

By the Committee on Ethics and Elections; and Senator Carlton

313-1745A-01

1 A bill to be entitled
2 An act relating to elections; repealing s.
3 100.091, F.S., to eliminate the second primary
4 election; repealing s. 100.096, F.S., relating
5 to the holding of special elections in
6 conjunction with the second primary election,
7 to conform; amending ss. 97.055, 97.071,
8 97.1031, 98.081, F.S., relating to restrictions
9 on changing party affiliation between primary
10 elections, to conform; amending s. 99.063,
11 F.S.; adjusting the date to designate a
12 Lieutenant Governor running mate, to conform;
13 amending s. 101.62, F.S.; eliminating advance
14 absentee ballots, to conform; amending ss.
15 97.021, 99.061, 99.095, 99.103, 100.061,
16 100.081, 100.111, 100.141, 101.252, 102.112,
17 102.168, 103.021, 103.022, 103.091, 105.031,
18 105.041, 105.051, 106.07, 106.08, 106.29, F.S.;
19 revising references, to conform; creating s.
20 102.014, F.S.; providing for pollworker
21 recruitment and training; repealing s.
22 102.012(7), (8), and (9), F.S., relating to
23 pollworker training and election boards;
24 amending s. 101.131, F.S., to eliminate a
25 requirement to call out names of voters;
26 amending s. 98.255, F.S.; providing for voter
27 education; amending s. 97.021, F.S.; modifying
28 and creating definitions; amending s. 101.151,
29 F.S.; modifying specifications for ballots;
30 requiring the Department of State to adopt
31 rules prescribing uniform ballots; repealing

1 ss. 100.071, 101.141, 101.181, 101.191,
2 101.251, 101.5609, F.S., relating to the
3 specification and form of ballots, to conform;
4 amending s. 103.101, F.S., to conform; amending
5 s. 582.18, F.S.; conforming a cross-reference;
6 creating s. 101.595, F.S.; requiring
7 supervisors of elections and the Department of
8 State to report on overvotes and undervotes
9 following the general election; requiring the
10 Division of Elections to review the voting
11 systems certification standards to ensure that
12 new technologies are available and
13 appropriately certified for use; amending s.
14 101.5603, F.S.; deleting references to
15 punchcard marking and voting devices; amending
16 s. 101.5604, F.S.; providing for the use of
17 precinct tabulation electronic or
18 electromechanical voting systems in each
19 county; amending s. 101.5606, F.S.; providing
20 additional requirements for electronic and
21 electromechanical voting systems; prohibiting
22 the use of punchcard voting systems; amending
23 s. 101.5614, F.S.; removing references to
24 canvassing returns at central or regional
25 locations, to conform; amending s. 100.341,
26 F.S.; eliminating a requirement that a bond
27 referendum ballot be on white paper; amending
28 ss. 100.361, 101.21, 101.24, 101.292, 101.341,
29 101.43, 101.49, 101.58, 101.64, 101.71,
30 102.166, 104.30, 138.05, F.S.; removing
31 provisions relating to voting machines and

1 updating references, to conform; repealing ss.
2 101.011, 101.27, 101.28, 101.29, 101.32,
3 101.33, 101.34, 101.35, 101.36, 101.37, 101.38,
4 101.39, 101.40, 101.445, 101.45, 101.46,
5 101.47, 101.54, 101.55, 101.56, F.S., relating
6 to voting machines, to conform; amending s.
7 102.111, F.S.; changing the composition of the
8 Elections Canvassing Commission; revising
9 deadlines for county returns; amending s.
10 102.168, F.S.; revising the grounds for an
11 election contest; amending s. 97.041, F.S.;
12 providing for automatic restoration of former
13 felons' right to vote following completion and
14 satisfaction of sentence of incarceration and
15 community supervision; providing conditions on
16 such automatic restoration; amending ss.
17 97.052, 97.053, 98.0975, F.S., to conform;
18 prohibiting a member of the Elections
19 Canvassing Commission or a member of a county
20 canvassing board from rendering a post-election
21 decision that may affect the outcome of any
22 race in which the member publicly endorsed or
23 solicited contributions; amending s. 101.031,
24 F.S.; providing for a Voter's Bill of Rights
25 and Responsibilities; providing
26 responsibilities of supervisors of elections;
27 amending s. 98.015, F.S.; providing for the
28 nonpartisan election of supervisors of
29 elections; amending s. 105.031, F.S.; requiring
30 candidates for supervisor of elections to pay a
31 qualifying fee, subscribe to an oath, and file

1 certain items in order to qualify for election;
2 amending s. 105.035, F.S.; providing
3 alternative procedures for candidates for
4 supervisor of elections to qualify for
5 election; amending s. 105.041, F.S.; providing
6 for the form of the ballot for candidates for
7 supervisor of elections; providing for write-in
8 candidates for supervisor of elections;
9 amending s. 105.051, F.S.; providing for
10 determination of election to office of
11 candidates for supervisor of elections;
12 amending s. 105.061, F.S.; providing that
13 supervisors of elections are to be elected by
14 vote of the qualified electors of the county;
15 amending s. 105.08, F.S.; providing
16 requirements for candidates for supervisor of
17 elections with respect to campaign
18 contributions and expenses and their reporting;
19 providing an appropriation from the
20 appropriations act to implement provisions of
21 the bill; providing an appropriation for the
22 design of a statewide voter registration
23 database; providing effective dates.

24
25 Be It Enacted by the Legislature of the State of Florida:

26
27 Section 1. Sections 100.091 and 100.096, Florida
28 Statutes, are repealed.

29 Section 2. Subsection (21) of section 97.021, Florida
30 Statutes, is amended to read:

31

1 97.021 Definitions.--For the purposes of this code,
2 except where the context clearly indicates otherwise, the
3 term:

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

10 Section 3. Subsection (1) of section 97.055, Florida
11 Statutes, is amended to read:

12 97.055 Registration books; when closed for an
13 election.--

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

25 Section 4. Subsection (3) of section 97.071, Florida
26 Statutes, is amended to read:

27 97.071 Registration identification card.--

28 (3) In the case of a change of name, address, or party
29 affiliation, the supervisor must issue the voter a new
30 registration identification card. ~~However, a registration~~
31 ~~identification card indicating a party affiliation change made~~

1 ~~between the book-closing date for the first primary election~~
2 ~~and the date of the second primary election may not be issued~~
3 ~~until after the second primary election.~~

4 Section 5. Subsection (3) of section 97.1031, Florida
5 Statutes, is amended to read:

6 97.1031 Notice of change of residence within the same
7 county, change of name, or change of party.--

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

13 Section 6. Section 98.081, Florida Statutes, is
14 amended to read:

15 98.081 Names removed from registration books;
16 ~~restrictions on reregistering; recordkeeping; restoration of~~
17 ~~erroneously or illegally removed names.--~~

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

23 (1)(2) When the name of any elector is removed from
24 the registration books pursuant to s. 98.065, s. 98.075, or s.
25 98.093, the elector's original registration form shall be
26 filed alphabetically in the office of the supervisor. As
27 alternatives, registrations removed from the registration
28 books may be microfilmed and such microfilms substituted for
29 the original registration forms; or, when voter registration
30 information, including the voter's signature, is maintained
31 digitally or on electronic, magnetic, or optic media, such

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

9 (2)~~(3)~~ When the name of any elector has been
10 erroneously or illegally removed from the registration books,
11 the name of the elector shall be restored by the supervisor
12 upon satisfactory proof, even though the registration period
13 for that election is closed.

