

By the Committees on Appropriations; Ethics and Elections; and  
Senators Carlton and Dawson

309-1913B-01

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

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

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

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

1 Responsibilities; providing responsibilities of  
2 supervisors of elections; amending s. 101.131,  
3 F.S.; eliminating a requirement to call out  
4 names of voters; creating s. 102.014, F.S.;  
5 providing for pollworker recruitment and  
6 training; repealing s. 102.012(8) and (9),  
7 relating to pollworker training; amending s.  
8 97.073, F.S.; revising procedures to be  
9 followed when a voter registration application  
10 is incomplete; amending s. 98.015, F.S.;  
11 providing for the nonpartisan election of  
12 supervisors of elections; amending s. 105.031,  
13 F.S.; requiring candidates for supervisor of  
14 elections to pay a qualifying fee, subscribe to  
15 an oath, and file certain items in order to  
16 qualify for election; amending s. 105.035,  
17 F.S.; providing alternative procedures for  
18 candidates for supervisor of elections to  
19 qualify for election; amending s. 105.041,  
20 F.S.; providing for the form of the ballot for  
21 candidates for supervisor of elections;  
22 providing for write-in candidates for  
23 supervisor of elections; amending s. 105.051,  
24 F.S.; providing for determination of election  
25 to office of candidates for supervisor of  
26 elections; amending s. 105.061, F.S.; providing  
27 that supervisors of elections are to be elected  
28 by vote of the qualified electors of the  
29 county; amending s. 105.08, F.S.; providing  
30 requirements for candidates for supervisor of  
31 elections with respect to campaign

1 contributions and expenses and their reporting;  
2 repealing s. 100.091, F.S., to eliminate the  
3 second primary election; repealing s. 100.096,  
4 F.S., relating to the holding of special  
5 elections in conjunction with the second  
6 primary election, to conform; amending ss.  
7 97.055, 97.071, 97.1031, 98.081, F.S., relating  
8 to restrictions on changing party affiliation  
9 between primary elections, to conform; amending  
10 ss. 99.061, 99.095, F.S., relating to  
11 qualifying for nomination or election to  
12 office, to conform; amending s. 99.063, F.S.;  
13 adjusting the date to designate a Lieutenant  
14 Governor running mate, to conform; amending ss.  
15 99.103, 100.061, 100.081, 100.111, 100.141,  
16 101.252, 101.62, 102.168, 103.021, 103.022,  
17 103.091, 105.031, 105.041, 105.051, 106.07,  
18 106.08, 106.29, F.S.; revising references, to  
19 conform to the elimination of the second  
20 primary election; amending s. 236.25, F.S.;  
21 allowing certain school districts to levy, by  
22 referendum, additional district school taxes;  
23 providing limitations on the uses of the  
24 resulting revenues; amending s. 236.31, F.S.;  
25 providing for millage elections pursuant to s.  
26 236.25, F.S.; amending s. 236.32, F.S.;  
27 revising the procedures for conducting school  
28 district millage elections; amending s. 97.041,  
29 F.S.; providing for automatic restoration of  
30 former felons' right to vote following  
31 completion and satisfaction of sentence of

1           incarceration and community supervision;  
2           providing conditions on such automatic  
3           restoration; amending ss. 97.052, 97.053, F.S.,  
4           to conform; providing an appropriation for the  
5           design of a statewide voter registration  
6           database; providing requirements for the  
7           database; repealing s. 98.0975, F.S., relating  
8           to the central voter file maintained by the  
9           Division of Elections; providing for the  
10          appropriation from the General Appropriations  
11          Act to be used to implement the provisions of  
12          the act; providing effective dates.

13

14 Be It Enacted by the Legislature of the State of Florida:

15

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

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

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

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

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

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

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

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

24           Section 2. Effective August 1, 2002, section 98.471,  
25 Florida Statutes, is amended to read:

26           98.471 Use of precinct register at polls.--The  
27 precinct register, as prescribed in s. 98.461, may be used at  
28 the polls in lieu of the registration books for the purpose of  
29 identifying the elector at the polls prior to allowing him or  
30 her to vote. The clerk or inspector shall require each  
31 elector, upon entering the polling place, to present a Florida



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

17 Section 3. Section 100.341, Florida Statutes, is  
18 amended to read:

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

28 Section 4. Effective August 1, 2002, subsection (3) of  
29 section 100.361, Florida Statutes, is amended to read:

30 100.361 Municipal recall.--

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

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

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

8           "...(name of person)... should not be removed from  
9 office."

10

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

15           Section 5. Effective upon this act becoming a law,  
16 subsection (7) is added to section 101.015, Florida Statutes,  
17 to read:

18           101.015 Standards for voting systems.--

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

29           Section 6. Section 101.151, Florida Statutes, is  
30 amended to read:

31

1           101.151 Specifications for ballots ~~general election~~  
2 ~~ballot.--In counties in which voting machines are not used,~~  
3 ~~and in other counties for use as absentee ballots not designed~~  
4 ~~for tabulation by an electronic or electromechanical voting~~  
5 ~~system, the general election ballot shall conform to the~~  
6 ~~following specifications:~~

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

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

29           (2)~~(3)~~(a) ~~Beneath the caption and preceding the names~~  
30 ~~of candidates shall be the following words: "To vote for a~~  
31 ~~candidate whose name is printed on the ballot, place a cross~~

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

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

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

30  
31

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

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

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

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

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

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

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

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

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

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

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

17 2. Individual race layout; and

18 3. Overall ballot layout.

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

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

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

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

3           Section 7. Effective August 1, 2002, section 101.21,  
4 Florida Statutes, is amended to read:

5           101.21 Official ballots; number; printing; payment.--

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

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

20           Section 8. Effective August 1, 2002, section 101.24,  
21 Florida Statutes, is amended to read:

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



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

7 Section 9. Effective August 1, 2002, section 101.292,  
8 Florida Statutes, is amended to read:

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

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

16 (2) "Voting equipment" means ~~new or used voting~~  
17 ~~machines and materials, parts, or other equipment necessary~~  
18 ~~for the maintenance or improvement of voting machines, the~~  
19 ~~individual or combined retail value of which is in excess of~~  
20 ~~the threshold amount for CATEGORY TWO purchases provided in s.~~  
21 ~~287.017. The term "voting equipment" also includes~~ electronic  
22 or electromechanical voting systems, voting devices, and  
23 automatic tabulating equipment as defined in s. 101.5603, as  
24 well as materials, parts, or other equipment necessary for the  
25 operation and maintenance of such systems and devices, the  
26 individual or combined retail value of which is in excess of  
27 the threshold amount for CATEGORY TWO purchases provided in s.  
28 287.017.

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

31

1           Section 10. Effective August 1, 2002, section 101.341,  
2 Florida Statutes, is amended to read:

3           101.341 Prohibited activities by voting system ~~machine~~  
4 custodians and deputy custodians.--

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

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

19           Section 11. Effective August 1, 2002, section 101.43,  
20 Florida Statutes, is amended to read:

21           101.43 Substitute ballot.--When ~~voting machines are~~  
22 ~~used and~~ the required official ballots for a precinct are not  
23 delivered in time to be used on election day, or after  
24 delivery, are lost, destroyed or stolen, the clerk or other  
25 officials whose duty it is to provide ballots for use at such  
26 election, in lieu of the official ballots, shall have  
27 substitute ballots prepared, conforming as nearly as possible  
28 to the official ballots, and the board of election shall  
29 substitute these ballots to be used in the same manner as the  
30 official ballots would have been used at the election.

