (i) Party affiliation.

24 (j) Whether the applicant needs assistance in voting.

25 (k) Name and address where last registered.

26 (l) Last four digits of the applicant's social
27 security number.

28 (m) Florida driver's license number or the
29 identification number from a Florida identification card
30 issued under s. 322.051.

31 (n) Telephone number (optional).

1 (o) Signature of applicant under penalty for false
2 swearing pursuant to s. 104.011, by which the person
3 subscribes to the oath required by s. 3, Art. VI of the State
4 Constitution and s. 97.051, and swears or affirms that the
5 information contained in the registration application is true.

6 (p) Whether the application is being used for initial
7 registration, to update a voter registration record, or to
8 request a replacement registration identification card.

9 (q) Whether the applicant is a citizen of the United
10 States.

11 (r) That the applicant has not been convicted of a
12 felony or, if convicted, has had his or her voting ~~civil~~
13 rights restored.

14 (s) That the applicant has not been adjudicated
15 mentally incapacitated with respect to voting or, if so
16 adjudicated, has had his or her right to vote restored.

17
18 The registration form must be in plain language and designed
19 so that convicted felons whose voting ~~civil~~ rights have been
20 restored and persons who have been adjudicated mentally
21 incapacitated and have had their voting rights restored are
22 not required to reveal their prior conviction or adjudication.

23 Section 97. Effective upon the effective date of the
24 amendment to the State Constitution proposed in Senate Joint
25 Resolution 434 or another amendment to the State Constitution
26 that authorizes, or removes impediments to, the enactment of
27 this section by the Legislature, paragraph (a) of subsection
28 (5) of section 97.053, Florida Statutes, is amended to read:

29 97.053 Acceptance of voter registration
30 applications.--

31

1 (5)(a) A voter registration application is complete if
2 it contains:

- 3 1. The applicant's name.
- 4 2. The applicant's legal residence address.
- 5 3. The applicant's date of birth.
- 6 4. An indication that the applicant is a citizen of
7 the United States.
- 8 5. The last four digits of the applicant's social
9 security number.

10 6. An indication that the applicant has not been
11 convicted of a felony or that, if convicted, has had his or
12 her voting ~~civil~~ rights restored.

13 7. An indication that the applicant has not been
14 adjudicated mentally incapacitated with respect to voting or
15 that, if so adjudicated, has had his or her right to vote
16 restored.

17 8. Signature of the applicant swearing or affirming
18 under the penalty for false swearing pursuant to s. 104.011
19 that the information contained in the registration application
20 is true and subscribing to the oath required by s. 3, Art. VI
21 of the State Constitution and s. 97.051.

22 Section 98. (1) Effective July 1, 2001, the sum of \$2
23 million is appropriated from the General Revenue Fund to the
24 Department of State for the purpose of providing a statewide
25 voter registration database. From the funds appropriated, the
26 department may contract with the Florida Association of Court
27 Clerks to analyze, design, develop, operate, and maintain a
28 statewide, on-line voter registration database and associated
29 web site, to be available statewide by June 1, 2002. The
30 database shall contain voter registration information from
31 each of the 67 supervisors of elections in this state, and

1 shall be accessible through an Internet web site. The system
2 shall provide functionality for ensuring that the database is
3 updated on a daily basis to determine if a registered voter is
4 ineligible to vote for any of the following reasons,
5 including, but not limited to:

6 (a) The voter is deceased;

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

9 (c) The voter has been adjudicated mentally
10 incompetent and his or her mental capacity with respect to
11 voting has not been restored.

12
13 The database shall also allow for duplicate voter
14 registrations to be identified.

15 (2) The Department of State shall not contract with
16 any private entity other than the Florida Association of Court
17 Clerks for the operation or maintenance of the statewide voter
18 registration database.

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

29 (4) The Division of Elections shall provide written
30 quarterly progress reports on each phase of development of the
31 voter registration database to the President of the Senate and

1 the Speaker of the House of Representatives beginning July 1,
2 2001, and continuing until the database is fully implemented.

3 Section 99. Effective June 30, 2001, section 98.0975,
4 Florida Statutes, is repealed.

5 Section 100. (1) There is appropriated from the
6 General Revenue Fund to the Division of Elections of the
7 Department of State the sum of \$5,949,375 in fiscal year
8 2001-2002 to be distributed to the counties to fund
9 comprehensive voter education programs and to train
10 pollworkers as provided in this act. The Division shall
11 divide the total amount of funds appropriated by the total
12 number of registered voters in the state for the 2000 General
13 Election to establish a funding level per individual voter.
14 Each county shall receive an amount equal to the funding level
15 per individual voter multiplied by the number of registered
16 voters in the county, as certified by the Department of State
17 for the 2000 General Election.

18 (2) No later than December 15, 2002, each county shall
19 provide a report to the Division of Elections on how the funds
20 provided in this section were used, the specific education and
21 training programs implemented in the county, and their
22 effectiveness. The Division shall report to the Governor, the
23 President of the Senate, and the Speaker of the House of
24 Representatives by January 31, 2003, on the results of the
25 voter education and pollworker training programs used in the
26 state.

27 Section 101. Funds provided in the 2001-2002 General
28 Appropriations Act for Voting Systems Assistance shall be
29 appropriated to the Division of Elections, Department of
30 State, to be distributed to the counties to implement the
31 provisions of this act in the following manner:

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

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

12 Section 102. Effective upon this act becoming a law,
13 the Department of State--The Division of Elections, in
14 conjunction with the Florida State Association of Supervisor
15 of Elections, shall, from existing funds, study the benefits
16 and drawbacks of having uniform poll opening and closing times
17 throughout the state. A written report shall be presented to
18 the the President of the Senate and the Speaker of the House
19 of Representatives no later than January 1, 2002. This report
20 must include, but is not limited to a discussion of the
21 circumstances surrounding the 2000 Presidential election;
22 changing the state to one time zone; changing polling times to
23 coincide in both time zones; and having the Central Time Zone
24 not recognize Daylight Savings Time.

25 Section 103. Except as otherwise provided herein, this
26 act shall take effect January 1, 2002.