14 Section 7. Subsections (1), (2), and (8) of section
15 99.061, Florida Statutes, are amended to read:

16 99.061 Method of qualifying for nomination or election
17 to federal, state, county, or district office.--

18 (1) The provisions of any special act to the contrary
19 notwithstanding, each person seeking to qualify for nomination
20 or election to a federal, state, or multicounty district
21 office, other than election to a judicial office as defined in
22 chapter 105 or the office of school board member, shall file
23 his or her qualification papers with, and pay the qualifying
24 fee, which shall consist of the filing fee and election
25 assessment, and party assessment, if any has been levied, to,
26 the Department of State, or qualify by the alternative method
27 with the Department of State, at any time after noon of the
28 1st day for qualifying, which shall be as follows: the 120th
29 day prior to the ~~first~~ primary election, but not later than
30 noon of the 116th day prior to the date of the ~~first~~ primary
31 election, for persons seeking to qualify for nomination or

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

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

31

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

8 Section 8. Subsections (1), (2), and (4) of section
9 99.063, Florida Statutes, are amended to read:

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

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

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

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

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

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

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

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

13 Section 9. Subsection (1) of section 99.095, Florida
14 Statutes, is amended to read:

15 99.095 Alternative method of qualifying.--

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

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

13 Section 10. Section 99.103, Florida Statutes, is
14 amended to read:

15 99.103 Department of State to remit part of filing
16 fees and party assessments of candidates to state executive
17 committee.--

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

31

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

16 Section 11. Section 100.061, Florida Statutes, is
17 amended to read:

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

31

1 Section 12. Section 100.081, Florida Statutes, is
2 amended to read:

3 100.081 ~~Conducting primary elections~~Nomination of
4 county commissioners at primary election.--The primary
5 election ~~elections~~ shall provide for the nomination of county
6 commissioners by the qualified electors of such county at the
7 time and place set for voting on other county officers.

8 Section 13. Paragraph (c) of subsection (1),
9 subsection (3), and paragraph (a) of subsection (4) of section
10 100.111, Florida Statutes, are amended to read:

11 100.111 Filling vacancy.--

12 (1)

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

25 (3) Whenever there is a vacancy for which a special
26 election is required pursuant to s. 100.101(1)-(4), the
27 Governor, after consultation with the Secretary of State,
28 shall fix the dates ~~date~~ of a special ~~first~~ primary election,
29 ~~a special second primary election~~, and a special election.
30 Nominees of political parties other than minor political
31 parties shall be chosen under the primary laws of this state

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

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

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

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

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

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

29 (4)(a) In the event that death, resignation,
30 withdrawal, removal, or any other cause or event should cause
31 a party to have a vacancy in nomination which leaves no

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

22 Section 14. Subsection (2) of section 100.141, Florida
23 Statutes, is amended to read:

24 100.141 Notice of special election to fill any vacancy
25 in office or nomination.--

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

1 alternative method, and the dates fixed for filing campaign
2 expense statements.

3 Section 15. Subsection (2) of section 101.252, Florida
4 Statutes, is amended to read:

5 101.252 Candidates entitled to have names printed on
6 certain ballots; exception.--

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

15 Section 16. Paragraph (a) of subsection (4) of section
16 101.62, Florida Statutes, is amended to read:

17 101.62 Request for absentee ballots.--

18 (4)(a) To each absent qualified elector overseas who
19 has requested an absentee ballot, the supervisor of elections
20 shall, not fewer than 35 days before the ~~first~~ primary
21 election and not fewer than 45 days before the general
22 election, mail an absentee ballot. ~~Not fewer than 45 days~~
23 ~~before the second primary and general election, the supervisor~~
24 ~~of elections shall mail an advance absentee ballot to those~~
25 ~~persons requesting ballots for such elections. The advance~~
26 ~~absentee ballot for the second primary shall be the same as~~
27 ~~the first primary absentee ballot as to the names of~~
28 ~~candidates, except that for any offices where there are only~~
29 ~~two candidates, those offices and all political party~~
30 ~~executive committee offices shall be omitted. Except as~~
31 ~~provided in s. 99.063(4), the advance absentee ballot for the~~

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

20 Section 17. Subsection (1) of section 102.112, Florida
21 Statutes, is amended to read:

22 102.112 Deadline for submission of county returns to
23 the Department of State; penalties.--

24 (1) The county canvassing board or a majority thereof
25 shall file the county returns for the election of a federal or
26 state officer with the Department of State immediately after
27 certification of the election results. Returns must be filed
28 by 5 p.m. on the 7th day following the first primary and
29 general elections ~~election and by 3 p.m. on the 3rd day~~
30 ~~following the second primary~~. If the returns are not received
31 by the department by the time specified, such returns may be

1 ignored and the results on file at that time may be certified
2 by the department.

3 Section 18. Subsection (7) of section 102.168, Florida
4 Statutes, is amended to read:

5 102.168 Contest of election.--

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

12 Section 19. Subsection (3) and paragraph (b) of
13 subsection (4) of section 103.021, Florida Statutes, are
14 amended to read:

15 103.021 Nomination for presidential
16 electors.--Candidates for presidential electors shall be
17 nominated in the following manner:

18 (3) Candidates for President and Vice President with
19 no party affiliation may have their names printed on the
20 general election ballots if a petition is signed by 1 percent
21 of the registered electors of this state, as shown by the
22 compilation by the Department of State for the last preceding
23 general election. A separate petition from each county for
24 which signatures are solicited shall be submitted to the
25 supervisor of elections of the respective county no later than
26 July 15 of each presidential election year. The supervisor
27 shall check the names and, on or before the date of the ~~first~~
28 primary election, shall certify the number shown as registered
29 electors of the county. The supervisor shall be paid by the
30 person requesting the certification the cost of checking the
31 petitions as prescribed in s. 99.097. The supervisor shall

1 then forward the certificate to the Department of State which
2 shall determine whether or not the percentage factor required
3 in this section has been met. When the percentage factor
4 required in this section has been met, the Department of State
5 shall order the names of the candidates for whom the petition
6 was circulated to be included on the ballot and shall permit
7 the required number of persons to be certified as electors in
8 the same manner as party candidates.

9 (4)

10 (b) A minor party that is not affiliated with a
11 national party holding a national convention to nominate
12 candidates for President and Vice President of the United
13 States may have the names of its candidates for President and
14 Vice President printed on the general election ballot if a
15 petition is signed by 1 percent of the registered electors of
16 this state, as shown by the compilation by the Department of
17 State for the preceding general election. A separate petition
18 from each county for which signatures are solicited shall be
19 submitted to the supervisors of elections of the respective
20 county no later than July 15 of each presidential election
21 year. The supervisor shall check the names and, on or before
22 the date of the ~~first~~ primary election, shall certify the
23 number shown as registered electors of the county. The
24 supervisor shall be paid by the person requesting the
25 certification the cost of checking the petitions as prescribed
26 in s. 99.097. The supervisor shall then forward the
27 certificate to the Department of State, which shall determine
28 whether or not the percentage factor required in this section
29 has been met. When the percentage factor required in this
30 section has been met, the Department of State shall order the
31 names of the candidates for whom the petition was circulated

1 to be included on the ballot and shall permit the required
2 number of persons to be certified as electors in the same
3 manner as other party candidates.

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

6 103.022 Write-in candidates for President and Vice
7 President.--Persons seeking to qualify for election as
8 write-in candidates for President and Vice President of the
9 United States may have a blank space provided on the general
10 election ballot for their names to be written in by filing an
11 oath with the Department of State at any time after the 57th
12 day, but before noon of the 49th day, prior to the date of the
13 ~~first~~ primary election in the year in which a presidential
14 election is held. The Department of State shall prescribe the
15 form to be used in administering the oath. The candidates
16 shall file with the department a certificate naming the
17 required number of persons to serve as electors. Such
18 write-in candidates shall not be entitled to have their names
19 on the ballot.

20 Section 21. Subsection (4) of section 103.091, Florida
21 Statutes, is amended to read:

22 103.091 Political parties.--

23 (4) Any political party other than a minor political
24 party may by rule provide for the membership of its state or
25 county executive committee to be elected for 4-year terms at
26 the ~~first~~ primary election in each year a presidential
27 election is held. The terms shall commence on the first day
28 of the month following each presidential general election; but
29 the names of candidates for political party offices shall not
30 be placed on the ballot at any other election. The results of
31 such election shall be determined by a plurality of the votes

1 cast. In such event, electors seeking to qualify for such
2 office shall do so with the Department of State or supervisor
3 of elections not earlier than noon of the 57th day, or later
4 than noon of the 53rd day, preceding the ~~first~~ primary
5 election. The outgoing chair of each county executive
6 committee shall, within 30 days after the committee members
7 take office, hold an organizational meeting of all newly
8 elected members for the purpose of electing officers. The
9 chair of each state executive committee shall, within 60 days
10 after the committee members take office, hold an
11 organizational meeting of all newly elected members for the
12 purpose of electing officers.