31



1 the filled-in form; such affidavit shall then be sworn to and  
2 subscribed before one of the inspectors or clerks of the  
3 election who is authorized to administer the oath. Whenever  
4 the affidavit is made and filed with the clerk or inspector,  
5 the person shall then be admitted ~~to the voting machine~~ to  
6 cast his or her vote, but if the person fails or refuses to  
7 make out or file such affidavit, then he or she shall not be  
8 permitted to vote.

9 Section 13. Effective August 1, 2002, subsections (5)  
10 and (8) of section 101.5603, Florida Statutes, are amended to  
11 read:

12 101.5603 Definitions relating to Electronic Voting  
13 Systems Act.--As used in this act, the term:

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

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

23 Section 14. Effective August 1, 2002, section  
24 101.5604, Florida Statutes, is amended to read:

25 101.5604 Adoption of system; procurement of equipment;  
26 commercial tabulations.--The board of county commissioners of  
27 any county, at any regular meeting or a special meeting called  
28 for the purpose, may, upon consultation with the supervisor of  
29 elections, adopt, purchase or otherwise procure, and provide  
30 for the use of any electronic or electromechanical voting  
31 system approved by the Department of State in all or a portion

1 of the election precincts of that county. Thereafter the  
2 electronic or electromechanical voting system may be used for  
3 voting at all elections for public and party offices and on  
4 all measures and for receiving, registering, and counting the  
5 votes thereof in such election precincts as the governing body  
6 directs. Any electronic or electromechanical voting system  
7 used by the county shall be a precinct tabulation voting  
8 system.~~Any such board may contract for the tabulation of~~  
9 ~~votes at a location within the county when there is no~~  
10 ~~suitable tabulating equipment available which is owned by the~~  
11 ~~county.~~

12 Section 15. Effective August 1, 2002, section  
13 101.5606, Florida Statutes, is amended to read:

14 101.5606 Requirements for approval of systems.--

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

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

19 (b)~~(2)~~ It permits each elector to vote at any election  
20 for all persons and offices for whom and for which the elector  
21 is lawfully entitled to vote, and no others; to vote for as  
22 many persons for an office as the elector is entitled to vote  
23 for; and to vote for or against any question upon which the  
24 elector is entitled to vote.

25 (c)~~(3)~~ The automatic tabulating equipment will be set  
26 to reject all votes for any office or measure when a race or  
27 measure is overvoted or when every race and measure on the  
28 ballot is undervoted ~~the number of votes therefor exceeds the~~  
29 ~~number which the voter is entitled to cast or when the voter~~  
30 ~~is not entitled to cast a vote for the office or measure.~~

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

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

6           ~~(f)(6)~~ At presidential elections it permits each  
7 elector, by one operation, to vote for all presidential  
8 electors of a party or for all presidential electors of  
9 candidates for President and Vice President with no party  
10 affiliation.

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

12           ~~(h)(8)~~ It is capable of accumulating a count of the  
13 specific number of ballots tallied for a precinct,  
14 accumulating total votes by candidate for each office, and  
15 accumulating total votes for and against each question and  
16 issue of the ballots tallied for a precinct.

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

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

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

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

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

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

4           Section 16. Effective August 1, 2002, subsections (2),  
5 (3), and (7) of section 101.5614, Florida Statutes, are  
6 amended to read:

7           101.5614 Canvass of returns.--

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

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

27           (2)(3)(a) All proceedings at any ~~the central or~~  
28 ~~regional counting location or other designated location~~ shall  
29 be under the direction of the county canvassing board and  
30 shall be open to the public, but no person except a person  
31 employed and authorized for the purpose shall touch any ballot

1 or ballot container, any item of automatic tabulating  
2 equipment, or any return prior to its release. ~~If the ballots~~  
3 ~~are tabulated at regional locations, one member of the~~  
4 ~~canvassing board or a person designated by the board to~~  
5 ~~represent it shall be present at each location during the~~  
6 ~~testing of the counting equipment and the tabulation of the~~  
7 ~~ballots.~~

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

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

19       Section 17. Effective August 1, 2002, section 101.58,  
20 Florida Statutes, is amended to read:

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



1 well as any other records or procedures relating to the voting  
2 process. The deputy may supervise preparation of the voting  
3 equipment ~~election machines~~ and procedures for election, and  
4 it shall be unlawful for any person to obstruct the deputy in  
5 the performance of his or her duty. The deputy shall file with  
6 the Department of State a report of his or her findings and  
7 observations of the registration and election processes in the  
8 county or municipality, and a copy of the report shall also be  
9 filed with the clerk of the circuit court of said county. The  
10 compensation of such deputies shall be fixed by the Department  
11 of State; and costs incurred under this section shall be paid  
12 from the annual operating appropriation made to the Department  
13 of State.

14 Section 18. Section 101.595, Florida Statutes, is  
15 created to read:

16 101.595 Analysis and reports of voter error.--

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

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

29 (a) The overall error rate for each system used in the  
30 election;

31

1           (b) An identification of problems with the ballot  
2 design or instructions which may have contributed to voter  
3 confusion; and

4           (c) Recommendations for correcting any problems  
5 identified.

6           (3) The Department of State shall submit the report to  
7 the Governor, the President of the Senate, and the Speaker of  
8 the House of Representatives by January 31 of each year  
9 following a general election.

10           Section 19. Effective August 1, 2002, subsection (2)  
11 of section 101.71, Florida Statutes, is amended to read:

12           101.71 Polling place.--

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

1 subsection, the supervisor shall, not more than 30 days or  
2 fewer than 7 days prior to the holding of an election, give  
3 notice of the change of the polling place for the precinct  
4 involved, with clear description of the voting place to which  
5 changed, at least once in a newspaper of general circulation  
6 in said county. A notice of the change of the polling place  
7 involved shall be mailed, at least 14 days prior to an  
8 election, to each registered elector or to each household in  
9 which there is a registered elector.

10 Section 20. Subsection (1) of section 101.75, Florida  
11 Statutes, is amended to read:

12 101.75 Municipal elections; change of dates for  
13 cause.--

14 (1) In any municipality, when the date of the  
15 municipal election falls on the same date as any statewide or  
16 county election and the voting devices of the voting system  
17 used in the county ~~machines~~ are not available for both  
18 elections, the municipality may provide that the municipal  
19 election may be held within 30 days prior to or subsequent to  
20 the statewide or county election.