13 Section 22. Subsection (1) of section 105.031, Florida
14 Statutes, is amended to read:

15 105.031 Qualification; filing fee; candidate's oath;
16 items required to be filed.--

17 (1) TIME OF QUALIFYING.--Except for candidates for
18 judicial office, nonpartisan candidates for multicounty office
19 shall qualify with the Division of Elections of the Department
20 of State and nonpartisan candidates for countywide or less
21 than countywide office shall qualify with the supervisor of
22 elections. Candidates for judicial office other than the
23 office of county court judge shall qualify with the Division
24 of Elections of the Department of State, and candidates for
25 the office of county court judge shall qualify with the
26 supervisor of elections of the county. Candidates shall
27 qualify no earlier than noon of the 50th day, and no later
28 than noon of the 46th day, before the ~~first~~ primary election.
29 Filing shall be on forms provided for that purpose by the
30 Division of Elections and furnished by the appropriate
31 qualifying officer. Any person seeking to qualify by the

1 alternative method, as set forth in s. 105.035, if the person
2 has submitted the necessary petitions by the required deadline
3 and is notified after the fifth day prior to the last day for
4 qualifying that the required number of signatures has been
5 obtained, shall be entitled to subscribe to the candidate's
6 oath and file the qualifying papers at any time within 5 days
7 from the date he or she is notified that the necessary number
8 of signatures has been obtained. Any person other than a
9 write-in candidate who qualifies within the time prescribed in
10 this subsection shall be entitled to have his or her name
11 printed on the ballot.

12 Section 23. Subsection (1) and paragraph (b) of
13 subsection (2) of section 105.041, Florida Statutes, are
14 amended to read:

15 105.041 Form of ballot.--

16 (1) BALLOTS--The names of candidates for nonpartisan
17 ~~judicial office and candidates for the office of school board~~
18 ~~member~~ which appear on the ballot at the ~~first~~ primary
19 election shall either be grouped together on a separate
20 portion of the ballot or on a separate ballot. The names of
21 candidates for election to nonpartisan ~~judicial~~ office ~~and~~
22 ~~candidates for the office of school board member~~ which appear
23 on the ballot at the general election and the names of
24 justices and judges seeking retention to office shall be
25 grouped together on a separate portion of the general election
26 ballot.

27 (2) LISTING OF CANDIDATES.--

28 (b)1. The names of candidates for the office of
29 circuit judge shall be listed on the ~~first~~ primary election
30 ballot in the order determined by lot conducted by the
31

1 director of the Division of Elections of the Department of
2 State after the close of the qualifying period.

3 2. Candidates who have secured a position on the
4 general election ballot, after having survived elimination at
5 the ~~first~~ primary election, shall have their names listed in
6 the same order as on the ~~first~~ primary election ballot,
7 notwithstanding the elimination of any intervening names as a
8 result of the ~~first~~ primary election.

9 Section 24. Paragraph (b) of subsection (1) of section
10 105.051, Florida Statutes, is amended to read:

11 105.051 Determination of election or retention to
12 office.--

13 (1) ELECTION.--In circuits and counties holding
14 elections:

15 (b) If two or more candidates, neither of whom is a
16 write-in candidate, qualify for such an office, the names of
17 those candidates shall be placed on the ballot at the ~~first~~
18 primary election. If any candidate for such office receives a
19 majority of the votes cast for such office in the ~~first~~
20 primary election, the name of the candidate who receives such
21 majority shall not appear on any other ballot unless a
22 write-in candidate has qualified for such office. An
23 unopposed candidate shall be deemed to have voted for himself
24 or herself at the general election. If no candidate for such
25 office receives a majority of the votes cast for such office
26 in the ~~first~~ primary election, the names of the two candidates
27 receiving the highest number of votes for such office shall be
28 placed on the general election ballot. If more than two
29 candidates receive an equal and highest number of votes, the
30 name of each candidate receiving an equal and highest number
31 of votes shall be placed on the general election ballot. In

1 any contest in which there is a tie for second place and the
2 candidate placing first did not receive a majority of the
3 votes cast for such office, the name of the candidate placing
4 first and the name of each candidate tying for second shall be
5 placed on the general election ballot.

6 Section 25. Paragraphs (a) and (b) of subsection (1)
7 of section 106.07, Florida Statutes, are amended to read:

8 106.07 Reports; certification and filing.--

9 (1) Each campaign treasurer designated by a candidate
10 or political committee pursuant to s. 106.021 shall file
11 regular reports of all contributions received, and all
12 expenditures made, by or on behalf of such candidate or
13 political committee. Reports shall be filed on the 10th day
14 following the end of each calendar quarter from the time the
15 campaign treasurer is appointed, except that, if the 10th day
16 following the end of a calendar quarter occurs on a Saturday,
17 Sunday, or legal holiday, the report shall be filed on the
18 next following day which is not a Saturday, Sunday, or legal
19 holiday. Quarterly reports shall include all contributions
20 received and expenditures made during the calendar quarter
21 which have not otherwise been reported pursuant to this
22 section.

23 (a) Except as provided in paragraph (b), following the
24 last day of qualifying for office, the reports shall be filed
25 on the 32nd, 18th, and 4th days immediately preceding the
26 ~~first~~ primary election and on the 46th, 32nd, 18th, and 4th
27 days immediately preceding the ~~second primary and~~ general
28 election, for a candidate who is opposed in seeking nomination
29 or election to any office, for a political committee, or for a
30 committee of continuous existence.

31

1 (b) Following the last day of qualifying for office,
2 any statewide candidate who has requested to receive
3 contributions from the Election Campaign Financing Trust Fund
4 or any statewide candidate in a race with a candidate who has
5 requested to receive contributions from the trust fund shall
6 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior
7 to the ~~first primary election and general elections~~, and on
8 the 4th, 11th, 18th, and 25th, 32nd, 39th, 46th, and 53rd days
9 prior to the general election ~~second primary~~.

10 Section 26. Paragraph (c) of subsection (1) of section
11 106.08, Florida Statutes, is amended to read:

12 106.08 Contributions; limitations on.--

13 (1)

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

26 Section 27. Subsection (1) of section 106.29, Florida
27 Statutes, is amended to read:

28 106.29 Reports by political parties; restrictions on
29 contributions and expenditures; penalties.--

30 (1) The state executive committee and each county
31 executive committee of each political party regulated by

1 chapter 103 shall file regular reports of all contributions
2 received and all expenditures made by such committee. Such
3 reports shall contain the same information as do reports
4 required of candidates by s. 106.07 and shall be filed on the
5 10th day following the end of each calendar quarter, except
6 that, during the period from the last day for candidate
7 qualifying until the general election, such reports shall be
8 filed on the Friday immediately preceding both the ~~first~~
9 ~~primary election, the second primary election,~~ and the general
10 election. Each state executive committee shall file the
11 original and one copy of its reports with the Division of
12 Elections. Each county executive committee shall file its
13 reports with the supervisor of elections in the county in
14 which such committee exists. Any state or county executive
15 committee failing to file a report on the designated due date
16 shall be subject to a fine as provided in subsection (3). No
17 separate fine shall be assessed for failure to file a copy of
18 any report required by this section.

19 Section 28. Section 102.014, Florida Statutes, is
20 created to read:

21 102.014 Pollworker recruitment and training.--

22 (1) The supervisor of elections shall conduct training
23 for inspectors, clerks, and deputy sheriffs prior to each
24 primary, general, and special election for the purpose of
25 instructing such persons in their duties and responsibilities
26 as election officials. A certificate may be issued by the
27 supervisor of elections to each person completing such
28 training. No person shall serve as an inspector, clerk, or
29 deputy sheriff for an election unless such person has
30 completed the training as required. A clerk may not work at
31 the polls unless he or she demonstrates a working knowledge of

1 the laws and procedures relating to voter registration, voting
2 system operation, balloting and polling place procedures, and
3 problem-solving and conflict-resolution skills.

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

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

19 (4) Each supervisor of elections shall be responsible
20 for training inspectors and clerks, subject to the following
21 minimum requirements:

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

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

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

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

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

13 (a) Regulations governing solicitation by individuals
14 and groups at the polling place;

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

17 (c) Proper operation of the voting system;

18 (d) Ballot handling procedures;

19 (e) Procedures governing spoiled ballots;

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

21 (g) Rights of voters at the polls;

22 (h) Procedures for handling emergency situations;

23 (i) Procedures for dealing with irate voters;

24 (j) The handling and processing of provisional
25 ballots; and

26 (k) Security procedures.

27
28 The Department of State shall revise the manual as necessary
29 to address new procedures in law or problems encountered by
30 voters and pollworkers at the precincts.

31

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

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

9 Section 29. Subsection (1) of section 101.131, Florida
10 Statutes, is amended to read:

11 101.131 Watchers at polls.--

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

25 Section 30. 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 educational programs and materials.--

30 (1) The Department of State shall adopt rules
31 prescribing minimum standards for nonpartisan voter education.

1 The standards shall address, but are not limited to, the
2 following subjects:

3 (a) Voter registration;

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

5 (c) Voter rights and responsibilities;

6 (d) Distribution of sample ballots; and

7 (e) Public service announcements.

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

12 Section 31. Effective August 1, 2002, subsections (1),
13 (2), (29) and (30) of section 97.021, Florida Statutes, are
14 amended, and present subsections (18) through (27) are
15 redesignated as subsections (19) through (28), respectively,
16 present subsections (28) through (30) are redesignated as
17 subsections (30) through (32), respectively, and new
18 subsections (18) and (29) are added to that section, to read:

19 97.021 Definitions.--For the purposes of this code,
20 except where the context clearly indicates otherwise, the
21 term:

22 (1) "Absent elector" means any registered and
23 qualified voter who:

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

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

31

1 (c) On account of the tenets of his or her religion,
2 cannot attend the polls on the day of the general, special, or
3 primary election.

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

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

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

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

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

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

31

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

6 **(18)** "Overvote" means that the elector marks or
7 designates more names than there are persons to be elected to
8 an office or designates more than one answer to a ballot
9 question, and the tabulator records no vote for the office or
10 question.

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

15 **(30)**~~(29)~~ "Voting booth" or "booth" means that booth or
16 enclosure wherein an elector casts his or her ballot, ~~be it a~~
17 ~~paper ballot, a voting machine ballot, or a ballot cast for~~
18 tabulation by an electronic or electromechanical device.

19 **(31)**~~(30)~~ "Voting system" means a method of casting and
20 processing votes that functions wholly or partly by use of
21 ~~mechanical,~~electromechanical,or electronic apparatus or by
22 use of paper ballots and includes, but is not limited to, the
23 procedures for casting and processing votes and the programs,
24 operating manuals, tabulating cards, printouts, and other
25 software necessary for the system's operation.

26 Section 32. Section 101.151, Florida Statutes, is
27 amended to read:

28 101.151 Specifications for ballots ~~general election~~
29 ~~ballot.--In counties in which voting machines are not used,~~
30 ~~and in other counties for use as absentee ballots not designed~~
31 ~~for tabulation by an electronic or electromechanical voting~~

1 ~~system, the general election ballot shall conform to the~~
2 ~~following specifications:~~

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

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

25 (2)(3)(a) ~~Beneath the caption and preceding the names~~
26 ~~of candidates shall be the following words: "To vote for a~~
27 ~~candidate whose name is printed on the ballot, place a cross~~
28 ~~(X) mark in the blank space at the right of the name of the~~
29 ~~candidate for whom you desire to vote. To vote for a write-in~~
30 ~~candidate, write the name of the candidate in the blank space~~
31 ~~provided for that purpose." The ballot shall have headings~~

1 under which shall appear the names of the offices and names of
2 duly nominated candidates for the respective offices in the
3 following order: the heading "~~Electors for~~ President and Vice
4 President" and thereunder the names of the candidates for
5 President and Vice President of the United States nominated by
6 the political party that ~~which~~ received the highest vote for
7 Governor in the last general election of the Governor in this
8 state, ~~above which shall appear the name of said party.~~ Then
9 shall appear the names of other candidates for President and
10 Vice President of the United States who have been properly
11 nominated. Votes cast for write-in candidates for President
12 and Vice President shall be counted as votes cast for the
13 presidential electors supporting such candidates. Then shall
14 follow the heading "Congressional" and thereunder the offices
15 of United States Senator and Representative in Congress; then
16 the heading "State" and thereunder the offices of Governor and
17 Lieutenant Governor, Secretary of State, Attorney General,
18 Comptroller, Treasurer, Commissioner of Education,
19 Commissioner of Agriculture, state attorney, and public
20 defender, together with the names of the candidates for each
21 office and the title of the office which they seek; then the
22 heading "Legislative" and thereunder the offices of state
23 senator and state representative; then the heading "County"
24 and thereunder clerk of the circuit court, clerk of the county
25 court (when authorized by law), sheriff, property appraiser,
26 tax collector, and district superintendent of schools, ~~and~~
27 ~~supervisor of elections.~~ Thereafter follows: members of the
28 board of county commissioners, and such other county and
29 district offices as are involved in the general election, in
30 the order fixed by the Department of State, followed, in the
31 year of their election, by "Party Offices," and thereunder the

1 offices of state and county party executive committee members.
2 ~~When a write-in candidate has qualified for any office, a~~
3 ~~subheading "Write-in Candidate for ... (name of office)..."~~
4 ~~shall be provided followed by a blank space in which to write~~
5 ~~the name of the candidate.~~ In addition to the names printed on
6 the ballot, a blank space shall be provided under each heading
7 for an office for which a write-in candidate has qualified.
8 With respect to write-in candidates, if two or more candidates
9 are seeking election to one office, only one blank space shall
10 be provided.

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

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

29 (3)(a)(4) The names of the candidates of the party
30 that ~~which~~ received the highest number of votes for Governor
31 in the last election in which a Governor was elected shall be

1 placed first under the heading for each office on the general
2 election ballot, together with an appropriate abbreviation of
3 party name; the names of the candidates of the party that
4 ~~which~~ received the second highest vote for Governor shall be
5 second under the heading for each office, together with an
6 appropriate abbreviation of the party name.

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

11 (4)(a) The names of candidates for each office shall
12 be arranged alphabetically as to surnames on a primary
13 election ballot.

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

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

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

31

1 ~~(7)~~~~(6)~~ Except for justices or judges seeking
2 retention, the names of unopposed candidates shall not appear
3 on the general election ballot. Each unopposed candidate
4 shall be deemed to have voted for himself or herself.

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

10 1. Clear and unambiguous ballot instructions and
11 directions;

12 2. Individual race layout; and

13 3. Overall ballot layout.

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

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

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

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

29 Section 33. Effective August 1, 2002, section 101.341,
30 Florida Statutes, is amended to read:

31

1 101.341 Prohibited activities by voting system ~~machine~~
2 custodians and deputy custodians.--

3 (1) No voting system ~~machine~~ custodian or deputy
4 custodian or other employee of the supervisor of elections,
5 which employee's duties are primarily involved with the
6 preparation, maintenance, or repair of voting equipment, may
7 ~~shall~~ accept employment or any form of consideration from any
8 person or business entity involved in the purchase, repair, or
9 sale of voting equipment unless such employment has the prior
10 written approval of the supervisor of elections of the county
11 by which such person is employed.

12 (2) Any person violating the provisions of this
13 section is guilty of a misdemeanor of the first degree,
14 punishable as provided by s. 775.082 or s. 775.083. Such
15 person shall also be subject to immediate discharge from his
16 or her position.

17 Section 34. Effective August 1, 2002, section 101.49,
18 Florida Statutes, is amended to read:

19 101.49 Procedure of election officers where signatures
20 differ.--

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

28
29 STATE OF FLORIDA,
30 COUNTY OF

31

1 I do solemnly swear (or affirm) that my name is;
2 that I am years old; that I was born in the State of
3; that I am registered to vote, and at the time I
4 registered I resided on Street, in the municipality of
5, County of, State of Florida; that I am a qualified
6 voter of the county and state aforesaid and have not voted in
7 this election.