21 Section 21. Subsections (8) and (9) of section  
22 103.101, Florida Statutes, are amended to read:

23 103.101 Presidential preference primary.--

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

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

29

30 OFFICIAL PRESIDENTIAL PREFERENCE

31 PRIMARY BALLOT

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

1  
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31

~~....COUNTY, FLORIDA~~

~~Precinct No. ....~~

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

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

~~For President~~

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

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

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

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

Section 22. Section 104.30, Florida Statutes, is  
amended to read:

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

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

(2) Any person who tampers or attempts to tamper with  
or destroy any voting system or equipment ~~machine~~ with the  
intention of interfering with the election process or the  
results thereof is guilty of a felony of the third degree,

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

3 Section 23. Effective August 1, 2002, section 138.05,  
4 Florida Statutes, is amended to read:

5 138.05 Form of ballot.--The clerk of the circuit court  
6 of any county in this state, when the names of the towns,  
7 villages, and cities required in s. 138.04 have been furnished  
8 him or her, shall have printed, at the expense of the county,  
9 a suitable ballot to be used in the ~~said~~ election, the ~~said~~  
10 ballot to contain, in alphabetical order, the names of all  
11 such towns, villages, and cities, and no other places shall be  
12 printed on the ~~said~~ ballots; ~~provided, that in counties where~~  
13 ~~the use of voting machines is now or may hereafter be~~  
14 ~~authorized by law, the requirements of this section shall,~~  
15 ~~insofar as practicable, be adapted to the use of said voting~~  
16 ~~machines.~~

17 Section 24. Paragraph (c) of subsection (1) of section  
18 582.18, Florida Statutes, is amended to read:

19 582.18 Election of supervisors of each district.--

20 (1)

21 (c) The names of all nominees on behalf of whom such  
22 nominating petitions have been filed shall appear upon ballots  
23 in accordance with the general election laws. All qualified  
24 electors residing within the district shall be eligible to  
25 vote in such election. The candidates who receive the largest  
26 number of the votes cast from each group of candidates, ~~as~~  
27 ~~provided in s. 100.071,~~ in such election shall be the elected  
28 supervisors from such group for such district. In the case of  
29 a newly created district participating in a regular election  
30 for the first time, three groups of candidates shall be  
31 elected for terms of 4 years, and two groups shall be elected

1 for initial terms of 2 years. Each candidate elected shall  
2 assume office on the first Tuesday after the first Monday in  
3 January following the election.

4 Section 25. Sections 100.071, 101.141, 101.181,  
5 101.191, 101.251, and 101.5609, Florida Statutes, are  
6 repealed.

7 Section 26. Effective August 1, 2002, sections  
8 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34,  
9 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445,  
10 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, and  
11 102.012(7), Florida Statutes, are repealed.

12 Section 27. Section 97.021, Florida Statutes, is  
13 amended to read:

14 97.021 Definitions.--For the purposes of this code,  
15 except where the context clearly indicates otherwise, the  
16 term:

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

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

21 ~~(b) Is an inspector, a poll worker, a deputy voting~~  
22 ~~machine custodian, a deputy sheriff, a supervisor of~~  
23 ~~elections, or a deputy supervisor who is assigned to a~~  
24 ~~different precinct than that in which he or she is registered~~  
25 ~~to vote.~~

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

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

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

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

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

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

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

23           (c) "Electronic or electromechanical devices" means a  
24 ballot which is voted by the process of punching or marking  
25 with a marking device for tabulation by automatic tabulating  
26 equipment or data processing equipment.

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

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

31



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

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

8 (d) Any person who appoints a treasurer and designates  
9 a primary depository.

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

12  
13 However, this definition does not include any candidate for a  
14 political party executive committee.

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

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

19 (6) "Division" means the Division of Elections of the  
20 Department of State.

21 (7) "Election" means any primary election, special  
22 primary election, special election, general election, or  
23 presidential preference primary election.

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

26 (9) "Election costs" shall include, but not be limited  
27 to, expenditures for all paper supplies such as envelopes,  
28 instructions to voters, affidavits, reports, ballot cards,  
29 ballot booklets for absentee voters, postage, notices to  
30 voters; advertisements for registration book closings, testing  
31 of voting equipment, sample ballots, and polling places; forms

1 used to qualify candidates; polling site rental and equipment  
2 delivery and pickup; data processing time and supplies;  
3 election records retention; and labor costs, including those  
4 costs uniquely associated with absentee ballot preparation,  
5 poll workers, and election night canvass.

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

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

14 (12) "Lists of registered electors" means copies of  
15 printed lists of registered electors, computer tapes or disks,  
16 or any other device used by the supervisor of elections to  
17 maintain voter records.

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

22 (a) Employed as an officer or crew member of a vessel  
23 documented under the laws of the United States, a vessel owned  
24 by the United States, or a vessel of foreign-flag registry  
25 under charter to or control of the United States; or

26 (b) Enrolled with the United States for employment or  
27 training for employment, or maintained by the United States  
28 for emergency relief service, as an officer or crew member of  
29 such vessel.

30 (14)~~(13)~~ "Minor political party" is any group as  
31 defined in this subsection which on January 1 preceding a

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

13 (15)~~(14)~~ "Newspaper of general circulation" means a  
14 newspaper printed in the language most commonly spoken in the  
15 area within which it circulates and which is readily available  
16 for purchase by all inhabitants in the area of circulation,  
17 but does not include a newspaper intended primarily for  
18 members of a particular professional or occupational group, a  
19 newspaper the primary function of which is to carry legal  
20 notices, or a newspaper that is given away primarily to  
21 distribute advertising.

22 (16)~~(15)~~ "Nominal value" means having a retail value  
23 of \$10 or less.

24 (17)~~(16)~~ "Nonpartisan office" means an office for  
25 which a candidate is prohibited from campaigning or qualifying  
26 for election or retention in office based on party  
27 affiliation.

28 (18)~~(17)~~ "Office that serves persons with  
29 disabilities" means any state office that takes applications  
30 either in person or over the telephone from persons with  
31

1 disabilities for any program, service, or benefit primarily  
2 related to their disabilities.

3 (19) "Overseas voter" means:

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

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

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

16  
17 who are qualified and registered to vote as provided by law.

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

23 (21)~~(18)~~ "Persons with disabilities" means individuals  
24 who have a physical or mental impairment that substantially  
25 limits one or more major life activities.

26 (22)~~(19)~~ "Polling place" is the building which  
27 contains the polling room where ballots are cast.

28 (23)~~(20)~~ "Polling room" means the actual room in which  
29 ballots are cast.

30 (24)~~(21)~~ "Primary election" means an election held  
31 preceding the general election for the purpose of nominating a

1 party nominee to be voted for in the general election to fill  
2 a national, state, county, or district office. The first  
3 primary election is a nomination or elimination election; ~~the~~  
4 ~~second primary is a nominating election only.~~

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

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

11 (b) There is an indication on the precinct register  
12 that the voter has requested an absentee ballot and the voter  
13 does not return the absentee ballot to the election board at  
14 the precinct.

15 (26)~~(22)~~ "Public assistance" means assistance provided  
16 through the food stamp program; the Medicaid program; the  
17 Special Supplemental Food Program for Women, Infants, and  
18 Children; and the WAGES Program.

19 (27)~~(23)~~ "Public office" means any federal, state,  
20 county, municipal, school, or other district office or  
21 position which is filled by vote of the electors.

22 (28)~~(24)~~ "Qualifying educational institution" means  
23 any public or private educational institution receiving state  
24 financial assistance which has, as its primary mission, the  
25 provision of education or training to students who are at  
26 least 18 years of age, provided such institution has more than  
27 200 students enrolled in classes with the institution and  
28 provided that the recognized student government organization  
29 has requested this designation in writing and has filed the  
30 request with the office of the supervisor of elections in the  
31 county in which the institution is located.

1           ~~(29)(25)~~ "Special election" is a special election  
2 called for the purpose of voting on a party nominee to fill a  
3 vacancy in the national, state, county, or district office.

4           ~~(30)(26)~~ "Special primary election" is a special  
5 nomination election designated by the Governor, called for the  
6 purpose of nominating a party nominee to be voted on in a  
7 general or special election.