8(Signature of voter)...

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

11(Clerk or inspector of election)...

12 Precinct No.

13 County of

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

26 Section 35. Effective August 1, 2002, section 101.64,
27 Florida Statutes, is amended to read:

28 101.64 Delivery of absentee ballots; envelopes;
29 form.--

30 (1) The supervisor shall enclose with each absentee
31 ballot two envelopes: a secrecy envelope, into which the

1 absent elector shall enclose his or her marked ballot; and a
2 mailing envelope, into which the absent elector shall then
3 place the secrecy envelope, which shall be addressed to the
4 supervisor and also bear on the back side a certificate in
5 substantially the following form:

6

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

9

VOTER'S CERTIFICATE

10 I,, am a qualified and registered voter of
11 County, Florida. I understand that if I commit or attempt to
12 commit any fraud in connection with voting, vote a fraudulent
13 ballot, or vote more than once in an election, I can be
14 convicted of a felony of the third degree and fined up to
15 \$5,000 and/or imprisoned for up to 5 years. I also understand
16 that failure to sign this certificate and have my signature
17 witnessed will invalidate my ballot. I am entitled to vote an
18 absentee ballot for one of the following reasons:

19

20 1. I am unable without another's assistance to attend
21 the polls.

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

24 3. I am an inspector, a poll worker, a deputy voting
25 system ~~machine~~ custodian, a deputy sheriff, a supervisor of
26 elections, or a deputy supervisor who is assigned to a
27 different precinct than that in which I am registered.

28 4. On account of the tenets of my religion, I cannot
29 attend the polls on the day of the general, special, or
30 primary election.

31

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

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

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

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

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

17 Note: Your Signature Must Be Witnessed By Either:

18 a. A Notary or Officer Defined in Item 6.b. of the
19 Instruction Sheet.

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

25 ... (Signature of Official) ...

26 ... (Print, Type, or Stamp Name) ...

27 ... (State or Country of Commission) ...

28 Personally Known OR Produced Identification

29

30 Type of Identification Produced.....

31

1 OR
2
3 b. One Witness, who is a registered voter in the
4 State.
5
6 I swear or affirm that the voter signed this Voter's
7 Certificate in my presence and that, unless certified as an
8 absentee ballot coordinator, I have not witnessed more than 5
9 ballots for this election.
10
11 WITNESS:
12
13 ...(Signature of Witness)...
14 ...(Printed Name of Witness)...
15
16 ...(Voter I.D. Number of Witness and County of Registration)...
17
18 ...(Address)...
19 ...(City/State)...
20
21 (2) The certificate shall be arranged on the back of
22 the mailing envelope so that the lines for the signatures of
23 the absent elector and the attesting witness are across the
24 seal of the envelope; however, no statement shall appear on
25 the envelope which indicates that a signature of the voter or
26 witness must cross the seal of the envelope. The absent
27 elector and the attesting witness shall execute the
28 certificate on the envelope.
29 Section 36. Effective August 1, 2002, subsections (5)
30 and (8) of section 101.5603, Florida Statutes, are amended to
31 read:

1 101.5603 Definitions relating to Electronic Voting
2 Systems Act.--As used in this act, the term:

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

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

12 Section 37. Effective August 1, 2002, section
13 101.5604, Florida Statutes, is amended to read:

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

1 Section 38. Effective August 1, 2002, section
2 101.5606, Florida Statutes, is amended to read:

3 101.5606 Requirements for approval of systems.--

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

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

8 (b)~~(2)~~ It permits each elector to vote at any election
9 for all persons and offices for whom and for which the elector
10 is lawfully entitled to vote, and no others; to vote for as
11 many persons for an office as the elector is entitled to vote
12 for; and to vote for or against any question upon which the
13 elector is entitled to vote.

14 (c)~~(3)~~ The automatic tabulating equipment will be set
15 to reject all votes for any office or measure when a race or
16 measure is overvoted or when every race and measure on the
17 ballot is undervoted ~~the number of votes therefor exceeds the~~
18 ~~number which the voter is entitled to cast or when the voter~~
19 ~~is not entitled to cast a vote for the office or measure.~~

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

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

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

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

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

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

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

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

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

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

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

24 Section 39. Effective August 1, 2002, subsections (2),
25 (3), and (7) of section 101.5614, Florida Statutes, are
26 amended to read:

27 101.5614 Canvass of returns.--

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

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

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

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

28 ~~(3)(b) Results of if ballots are tabulated at precinct~~
29 ~~regional locations, the results of such election may be~~
30 ~~transmitted via dedicated teleprocessing lines to the main~~
31 ~~computer system for the purpose of compilation of complete~~

1 returns. The security guidelines for transmission of returns
2 by dedicated teleprocessing lines shall conform to rules
3 adopted by the Department of State pursuant to s. 101.015.

4 (7) Absentee ballots may be counted by automatic
5 tabulating equipment if they have been ~~punched or~~ marked in a
6 manner that ~~which~~ will enable them to be properly counted by
7 such equipment.

8 Section 40. Section 101.595, Florida Statutes, is
9 created to read:

10 101.595 Analysis and reports of voter error.--

11 (1) No later than December 15 of each general election
12 year, the supervisor of elections in each county shall review
13 the ballots having overvotes and undervotes and report the
14 number of each to the Department of State, along with the
15 likely reasons for the errors and other information as may be
16 useful in evaluating the performance of the voting system and
17 identifying problems with ballot design and instructions which
18 may have contributed to voter confusion.

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

23 (a) The overall error rate for each system used in the
24 election;

25 (b) An identification of problems with the ballot
26 design or instructions which may have contributed to voter
27 confusion; and

28 (c) Recommendations for correcting any problems
29 identified.

30 (3) The Department of State shall submit the report to
31 the Governor, the President of the Senate, and the Speaker of

1 the House of Representatives by January 31 of each year
2 following a general election.

3 Section 41. Effective upon this act becoming a law,
4 the Division of Elections shall review the voting systems
5 certification standards and ensure that new technologies are
6 available for selection by boards of county commissioners
7 which meet the requirements for voting systems and meet user
8 standards. The Division of Elections shall continuously review
9 the voting systems certification standards to ensure that new
10 technologies are appropriately certified for all elections in
11 a timely manner. The division shall also develop methods to
12 determine the will of the public with respect to voting
13 systems.

14 Section 42. Subsections (8) and (9) of section
15 103.101, Florida Statutes, are amended to read:

16 103.101 Presidential preference primary.--

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

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

22
23 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~
24 ~~PRIMARY BALLOT~~

25
26 No. Party

27 ~~....COUNTY, FLORIDA~~

28
29 ~~Precinct No.~~

30
31 ~~...(Date)...~~

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

1 ~~Place a cross (X) in the blank space to the right of the name~~
2 ~~of the presidential candidate for whom you wish to vote,~~
3
4 ~~For President~~
5
6 ~~...(Name of Candidate)...~~
7
8 ~~...(Name of Candidate)...~~
9
10 ~~or place a cross (X) in the blank space to the right of the~~
11 ~~name of the delegate(s) for whom you wish to vote.~~
12
13 ~~...(Name of Delegate)...~~ ~~...(Name of Candidate)...~~
14 Section 43. Effective August 1, 2002, subsection (3)
15 of section 100.361, Florida Statutes, is amended to read:
16 100.361 Municipal recall.--
17 (3) BALLOTS.--The ballots at the recall election shall
18 conform to the following: With respect to each person whose
19 removal is sought, the question shall be submitted: "Shall
20 be removed from the office of by recall?"
21 Immediately following each question there shall be printed on
22 the ballots the two propositions in the order here set forth:
23 "... (name of person) ... should be removed from office."
24 "... (name of person) ... should not be removed from
25 office."
26
27 ~~Immediately to the right of each of the propositions shall be~~
28 ~~placed a square on which the electors, by making a crossmark~~
29 ~~(X), may vote either of the propositions. Voting machines or~~
30 ~~electronic or electromechanical equipment may be used.~~
31

1 Section 44. Effective August 1, 2002, section 101.21,
2 Florida Statutes, is amended to read:

3 101.21 Official ballots; number; printing; payment.--

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

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

18 Section 45. Effective August 1, 2002, section 101.24,
19 Florida Statutes, is amended to read:

20 101.24 Ballot boxes and ballots.--The supervisor of
21 elections, ~~except where voting machines are used,~~ shall
22 prepare for each polling place one ballot box of sufficient
23 size to contain all the ballots of the particular precinct,
24 and the ballot box shall be plainly marked with the name of
25 the precinct for which it is intended. An additional ballot
26 box, if necessary, may be supplied to any precinct. Before
27 each election, the supervisor shall place in the ballot box or
28 ballot transfer container as many ballots as are required in
29 s. 101.21. After securely sealing the ballot box or ballot
30 transfer container, the supervisor shall send the ballot box
31 or ballot transfer container to the clerk or inspector of

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

5 Section 46. Effective August 1, 2002, section 101.292,
6 Florida Statutes, is amended to read:

7 101.292 Definitions; ss. 101.292-101.295.--As used in
8 ss. 101.292-101.295, the following terms shall have the
9 following meanings:

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

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

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

29 Section 47. Effective August 1, 2002, section 101.43,
30 Florida Statutes, is amended to read:

31

1 101.43 Substitute ballot.--When ~~voting machines are~~
2 ~~used~~ and the required official ballots for a precinct are not
3 delivered in time to be used on election day, or after
4 delivery, are lost, destroyed or stolen, the clerk or other
5 officials whose duty it is to provide ballots for use at such
6 election, in lieu of the official ballots, shall have
7 substitute ballots prepared, conforming as nearly as possible
8 to the official ballots, and the board of election shall
9 substitute these ballots to be used in the same manner as the
10 official ballots would have been used at the election.

11 Section 48. Effective August 1, 2002, section 101.58,
12 Florida Statutes, is amended to read:

13 101.58 Supervising and observing registration and
14 election processes.--The Department of State may, at any time
15 it deems fit; upon the petition of 5 percent of the registered
16 electors; or upon the petition of any candidate, county
17 executive committee chair, state committeeman or
18 committeewoman, or state executive committee chair, appoint
19 one or more deputies whose duties shall be to observe and
20 examine the registration and election processes and the
21 condition, custody, and operation of voting systems and
22 equipment ~~machines~~ in any county or municipality. The deputy
23 shall have access to all registration books and records as
24 well as any other records or procedures relating to the voting
25 process. The deputy may supervise preparation of the voting
26 equipment ~~election machines~~ and procedures for election, and
27 it shall be unlawful for any person to obstruct the deputy in
28 the performance of his or her duty. The deputy shall file with
29 the Department of State a report of his or her findings and
30 observations of the registration and election processes in the
31 county or municipality, and a copy of the report shall also be

1 filed with the clerk of the circuit court of said county. The
2 compensation of such deputies shall be fixed by the Department
3 of State; and costs incurred under this section shall be paid
4 from the annual operating appropriation made to the Department
5 of State.

6 Section 49. Effective August 1, 2002, subsection (2)
7 of section 101.71, Florida Statutes, is amended to read:

8 101.71 Polling place.--

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

1 changed, at least once in a newspaper of general circulation
2 in said county. A notice of the change of the polling place
3 involved shall be mailed, at least 14 days prior to an
4 election, to each registered elector or to each household in
5 which there is a registered elector.

6 Section 50. Effective August 1, 2002, subsections (7),
7 (8), and (9) of section 102.012, Florida Statutes, are
8 repealed.

9 Section 51. Effective August 1, 2002, subsection (3)
10 of section 102.166, Florida Statutes, is amended to read:

11 102.166 Protest of election returns; procedure.--

12 (3) Before canvassing the returns of the election, the
13 canvassing board shall+

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

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

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

29 Section 52. Section 104.30, Florida Statutes, is
30 amended to read:

31

1 104.30 Voting system ~~machine~~; unlawful possession;
2 tampering.--

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

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

13 Section 53. Effective August 1, 2002, section 138.05,
14 Florida Statutes, is amended to read:

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

27 Section 54. Paragraph (c) of subsection (1) of section
28 582.18, Florida Statutes, is amended to read:

29 582.18 Election of supervisors of each district.--

30 (1)
31

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

15 Section 55. Section 100.341, Florida Statutes, is
16 amended to read:

17 100.341 Bond referendum ballot.--The ballots used in
18 bond referenda shall include a ~~be on plain white paper with~~
19 printed description of the issuance of bonds to be voted on as
20 prescribed by the authority calling the referendum. A separate
21 statement of each issue of bonds to be approved, giving the
22 amount of the bonds and interest rate thereon, together with
23 other details necessary to inform the electors, shall be
24 printed on the ballots in connection with the question "For
25 Bonds" and "Against Bonds."

26 Section 56. Sections 100.071, 101.141, 101.181,
27 101.191, 101.251, and 101.5609, Florida Statutes, are
28 repealed.

29 Section 57. Effective August 1, 2002, sections
30 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34,
31 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445,

1 101.45, 101.46, 101.47, 101.54, 101.55, and 101.56, Florida
2 Statutes, are repealed.

3 Section 58. Section 102.111, Florida Statutes, is
4 amended to read:

5 102.111 Elections Canvassing Commission.--

6 ~~(1) Immediately after certification of any election by~~
7 ~~the county canvassing board, the results shall be forwarded to~~
8 ~~the Department of State concerning the election of any federal~~
9 ~~or state officer. The Governor, the Secretary of State, and~~
10 ~~the Director of the Division of Elections shall be the~~
11 ~~Elections Canvassing Commission.~~The Elections Canvassing
12 Commission shall consist of the Governor and two members of
13 the Cabinet. If a member of the Elections Canvassing
14 Commission is unable to serve for any reason, the Governor
15 shall appoint the remaining member of the Cabinet. If there is
16 a further vacancy, the remaining members of the commission
17 shall agree on another elected official to fill the vacancy.

18 The Elections Canvassing Commission shall, as soon as the
19 official results are compiled from all counties, certify the
20 returns of the election and determine and declare who has been
21 elected for each federal, state, and multi-county office. ~~In~~
22 ~~the event that any member of the Elections Canvassing~~
23 ~~Commission is unavailable to certify the returns of any~~
24 ~~election, such member shall be replaced by a substitute member~~
25 ~~of the Cabinet as determined by the Director of the Division~~
26 ~~of Elections. If the county returns are not received by the~~
27 ~~Department of State by 5 p.m. of the seventh day following an~~
28 ~~election, all missing counties shall be ignored, and the~~
29 ~~results shown by the returns on file shall be certified.~~

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

1 Section 59. Subsections (2), (3) and (4) of section
2 102.168, Florida Statutes, are amended to read:

3 102.168 Contest of election.--

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

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

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

22 (b) Ineligibility of the successful candidate for the
23 nomination or office in dispute.

24 (c) Receipt of a number of illegal votes or rejection
25 of a number of legal votes sufficient to change or place in
26 doubt the result of the election.

27 (d) Proof that any elector, election official, or
28 canvassing board member was given or offered a bribe or reward
29 in money, property, or any other thing of value for the
30 purpose of procuring the successful candidate's nomination or
31

1 election or determining the result on any question submitted
2 by referendum.

3 (e) Proof that valid votes were not counted due to
4 system malfunctions or any other valid reason ~~Any other cause~~
5 ~~or allegation~~ which, if sustained, would show that a person
6 other than the successful candidate was the person duly
7 nominated or elected to the office in question or that the
8 outcome of the election on a question submitted by referendum
9 was contrary to the result declared by the canvassing board or
10 Elections Canvassing Commission ~~election board~~.