8           ~~(31)(27)~~ "Supervisor" means the supervisor of  
9 elections.

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

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

18           ~~(34)(28)~~ "Voter registration agency" means any office  
19 that provides public assistance, any office that serves  
20 persons with disabilities, any center for independent living,  
21 or any public library.

22           ~~(35)(29)~~ "Voting booth" or "booth" means that booth or  
23 enclosure wherein an elector casts his or her ballot, be it a  
24 paper ballot, a voting machine ballot, or a ballot cast for  
25 tabulation by an electronic or electromechanical device.

26           ~~(36)(30)~~ "Voting system" means a method of casting and  
27 processing votes that functions wholly or partly by use of  
28 mechanical, electromechanical, or electronic apparatus or by  
29 use of paper ballots and includes, but is not limited to, the  
30 procedures for casting and processing votes and the programs,  
31

1 operating manuals, tabulating cards, printouts, and other  
2 software necessary for the system's operation.

3 Section 28. Section 101.048, Florida Statutes, is  
4 created to read:

5 101.048 Provisional ballots.--

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

15 (b) The county canvassing board shall examine each  
16 provisional ballot to determine whether the person voting that  
17 ballot was entitled to vote in the election and to assure that  
18 the person had not already cast a ballot in the election.

19 1. If it is determined that the person was registered  
20 and entitled to vote, the canvassing board shall compare the  
21 signature on the provisional-ballot envelope with the  
22 signature on the voter's registration and, if it matches,  
23 shall count the ballot. The provisional ballot of a voter who  
24 is otherwise entitled to vote shall not be rejected because  
25 the voter did not cast his or her ballot in the precinct of  
26 his or her legal residence. However, if the voter did not  
27 vote the ballot to which he or she was entitled, the  
28 canvassing board shall duplicate the ballot for the races that  
29 the voter was entitled to vote in his or her legal precinct  
30 and count the races for which the voter was entitled to vote.

31





1 Section 29. Subsections (2) and (3) of section  
2 101.045, Florida Statutes, are amended to read:

3 101.045 Electors must be registered in precinct;  
4 provisions for residence or name change.--

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

10  
11 Change of Legal Residence of Registered  
12 Voter  
13

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

26  
27 ...(Signature of voter whose address of legal residence has  
28 changed)...

29  
30 (b) An elector whose name changes because of marriage  
31 or other legal process may be permitted to vote, provided such

1 | elector completes an affirmation in substantially the  
2 | following form:

3 |

4 |                                   Change of Name of Registered  
5 |   Voter

6 |

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

12 | Name.....

13 | Address.....

14 | Municipality.....

15 | County.....

16 | Florida, Zip.....

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

18 | Name.....

19 | Address.....

20 | Municipality.....

21 | County.....

22 | Florida, Zip.....

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

25 |

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

27 |

28 |           (c) Such affirmation, when completed and presented at  
29 | the precinct in which such elector is entitled to vote, and  
30 | upon verification of the elector's registration, shall entitle  
31 | such elector to vote as provided in this subsection. If the

1 elector's eligibility to vote cannot be determined, he or she  
2 shall be entitled to vote a provisional ballot, subject to the  
3 requirements and procedures in s. 101.048. Upon receipt of an  
4 affirmation certifying a change in address of legal residence  
5 or name, the supervisor shall as soon as practicable make the  
6 necessary changes in the registration records of the county to  
7 indicate the change in address of legal residence or name of  
8 such elector.

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

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

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

1 elector's previous registration, shall allow such person to  
2 vote and shall thereafter issue a duplicate registration  
3 identification card.

4 Section 30. Subsections (1), (2), (5), (6), and (8) of  
5 section 101.5614, Florida Statutes, are amended to read:

6 101.5614 Canvass of returns.--

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

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

30 (2)(a) If the ballots are to be tallied at a central  
31 location or at no more than three regional locations, the

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

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

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

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

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

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

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

6 Section 31. Section 101.69, Florida Statutes, is  
7 amended to read:

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

22 Section 32. Section 102.111, Florida Statutes, is  
23 amended to read:

24 102.111 Elections Canvassing Commission.--

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

1 the Cabinet. If a member of the Elections Canvassing  
2 Commission is unable to serve for any reason, the Governor  
3 shall appoint the remaining member of the Cabinet. If there is  
4 a further vacancy, the remaining members of the commission  
5 shall agree on another elected official to fill the vacancy.

6 The Elections Canvassing Commission shall, as soon as the  
7 official results are compiled from all counties, certify the  
8 returns of the election and determine and declare who has been  
9 elected for each federal, state, and multi-county office. ~~In~~  
10 ~~the event that any member of the Elections Canvassing~~  
11 ~~Commission is unavailable to certify the returns of any~~  
12 ~~election, such member shall be replaced by a substitute member~~  
13 ~~of the Cabinet as determined by the Director of the Division~~  
14 ~~of Elections. If the county returns are not received by the~~  
15 ~~Department of State by 5 p.m. of the seventh day following an~~  
16 ~~election, all missing counties shall be ignored, and the~~  
17 ~~results shown by the returns on file shall be certified.~~

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

20 Section 33. Section 102.112, Florida Statutes, is  
21 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~~ election and by 5 3 p.m. on the 11th 3rd day following  
30 the general election ~~second primary~~. If the county canvassing  
31 board is unable to timely certify the results of an office or



1 measure for which late-filed returns must be accepted pursuant  
2 to subsection (2), the canvassing board shall nevertheless  
3 certify by the deadline all races in which returns are  
4 complete.~~If the returns are not received by the department by~~  
5 ~~the time specified, such returns may be ignored and the~~  
6 ~~results on file at that time may be certified by the~~  
7 ~~department.~~

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

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

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

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

20 c. For state legislative offices, until 5 p.m. on the  
21 13th day following the election.

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

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

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

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

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

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

19           Section 34. Present subsections (5) and (6) of section  
20 102.141, Florida Statutes, are redesignated as subsections (7)  
21 and (8), respectively, present subsection (4) is amended and  
22 redesignated as subsection (6), subsections (2) and (3) are  
23 amended, and new subsections (4) and (5) are added to that  
24 section to read:

25           102.141 County canvassing board; duties.--

26           (2) The county canvassing board shall meet in a  
27 building accessible to the public in the county where the  
28 election occurred at a time and place to be designated by the  
29 supervisor of elections to publicly canvass the absentee  
30 electors' ballots as provided for in s. 101.68 and provisional  
31 ballots as provided by s. 101.048. Public notice of the time

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

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

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

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

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

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

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

24 (6)~~(4)~~ If the unofficial returns ~~for any office~~  
25 reflect that a candidate for any office was defeated or  
26 eliminated by one-half of a percent or less of the votes cast  
27 for such office, that a candidate for retention to a judicial  
28 office was retained or not retained by one-half of a percent  
29 or less of the votes cast on the question of retention, or  
30 that a measure appearing on the ballot was approved or  
31 rejected by one-half of a percent or less of the votes cast on

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

9 (a) In counties with voting systems that use ballot  
10 cards or paper ballots, each canvassing board responsible for  
11 conducting a recount shall put each ballot through the  
12 automatic tabulating equipment for each precinct in which the  
13 office or issue appeared on the ballot and determine whether  
14 the returns correctly reflect the votes cast. Immediately  
15 before the start of the recount and after completion of the  
16 count, a test of the tabulating equipment shall be conducted  
17 as provided in s. 101.5612(2). If the test indicates no  
18 error, the recount tabulation of the ballots cast shall be  
19 presumed correct and such votes shall be canvassed  
20 accordingly. If an error is detected, the cause therefor  
21 shall be ascertained and corrected and the recount repeated,  
22 as necessary. The canvassing board shall immediately report  
23 the error, along with the cause of the error and the  
24 corrective measures being taken, to the Department of State.  
25 No later than 11 days after the election, the canvassing board  
26 shall file a separate incident report with the Department of  
27 State, detailing the resolution of the matter and identifying  
28 any measures that will avoid a future recurrence of the error.