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

16 Section 60. Paragraph (b) of subsection (2) of section
17 97.041, Florida Statutes, is amended to read:

18 97.041 Qualifications to register or vote.--

19 (2) The following persons, who might be otherwise
20 qualified, are not entitled to register or vote:

21 (b) A person who has been convicted of any felony by
22 any court of record; however, such a person's right to
23 register or vote is automatically restored by operation of
24 law, for persons convicted of a forcible felony as defined in
25 s. 776.08, 5 years after completion and satisfaction of all
26 sentences imposed upon such person or, for all other felons, 1
27 year after completion and satisfaction of all sentences
28 imposed upon such person. For the purposes of this paragraph,
29 "completion and satisfaction of all sentences" occurs when a
30 person is released from incarceration upon expiration of
31 sentence and has paid all court costs and court-ordered

1 restitution and has achieved or completed all other
2 nonmonetary terms and conditions of the sentence or subsequent
3 supervision or, if the person has not been incarcerated for
4 the felony offense, has paid all court costs and court-ordered
5 restitution and has achieved or completed all nonmonetary
6 terms and conditions of community supervision imposed by a
7 court and who has not had his or her right to vote restored
8 pursuant to law. If a majority of the Board of Executive
9 Clemency objects before the automatic restoration of the right
10 to register or vote, such rights shall be restored only upon
11 application to, and approval by, the Board of Executive
12 Clemency.

13 Section 61. Subsection (2) of section 97.052, Florida
14 Statutes, is amended to read:

15 97.052 Uniform statewide voter registration
16 application.--

17 (2) The uniform statewide voter registration
18 application must be designed to elicit the following
19 information from the applicant:

- 20 (a) Full name.
21 (b) Date of birth.
22 (c) Address of legal residence.
23 (d) Mailing address, if different.
24 (e) County of legal residence.
25 (f) Address of property for which the applicant has
26 been granted a homestead exemption, if any.

27 (g) Race or ethnicity that best describes the
28 applicant:

- 29 1. American Indian or Alaskan Native.
30 2. Asian or Pacific Islander.
31 3. Black, not Hispanic.

1 4. White, not Hispanic.
2 5. Hispanic.
3 (h) Sex.
4 (i) Party affiliation.
5 (j) Whether the applicant needs assistance in voting.
6 (k) Name and address where last registered.
7 (l) Last four digits of the applicant's social
8 security number.
9 (m) Florida driver's license number or the
10 identification number from a Florida identification card
11 issued under s. 322.051.
12 (n) Telephone number (optional).
13 (o) Signature of applicant under penalty for false
14 swearing pursuant to s. 104.011, by which the person
15 subscribes to the oath required by s. 3, Art. VI of the State
16 Constitution and s. 97.051, and swears or affirms that the
17 information contained in the registration application is true.
18 (p) Whether the application is being used for initial
19 registration, to update a voter registration record, or to
20 request a replacement registration identification card.
21 (q) Whether the applicant is a citizen of the United
22 States.
23 (r) That the applicant has not been convicted of a
24 felony or, if convicted, has had his or her voting ~~civil~~
25 rights restored.
26 (s) That the applicant has not been adjudicated
27 mentally incapacitated with respect to voting or, if so
28 adjudicated, has had his or her right to vote restored.
29
30 The registration form must be in plain language and designed
31 so that convicted felons whose voting ~~civil~~ rights have been

1 restored and persons who have been adjudicated mentally
2 incapacitated and have had their voting rights restored are
3 not required to reveal their prior conviction or adjudication.

4 Section 62. Paragraph (a) of subsection (5) of section
5 97.053, Florida Statutes, is amended to read:

6 97.053 Acceptance of voter registration
7 applications.--

8 (5)(a) A voter registration application is complete if
9 it contains:

- 10 1. The applicant's name.
- 11 2. The applicant's legal residence address.
- 12 3. The applicant's date of birth.
- 13 4. An indication that the applicant is a citizen of
14 the United States.

15 5. The last four digits of the applicant's social
16 security number.

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

20 7. An indication that the applicant has not been
21 adjudicated mentally incapacitated with respect to voting or
22 that, if so adjudicated, has had his or her right to vote
23 restored.

24 8. Signature of the applicant swearing or affirming
25 under the penalty for false swearing pursuant to s. 104.011
26 that the information contained in the registration application
27 is true and subscribing to the oath required by s. 3, Art. VI
28 of the State Constitution and s. 97.051.

29 Section 63. Subsection (1) of section 98.0975, Florida
30 Statutes, is amended to read:

31

1 98.0975 Central voter file; periodic list
2 maintenance.--

3 (1) ~~By August 15, 1998,~~The division shall provide to
4 each county supervisor of elections a list containing the
5 name, address, date of birth, race, gender, and any other
6 available information identifying the voter of each person
7 included in the central voter file as a registered voter in
8 the supervisor's county who:

9 (a) Is deceased;

10 (b) Has been convicted of a felony and has not had his
11 or her voting ~~civil~~ rights restored; or

12 (c) Has been adjudicated mentally incompetent and
13 whose mental capacity with respect to voting has not been
14 restored.

15 Section 64. A member of the Elections Canvassing
16 Commission or a member of the county canvassing board who
17 publicly endorses or solicits contributions on behalf of a
18 candidate for public office may not render any post-election
19 decision in his or her official capacity as a member of the
20 commission or board which may affect the outcome of any race
21 in which he or she publicly endorsed or solicited
22 contributions on behalf of a candidate for public office.

23 Section 65. Section 101.031, Florida Statutes, is
24 amended to read:

25 101.031 Instructions for electors.--

26 (1) The Department of State, or in case of municipal
27 elections the governing body of the municipality, shall print,
28 in large type on cards, instructions for the electors to use
29 in voting. It shall provide not less than two cards for each
30 voting precinct for each election and furnish such cards to
31 each supervisor upon requisition. Each supervisor of

1 elections shall send a sufficient number of these cards to the
2 precincts prior to an election. The election inspectors shall
3 display the cards in the polling places as information for
4 electors. The cards shall contain information about how to
5 vote and such other information as the Department of State may
6 deem necessary. The cards must also include the list of rights
7 and responsibilities afforded to Florida voters, as described
8 in subsection (2).

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

12 VOTER'S BILL OF RIGHTS

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

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

VOTER RESPONSIBILITIES

Each registered voter in this state has the
responsibility to:

1. Study and know candidates and issues.
2. Keep his or her voter address current.
3. Know his or her precinct and its hours of operation.
4. Bring proper identification to the polling station.
5. Know how to operate voting equipment properly.
6. Treat precinct workers with courtesy.
7. Respect the privacy of other voters.
8. Report problems or violations of election law.
9. Ask questions when confused.
10. Check his or her completed ballot for accuracy.

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

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

Section 66. Subsection (1) of section 98.015, Florida Statutes, is amended to read:

1 98.015 Supervisor of elections; election, tenure of
2 office, compensation, custody of books, office hours,
3 successor, seal; appointment of deputy supervisors; duties.--

4 (1) A supervisor of elections shall be elected in a
5 nonpartisan election in each county at the general election in
6 each year the number of which is a multiple of four for a
7 4-year term commencing on the first Tuesday after the first
8 Monday in January succeeding his or her election. Each
9 supervisor shall, before performing any of his or her duties,
10 take the oath prescribed in s. 5, Art. II of the State
11 Constitution.

12 Section 67. Subsection (3), paragraph (a) of
13 subsection (4), and paragraph (a) of subsection (5) of section
14 105.031, Florida Statutes, are amended to read:

15 105.031 Qualification; filing fee; candidate's oath;
16 items required to be filed.--

17 (3) QUALIFYING FEE--Each candidate qualifying for
18 election to a judicial office, the office of supervisor of
19 elections, or the office of school board member, except
20 write-in ~~judicial~~ candidates, shall, during the time for
21 qualifying, pay to the officer with whom he or she qualifies a
22 qualifying fee, which shall consist of a filing fee and an
23 election assessment, or qualify by the alternative method. The
24 amount of the filing fee is 3 percent of the annual salary of
25 the office sought. The amount of the election assessment is 1
26 percent of the annual salary of the office sought. The
27 Department of State shall forward all filing fees to the
28 Department of Revenue for deposit in the Elections Commission
29 Trust Fund. The supervisor of elections shall forward all
30 filing fees to the Elections Commission Trust Fund. The
31 election assessment shall be deposited into the Elections

1 Commission Trust Fund. The annual salary of the office for
2 purposes of computing the qualifying fee shall be computed by
3 multiplying 12 times the monthly salary authorized for such
4 office as of July 1 immediately preceding the first day of
5 qualifying. This subsection shall not apply to candidates
6 qualifying for retention to judicial office.

7 (4) CANDIDATE'S OATH.--

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

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

12 (a) In order for a candidate for judicial office, the
13 office of supervisor of elections, or the office of school
14 board member to be qualified, the following items must be
15 received by the filing officer by the end of the qualifying
16 period:

17 1. Except for candidates for retention to judicial
18 office, a properly executed check drawn upon the candidate's
19 campaign account in an amount not less than the fee required
20 by subsection (3) or, in lieu thereof, the copy of the notice
21 of obtaining ballot position pursuant to s. 105.035. If a
22 candidate's check is returned by the bank for any reason, the
23 filing officer shall immediately notify the candidate and the
24 candidate shall, the end of qualifying notwithstanding, have
25 48 hours from the time such notification is received,
26 excluding Saturdays, Sundays, and legal holidays, to pay the
27 fee with a cashier's check purchased from funds of the
28 campaign account. Failure to pay the fee as provided in this
29 subparagraph shall disqualify the candidate.

30 2. The candidate's oath required by subsection (4),
31 which must contain the name of the candidate as it is to

1 appear on the ballot; the office sought, including the
2 district or group number if applicable; and the signature of
3 the candidate, duly acknowledged.

4 3. The loyalty oath required by s. 876.05, signed by
5 the candidate and duly acknowledged.

6 4. The completed form for the appointment of campaign
7 treasurer and designation of campaign depository, as required
8 by s. 106.021. In addition, each candidate for judicial
9 office, including an incumbent judge, shall file a statement
10 with the qualifying officer, within 10 days after filing the
11 appointment of campaign treasurer and designation of campaign
12 depository, stating that the candidate has read and
13 understands the requirements of the Florida Code of Judicial
14 Conduct. Such statement shall be in substantially the
15 following form:

16
17 Statement of Candidate for Judicial Office

18
19 I, ...(name of candidate)..., a judicial candidate, have
20 received, read, and understand the requirements of the Florida
21 Code of Judicial Conduct.

22 ...(Signature of candidate)...

23 ...(Date)...

24
25 5. The full and public disclosure of financial
26 interests required by s. 8, Art. II of the State Constitution
27 or the statement of financial interests required by s.
28 112.3145, whichever is applicable.

29 Section 68. Section 105.035, Florida Statutes, is
30 amended to read:

31

1 105.035 Alternative method of qualifying for certain
2 judicial offices, the office of supervisor of elections,and
3 the office of school board member.--

4 (1) A person seeking to qualify for election to the
5 office of circuit judge or county court judge, the office of
6 supervisor of elections,or the office of school board member
7 may qualify for election to such office by means of the
8 petitioning process prescribed in this section. A person
9 qualifying by this alternative method shall not be required to
10 pay the qualifying fee required by this chapter. A person
11 using this petitioning process shall file an oath with the
12 officer before whom the candidate would qualify for the office
13 stating that he or she intends to qualify by this alternative
14 method for the office sought. Such oath shall be filed at any
15 time after the first Tuesday after the first Monday in January
16 of the year in which the election is held, but prior to the
17 21st day preceding the first day of the qualifying period for
18 the office sought. The form of such oath shall be prescribed
19 by the Division of Elections. No signatures shall be obtained
20 until the person has filed the oath prescribed in this
21 subsection.

22 (2) Upon receipt of a written oath from a candidate,
23 the qualifying officer shall provide the candidate with a
24 petition format prescribed by the Division of Elections to be
25 used by the candidate to reproduce petitions for circulation.
26 If the candidate is running for an office which will be
27 grouped on the ballot with two or more similar offices to be
28 filled at the same election, the candidate's petition must
29 indicate, prior to the obtaining of registered electors'
30 signatures, for which group or district office the candidate
31 is running.

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

11 (4)(a) Each candidate seeking to qualify for election
12 to the office of circuit judge or the office of school board
13 member from a multicounty school district pursuant to this
14 section shall file a separate petition from each county from
15 which signatures are sought. Each petition shall be
16 submitted, prior to noon of the 21st day preceding the first
17 day of the qualifying period for the office sought, to the
18 supervisor of elections of the county for which such petition
19 was circulated. Each supervisor of elections to whom a
20 petition is submitted shall check the signatures on the
21 petition to verify their status as electors of that county and
22 of the geographic area represented by the office sought. Prior
23 to the first date for qualifying, the supervisor shall certify
24 the number shown as registered electors and submit such
25 certification to the Division of Elections. The division
26 shall determine whether the required number of signatures has
27 been obtained for the name of the candidate to be placed on
28 the ballot and shall notify the candidate. If the required
29 number of signatures has been obtained, the candidate shall,
30 during the time prescribed for qualifying for office, submit a
31 copy of such notice and file his or her qualifying papers and

1 oath prescribed in s. 105.031 with the Division of Elections.
2 Upon receipt of the copy of such notice and qualifying papers,
3 the division shall certify the name of the candidate to the
4 appropriate supervisor or supervisors of elections as having
5 qualified for the office sought.

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

27 Section 69. Subsection (4) of section 105.041, Florida
28 Statutes, is amended to read:

29 105.041 Form of ballot.--

30 (4) WRITE-IN CANDIDATES.--Space shall be made
31 available on the general election ballot for an elector to

1 write in the name of a write-in candidate for judge of a
2 circuit court or county court, supervisor of elections, or
3 member of a school board if a candidate has qualified as a
4 write-in candidate for such office pursuant to s. 105.031.
5 This subsection shall not apply to the offices of justices and
6 judges seeking retention.

7 Section 70. Paragraph (a) of subsection (1) of section
8 105.051, Florida Statutes, is amended to read:

9 105.051 Determination of election or retention to
10 office.--

11 (1) ELECTION.--In circuits and counties holding
12 elections:

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

18 Section 71. Subsection (3) is added to section
19 105.061, Florida Statutes, to read:

20 105.061 Electors qualified to vote.--

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

23 Section 72. Subsection (1) of section 105.08, Florida
24 Statutes, is amended to read:

25 105.08 Campaign contribution and expense; reporting.--

26 (1) A candidate for judicial office, the office of
27 supervisor of elections, or the office of school board member
28 may accept contributions and may incur only such expenses as
29 are authorized by law. Each such candidate shall keep an
30 accurate record of his or her contributions and expenses, and
31 shall file reports pursuant to chapter 106.

1 Section 73. Funds provided in the 2001-2002 General
2 Appropriations Act for Voting Systems Assistance shall be
3 appropriated to the Division of Elections, Department of
4 State, to be distributed to the counties to implement the
5 provisions of this act.

6 Section 74. Effective July 1, 2002, the sum of \$3
7 million in nonrecurring general revenue is appropriated to the
8 Department of State for the purpose of designing a real-time
9 statewide voter registration database.

10 Section 75. Except for sections 60 through 63, which
11 shall take effect on the effective date of Senate Joint
12 Resolution No. 434 or another amendment to the State
13 Constitution which authorizes, or removes impediments to,
14 enactment of these sections by the Legislature, or as
15 otherwise provided in the act, this act shall take effect
16 January 1, 2002.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 1374

The Committee Substitute for SB 1374 is a major election reform package which provides the following: eliminates the second primary election and moves the date of the remaining primary; provides minimum standards for pollworker training and requires the Department of State to prescribe a uniform polling place procedures manual; authorizes state, county and municipal workers to serve as pollworkers in lieu of their normal work and encourages supervisors of elections to develop public-private programs to recruit pollworkers; requires the Department of State to adopt rules prescribing minimum standards for voter education; eliminates punchcard voting systems, paper ballots, mechanical lever machines and central count optical scan voting systems, beginning with the 2002 first primary election; provides a minimum standard of precinct count tabulation for any voting system; changes the composition of the Elections Canvassing Commission and provides certain restrictions on members of the Canvassing Commission and the county canvassing boards; provides for the automatic restoration of ex-felon's voting rights under certain conditions; requires a voter's bill of rights and responsibilities to be posted at the polls; requires the supervisors of elections to be elected on a nonpartisan basis; appropriates funds to the Division of Elections to design a real-time statewide voter registration database; and provides an appropriation to the Division of Elections to be distributed to counties to implement the provisions of the act.