29 (b) In counties with voting systems that do not use  
30 ballot cards or paper ballots, each canvassing board  
31 responsible for conducting a recount shall examine the

1 counters on the precinct tabulators to ensure that the total  
2 of the returns on the precinct tabulators equals the overall  
3 election return machines or the tabulation of the ballots cast  
4 in each precinct in which the office or issue appeared on the  
5 ballot and determine whether the returns correctly reflect the  
6 votes cast. If there is a discrepancy between the overall  
7 election return returns and the counters of the precinct  
8 tabulators machines or the tabulation of the ballots cast, the  
9 counters of the precinct tabulators of such machines or the  
10 tabulation of the ballots cast shall be presumed correct and  
11 such votes shall be canvassed accordingly.

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

27 Section 35. Section 102.166, Florida Statutes, is  
28 amended to read:

29 102.166 Manual recounts ~~Protest of election returns~~  
30 ~~procedure.~~--  
31

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

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

28           1. A request for a manual recount is made by 5 p.m. on  
29 the second day after the election; and

30           2. At the time of the request, the requesting party  
31 posts a bond in an amount prescribed by rule of the Department

1 of State, which shall be forfeited if the outcome of the  
2 election does not change.

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

9 (c) Upon receipt of an appropriate, timely request  
10 accompanied by an adequate bond, the Elections Canvassing  
11 Commission or county canvassing board shall immediately order  
12 a manual recount of overvotes and undervotes in all affected  
13 jurisdictions.

14 (d) The Department of State shall adopt rules  
15 prescribing the amount of the bond required to be posted when  
16 requesting a manual recount. The amount of the bond shall  
17 cover the overall cost to conduct the recount. The rules may  
18 provide for formulas to calculate the costs of an election  
19 recount, based on factors such as:

- 20 1. Number of ballots involved;
- 21 2. Number of counties involved;
- 22 3. Type of voting system involved;
- 23 4. Geographic location of the recount;
- 24 5. Timeframe to conduct the recount; and
- 25 6. Any other factor that may affect the cost of the  
26 recount.

27  
28 The department shall solicit information from each county as  
29 to recount costs, and shall consider such information in  
30 adopting the rules. The department's rules shall also provide  
31



1 procedures for posting of the bond and the distribution of  
2 funds to the affected counties upon forfeiture.

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

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

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

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

27 ~~(2) Such protest shall be filed with the canvassing~~  
28 ~~board prior to the time the canvassing board certifies the~~  
29 ~~results for the office being protested or within 5 days after~~  
30 ~~midnight of the date the election is held, whichever occurs~~  
31 ~~later.~~

1           ~~(3) Before canvassing the returns of the election, the~~  
2 ~~canvassing board shall:~~

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

5           ~~(b) When voting machines are used, examine the~~  
6 ~~counters on the machines of nonprinter machines or the~~  
7 ~~printer-pac on printer machines. If there is a discrepancy~~  
8 ~~between the returns and the counters of the machines or the~~  
9 ~~printer-pac, the counters of such machines or the printer-pac~~  
10 ~~shall be presumed correct.~~

11           ~~(c) When electronic or electromechanical equipment is~~  
12 ~~used, the canvassing board shall examine precinct records and~~  
13 ~~election returns. If there is a clerical error, such error~~  
14 ~~shall be corrected by the county canvassing board. If there is~~  
15 ~~a discrepancy which could affect the outcome of an election,~~  
16 ~~the canvassing board may recount the ballots on the automatic~~  
17 ~~tabulating equipment.~~

18           ~~(4)(a) Any candidate whose name appeared on the~~  
19 ~~ballot, any political committee that supports or opposes an~~  
20 ~~issue which appeared on the ballot, or any political party~~  
21 ~~whose candidates' names appeared on the ballot may file a~~  
22 ~~written request with the county canvassing board for a manual~~  
23 ~~recount. The written request shall contain a statement of the~~  
24 ~~reason the manual recount is being requested.~~

25           ~~(b) Such request must be filed with the canvassing~~  
26 ~~board prior to the time the canvassing board certifies the~~  
27 ~~results for the office being protested or within 72 hours~~  
28 ~~after midnight of the date the election was held, whichever~~  
29 ~~occurs later.~~

30           ~~(c) The county canvassing board may authorize a manual~~  
31 ~~recount. If a manual recount is authorized, the county~~

1 ~~canvassing board shall make a reasonable effort to notify each~~  
2 ~~candidate whose race is being recounted of the time and place~~  
3 ~~of such recount.~~

4 ~~(d) The manual recount must include at least three~~  
5 ~~precincts and at least 1 percent of the total votes cast for~~  
6 ~~such candidate or issue. In the event there are less than~~  
7 ~~three precincts involved in the election, all precincts shall~~  
8 ~~be counted. The person who requested the recount shall choose~~  
9 ~~three precincts to be recounted, and, if other precincts are~~  
10 ~~recounted, the county canvassing board shall select the~~  
11 ~~additional precincts.~~

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

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

17 ~~(b) Request the Department of State to verify the~~  
18 ~~tabulation software; or~~

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

20 ~~(4)(6) Any manual recount shall be open to the public.~~

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

24 (b) The Department of State shall adopt specific rules  
25 for each certified voting system prescribing what constitutes  
26 a "clear indication on the ballot that the voter has made a  
27 definite choice."

28 ~~(6)(7) Procedures for a manual recount are as follows:~~

29 (a) The county canvassing board shall appoint as many  
30 counting teams of at least two electors as is necessary to  
31 manually recount the ballots. A counting team must have, when

1 possible, members of at least two political parties. A  
2 candidate involved in the race shall not be a member of the  
3 counting team.

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

9 (c) The Department of State shall adopt detailed rules  
10 prescribing additional recount procedures for each certified  
11 voting system which shall be uniform to the extent  
12 practicable. The rules shall address, at a minimum, the  
13 following areas:

- 14 1. Security of ballots during the recount process;
- 15 2. Time and place of recounts;
- 16 3. Public observance of recounts;
- 17 4. Objections to ballot determinations;
- 18 5. Record of recount proceedings; and
- 19 6. Procedures relating to candidate and petitioner  
20 representatives.

21 ~~(8) If the county canvassing board determines the need~~  
22 ~~to verify the tabulation software, the county canvassing board~~  
23 ~~shall request in writing that the Department of State verify~~  
24 ~~the software.~~

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

27 ~~(a) Compare the software used to tabulate the votes~~  
28 ~~with the software filed with the Department of State pursuant~~  
29 ~~to s. 101.5607; and~~

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

31

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

3           Section 36. Subsections (2), (3) and (4) of section  
4 102.168, Florida Statutes, are amended to read:

5           102.168 Contest of election.--

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

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

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

24           (b) Ineligibility of the successful candidate for the  
25 nomination or office in dispute.

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

29           (d) Proof that any elector, election official, or  
30 canvassing board member was given or offered a bribe or reward  
31 in money, property, or any other thing of value for the

1 purpose of procuring the successful candidate's nomination or  
2 election or determining the result on any question submitted  
3 by referendum.

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

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

17 Section 37. Section 102.135, Florida Statutes, is  
18 created to read:

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

28 Section 38. Section 97.0555, Florida Statutes, is  
29 created to read:

30 97.0555 Late registration.--An individual or  
31 accompanying family member who has been discharged or

1 separated from the uniformed services, Merchant Marine, or  
2 from employment outside the territorial limits of the United  
3 States, after the book closing for an election pursuant to s.  
4 97.055 who is otherwise qualified, may register to vote in  
5 such election until 5 p.m. on the Friday before that election.  
6 Such persons must produce sufficient documentation showing  
7 evidence of qualifying for late registration pursuant to this  
8 section. The Department of State shall adopt rules specifying  
9 documentation that is sufficient to determine eligibility.

10 Section 39. Section 101.6951, Florida Statutes, is  
11 created to read:

12 101.6951 State write-in ballot.--

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

24 (2) In completing the ballot, the overseas voter may  
25 designate his or her choice by writing in the name of the  
26 candidate or by writing in the name of a political party, in  
27 which case the ballot must be counted for the candidate of  
28 that political party, if there is such a party candidate on  
29 the ballot.

30 (3) Any abbreviation, misspelling, or other minor  
31 variation in the form of the name of a candidate or a

1 political party must be disregarded in determining the  
2 validity of the ballot if there is a clear indication on the  
3 ballot that the voter has made a definite choice.

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

7 Section 40. Section 101.6952, Florida Statutes, is  
8 created to read:

9 101.6952 Absentee ballots for overseas voters.--

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

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

23 Section 41. Section 101.697, Florida Statutes, is  
24 created to read:

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



1 the transmission must be established, and each ballot received  
2 must be recorded.

3 Section 42. Section 101.698, Florida Statutes, is  
4 created to read:

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

16 Section 43. Paragraph (b) of subsection (1) and  
17 subsection (7) of section 101.62, Florida Statutes, are  
18 amended to read:

19 101.62 Request for absentee ballots.--

20 (1)

21 (b) The supervisor may accept a written or telephonic  
22 request for an absentee ballot from the elector, or, if  
23 directly instructed by the elector, a member of the elector's  
24 immediate family, or the elector's legal guardian. For  
25 purposes of this section, the term "immediate family" has the  
26 same meaning as specified in paragraph (4)(b). The person  
27 making the request must disclose:

28 1. The name of the elector for whom the ballot is  
29 requested;

30 2. The elector's address;

31

1           3. The last four digits of the elector's social  
2 security number;

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

5           5. The requester's name;

6           6. The requester's address;

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

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

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

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

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

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

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

25  
26 ~~who are qualified and registered as provided by law.~~

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

31

1 ~~each candidate for each office, other than a nonpartisan~~  
2 ~~office.~~

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

6 Section 44. Section 101.64, Florida Statutes, is  
7 amended to read:

8 101.64 Delivery of absentee ballots; envelopes;  
9 form.--

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

17  
18 Note: Please Read Instructions Carefully Before  
19 Marking Ballot and Completing Voter's Certificate.

20 VOTER'S CERTIFICATE

21 I, . . . ., do solemnly swear or affirm that I am a  
22 qualified and registered voter of . . . . County, Florida and  
23 that I have not and will not vote more than one ballot in this  
24 election. I understand that if I commit or attempt to commit  
25 any fraud in connection with voting, vote a fraudulent ballot,  
26 or vote more than once in an election, I can be convicted of a  
27 felony of the third degree and fined up to \$5,000 and/or  
28 imprisoned for up to 5 years. I also understand that failure  
29 to sign this certificate and have my signature properly  
30 witnessed will invalidate my ballot. ~~I am entitled to vote an~~  
31 ~~absentee ballot for one of the following reasons:~~

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

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

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

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

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

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

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

...(Date)...

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

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

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





1           4. Insert the secrecy envelope into the enclosed  
2 mailing envelope which is addressed to the supervisor.

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

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

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

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

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

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

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

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

1           10.8- FELONY NOTICE. It is a felony under Florida law  
2 to accept any gift, payment, or gratuity in exchange for your  
3 vote for a candidate. It is also a felony under Florida law to  
4 vote in an election using a false identity or false address,  
5 or under any other circumstances making your ballot false or  
6 fraudulent.

7           Section 46. Section 101.657, Florida Statutes, is  
8 amended to read:

9           101.657 Voting absentee ballots in person.--

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

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

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



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IN-OFFICE VOTER CERTIFICATE

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

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

...(Address)...

...(City/State)...

...(Name of Witness)...

...(Signature of Witness)...

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

1           **(b)**~~(4)~~ Any elector may challenge an elector seeking to  
2 cast an absentee ballot under the provisions of s. 101.111.  
3 Any challenged ballot must be placed in a regular absentee  
4 ballot envelope. The canvassing board shall review the ballot  
5 and decide the validity of the ballot by majority vote.

6           **(c)**~~(5)~~ The canvass of returns for ballots cast under  
7 this subsection ~~section~~ shall be substantially the same as  
8 votes cast by electors in precincts, as provided in s.  
9 101.5614.

10           Section 47. Paragraphs (a) and (c) of subsection (2)  
11 of section 101.68, Florida Statutes, are amended to read:

12           101.68 Canvassing of absentee ballot.--

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

25           (c)1. The canvassing board shall, if the supervisor  
26 has not already done so, compare the signature of the elector  
27 on the voter's certificate with the signature of the elector  
28 in the registration books to see that the elector is duly  
29 registered in the county and to determine the legality of that  
30 absentee ballot. An absentee ballot shall be considered  
31 illegal if it does not include the signature ~~and the last four~~

1 ~~digits of the social security number~~ of the elector, as shown  
2 by the registration records, and the signature and address of  
3 an attesting witness.~~either:~~

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

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

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

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

28 Section 48. Section 104.047, Florida Statutes, is  
29 amended to read:

30 104.047 Absentee ballots and voting; violations.--

31

1           (1) Any person who provides or offers to provide, and  
2 any person who accepts, a pecuniary or other benefit in  
3 exchange for distributing, ordering, requesting, collecting,  
4 delivering, or otherwise physically possessing absentee  
5 ballots, except as provided in ss. 101.6105-101.694, is guilty  
6 of a felony of the third degree, punishable as provided in s.  
7 775.082, s. 775.083, or s. 775.084.

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

12           ~~(3) Any person, other than a notary or other officer~~  
13 ~~entitled to administer oaths or an absentee ballot coordinator~~  
14 ~~as provided by s. 101.685, who witnesses more than five~~  
15 ~~ballots in any single election, is guilty of a misdemeanor of~~  
16 ~~the first degree, punishable as provided in s. 775.082 or s.~~  
17 ~~775.083.~~

18           (3)(4) Any person who marks or designates a choice on  
19 the ballot of another person, except as provided in s.  
20 101.051, s. 101.655, or s. 101.661, is guilty of a felony of  
21 the third degree, punishable as provided in s. 775.082, s.  
22 775.083, or s. 775.084.

23           ~~(5) Any person who returns more than two absentee~~  
24 ~~ballots to the supervisors of elections in violation of s.~~  
25 ~~101.647 is guilty of a misdemeanor of the first degree,~~  
26 ~~punishable as provided in s. 775.082 or s. 775.083.~~

27           Section 49. Sections 101.647 and 101.685, Florida  
28 Statutes, are repealed.

29           Section 50. Section 98.255, Florida Statutes, is  
30 amended to read:

31           (Substantial rewording of section. See

1           s. 98.255, F.S., for present text.)  
2           98.255 Voter educational programs and materials.--  
3           (1) The Department of State shall adopt rules  
4 prescribing minimum standards for nonpartisan voter education.  
5 The standards shall address, but are not limited to, the  
6 following subjects:  
7           (a) Voter registration;  
8           (b) Balloting procedures, absentee and polling place;  
9           (c) Voter rights and responsibilities;  
10          (d) Distribution of sample ballots; and  
11          (e) Public service announcements.  
12          (2) Each county supervisor shall implement the minimum  
13 voter education standards, and shall conduct additional  
14 nonpartisan education efforts as necessary to ensure that  
15 voters have a working knowledge of the voting process.  
16          Section 51. Section 101.031, Florida Statutes, is  
17 amended to read:  
18          101.031 Instructions for electors.--  
19          (1) The Department of State, or in case of municipal  
20 elections the governing body of the municipality, shall print,  
21 in large type on cards, instructions for the electors to use  
22 in voting. It shall provide not less than two cards for each  
23 voting precinct for each election and furnish such cards to  
24 each supervisor upon requisition. Each supervisor of  
25 elections shall send a sufficient number of these cards to the  
26 precincts prior to an election. The election inspectors shall  
27 display the cards in the polling places as information for  
28 electors. The cards shall contain information about how to  
29 vote and such other information as the Department of State may  
30 deem necessary. The cards must also include the list of rights  
31

1 and responsibilities afforded to Florida voters, as described  
2 in subsection (2).

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

6 VOTER'S BILL OF RIGHTS

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

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

26 VOTER RESPONSIBILITIES

27 Each registered voter in this state has the  
28 responsibility to:

- 29 1. Study and know candidates and issues.  
30 2. Keep his or her voter address current.

31

1           3. Know his or her precinct and its hours of  
2 operation.

3           4. Bring proper identification to the polling station.

4           5. Know how to operate voting equipment properly.

5           6. Treat precinct workers with courtesy.

6           7. Respect the privacy of other voters.

7           8. Report problems or violations of election law.

8           9. Ask questions when confused.

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

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

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

25          Section 52. Subsection (1) of section 101.131, Florida  
26 Statutes, is amended to read:

27          101.131 Watchers at polls.--

28          (1) Each political party and each candidate may have  
29 one watcher in each polling room at any one time during the  
30 election. No watcher shall be permitted to come closer to the  
31 officials' table or the voting booths than is reasonably

1 necessary to properly perform his or her functions, but each  
2 shall be allowed within the polling room to watch and observe  
3 the conduct of electors and officials. The watchers shall  
4 furnish their own materials and necessities and shall not  
5 obstruct the orderly conduct of any election. Each watcher  
6 shall be a qualified and registered elector of the county in  
7 which he or she serves. ~~During the elections the officials~~  
8 ~~shall call out the names of electors loudly enough to be heard~~  
9 ~~by the watchers.~~

10 Section 53. Section 102.014, Florida Statutes, is  
11 created to read:

12 102.014 Pollworker recruitment and training.--

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

26 (2) A person who has attended previous training  
27 conducted within 2 years before the election may be appointed  
28 by the supervisor to fill a vacancy on election day. If no  
29 person with prior training is available to fill such vacancy,  
30 the supervisor of elections may fill such vacancy in  
31 accordance with the provisions of subsection (3) from among



1 persons who have not received the training required by this  
2 section.

3 (3) In the case of absence or refusal to act on the  
4 part of any inspector or clerk at any precinct on the day of  
5 an election, the supervisor shall appoint a replacement who  
6 meets the qualifications prescribed in section 102.012(2).  
7 The inspector or clerk so appointed shall be a member of the  
8 same political party as the clerk or inspector whom he or she  
9 replaces.

10 (4) Each supervisor of elections shall be responsible  
11 for training inspectors and clerks, subject to the following  
12 minimum requirements:

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

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

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

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

23 (5) The Department of State shall create a uniform  
24 polling place procedures manual and adopt the manual by rule.  
25 Each supervisor of elections shall insure that the manual is  
26 available in hard copy or electronic form in every precinct in  
27 the supervisor's jurisdiction on election day. The manual  
28 shall guide inspectors, clerks, and deputy sheriffs in the  
29 proper implementation of election procedures and laws. The  
30 manual shall be indexed by subject, and written in plain,  
31 clear, unambiguous language. The manual shall provide

1 specific examples of common problems encountered at the polls  
2 on election day, and detail specific procedures for resolving  
3 those problems. The manual shall include, without limitation:

4 (a) Regulations governing solicitation by individuals  
5 and groups at the polling place;

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

8 (c) Proper operation of the voting system;

9 (d) Ballot handling procedures;

10 (e) Procedures governing spoiled ballots;

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

12 (g) Rights of voters at the polls;

13 (h) Procedures for handling emergency situations;

14 (i) Procedures for dealing with irate voters;

15 (j) The handling and processing of provisional  
16 ballots; and

17 (k) Security procedures.

18  
19 The Department of State shall revise the manual as necessary  
20 to address new procedures in law or problems encountered by  
21 voters and pollworkers at the precincts.

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

26 (7) Supervisors of elections shall work with the  
27 business and local community to develop public-private  
28 programs to ensure the recruitment of skilled inspectors and  
29 clerks.

30 Section 54. Subsections (8) and (9) of section  
31 102.012, Florida Statutes, are repealed.

1           Section 55. Subsection (1) of section 97.073, Florida  
2 Statutes, is amended to read:

3           97.073 Disposition of voter registration applications;  
4 cancellation notice.--

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

18           Section 56. Subsection (1) of section 98.015, Florida  
19 Statutes, is amended to read:

20           98.015 Supervisor of elections; election, tenure of  
21 office, compensation, custody of books, office hours,  
22 successor, seal; appointment of deputy supervisors; duties.--

23           (1) A supervisor of elections shall be elected in a  
24 nonpartisan election in each county at the general election in  
25 each year the number of which is a multiple of four for a  
26 4-year term commencing on the first Tuesday after the first  
27 Monday in January succeeding his or her election. Each  
28 supervisor shall, before performing any of his or her duties,  
29 take the oath prescribed in s. 5, Art. II of the State  
30 Constitution.

31

1           Section 57. Subsection (3), paragraph (a) of  
2 subsection (4), and paragraph (a) of subsection (5) of section  
3 105.031, Florida Statutes, are amended to read:

4           105.031 Qualification; filing fee; candidate's oath;  
5 items required to be filed.--

6           (3) QUALIFYING FEE.--Each candidate qualifying for  
7 election to a judicial office, the office of supervisor of  
8 elections, or the office of school board member, except  
9 write-in ~~judicial~~ candidates, shall, during the time for  
10 qualifying, pay to the officer with whom he or she qualifies a  
11 qualifying fee, which shall consist of a filing fee and an  
12 election assessment, or qualify by the alternative method. The  
13 amount of the filing fee is 3 percent of the annual salary of  
14 the office sought. The amount of the election assessment is 1  
15 percent of the annual salary of the office sought. The  
16 Department of State shall forward all filing fees to the  
17 Department of Revenue for deposit in the Elections Commission  
18 Trust Fund. The supervisor of elections shall forward all  
19 filing fees to the Elections Commission Trust Fund. The  
20 election assessment shall be deposited into the Elections  
21 Commission Trust Fund. The annual salary of the office for  
22 purposes of computing the qualifying fee shall be computed by  
23 multiplying 12 times the monthly salary authorized for such  
24 office as of July 1 immediately preceding the first day of  
25 qualifying. This subsection shall not apply to candidates  
26 qualifying for retention to judicial office.

27           (4) CANDIDATE'S OATH.--

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

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

1           (a) In order for a candidate for judicial office, the  
2 office of supervisor of elections, or the office of school  
3 board member to be qualified, the following items must be  
4 received by the filing officer by the end of the qualifying  
5 period:

6           1. Except for candidates for retention to judicial  
7 office, a properly executed check drawn upon the candidate's  
8 campaign account in an amount not less than the fee required  
9 by subsection (3) or, in lieu thereof, the copy of the notice  
10 of obtaining ballot position pursuant to s. 105.035. If a  
11 candidate's check is returned by the bank for any reason, the  
12 filing officer shall immediately notify the candidate and the  
13 candidate shall, the end of qualifying notwithstanding, have  
14 48 hours from the time such notification is received,  
15 excluding Saturdays, Sundays, and legal holidays, to pay the  
16 fee with a cashier's check purchased from funds of the  
17 campaign account. Failure to pay the fee as provided in this  
18 subparagraph shall disqualify the candidate.

19           2. The candidate's oath required by subsection (4),  
20 which must contain the name of the candidate as it is to  
21 appear on the ballot; the office sought, including the  
22 district or group number if applicable; and the signature of  
23 the candidate, duly acknowledged.

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

26           4. The completed form for the appointment of campaign  
27 treasurer and designation of campaign depository, as required  
28 by s. 106.021. In addition, each candidate for judicial  
29 office, including an incumbent judge, shall file a statement  
30 with the qualifying officer, within 10 days after filing the  
31 appointment of campaign treasurer and designation of campaign

1 depository, stating that the candidate has read and  
2 understands the requirements of the Florida Code of Judicial  
3 Conduct. Such statement shall be in substantially the  
4 following form:

5  
6 Statement of Candidate for Judicial Office  
7

8 I, ...(name of candidate)..., a judicial candidate, have  
9 received, read, and understand the requirements of the Florida  
10 Code of Judicial Conduct.

11 ...(Signature of candidate)...

12 ...(Date)...

13  
14 5. The full and public disclosure of financial  
15 interests required by s. 8, Art. II of the State Constitution  
16 or the statement of financial interests required by s.  
17 112.3145, whichever is applicable.

18 Section 58. Section 105.035, Florida Statutes, is  
19 amended to read:

20 105.035 Alternative method of qualifying for certain  
21 judicial offices, the office of supervisor of elections, and  
22 the office of school board member.--

23 (1) A person seeking to qualify for election to the  
24 office of circuit judge or county court judge, the office of  
25 supervisor of elections, or the office of school board member  
26 may qualify for election to such office by means of the  
27 petitioning process prescribed in this section. A person  
28 qualifying by this alternative method shall not be required to  
29 pay the qualifying fee required by this chapter. A person  
30 using this petitioning process shall file an oath with the  
31 officer before whom the candidate would qualify for the office

1 stating that he or she intends to qualify by this alternative  
2 method for the office sought. Such oath shall be filed at any  
3 time after the first Tuesday after the first Monday in January  
4 of the year in which the election is held, but prior to the  
5 21st day preceding the first day of the qualifying period for  
6 the office sought. The form of such oath shall be prescribed  
7 by the Division of Elections. No signatures shall be obtained  
8 until the person has filed the oath prescribed in this  
9 subsection.

10 (2) Upon receipt of a written oath from a candidate,  
11 the qualifying officer shall provide the candidate with a  
12 petition format prescribed by the Division of Elections to be  
13 used by the candidate to reproduce petitions for circulation.  
14 If the candidate is running for an office which will be  
15 grouped on the ballot with two or more similar offices to be  
16 filled at the same election, the candidate's petition must  
17 indicate, prior to the obtaining of registered electors'  
18 signatures, for which group or district office the candidate  
19 is running.

20 (3) Each candidate for election to a judicial office,  
21 the office of supervisor of elections, or the office of school  
22 board member shall obtain the signature of a number of  
23 qualified electors equal to at least 1 percent of the total  
24 number of registered electors of the district, circuit,  
25 county, or other geographic entity represented by the office  
26 sought as shown by the compilation by the Department of State  
27 for the last preceding general election. A separate petition  
28 shall be circulated for each candidate availing himself or  
29 herself of the provisions of this section.

30 (4)(a) Each candidate seeking to qualify for election  
31 to the office of circuit judge or the office of school board

1 member from a multicounty school district pursuant to this  
2 section shall file a separate petition from each county from  
3 which signatures are sought. Each petition shall be  
4 submitted, prior to noon of the 21st day preceding the first  
5 day of the qualifying period for the office sought, to the  
6 supervisor of elections of the county for which such petition  
7 was circulated. Each supervisor of elections to whom a  
8 petition is submitted shall check the signatures on the  
9 petition to verify their status as electors of that county and  
10 of the geographic area represented by the office sought. Prior  
11 to the first date for qualifying, the supervisor shall certify  
12 the number shown as registered electors and submit such  
13 certification to the Division of Elections. The division  
14 shall determine whether the required number of signatures has  
15 been obtained for the name of the candidate to be placed on  
16 the ballot and shall notify the candidate. If the required  
17 number of signatures has been obtained, the candidate shall,  
18 during the time prescribed for qualifying for office, submit a  
19 copy of such notice and file his or her qualifying papers and  
20 oath prescribed in s. 105.031 with the Division of Elections.  
21 Upon receipt of the copy of such notice and qualifying papers,  
22 the division shall certify the name of the candidate to the  
23 appropriate supervisor or supervisors of elections as having  
24 qualified for the office sought.

25 (b) Each candidate seeking to qualify for election to  
26 the office of county court judge, the office of supervisor of  
27 elections, or the office of school board member from a single  
28 county school district pursuant to this section shall submit  
29 his or her petition, prior to noon of the 21st day preceding  
30 the first day of the qualifying period for the office sought,  
31 to the supervisor of elections of the county for which such



1 petition was circulated. The supervisor shall check the  
2 signatures on the petition to verify their status as electors  
3 of the county and of the geographic area represented by the  
4 office sought. Prior to the first date for qualifying, the  
5 supervisor shall determine whether the required number of  
6 signatures has been obtained for the name of the candidate to  
7 be placed on the ballot and shall notify the candidate. If the  
8 required number of signatures has been obtained, the candidate  
9 shall, during the time prescribed for qualifying for office,  
10 submit a copy of such notice and file his or her qualifying  
11 papers and oath prescribed in s. 105.031 with the qualifying  
12 officer. Upon receipt of the copy of such notice and  
13 qualifying papers, such candidate shall be entitled to have  
14 his or her name printed on the ballot.

15 Section 59. Subsection (4) of section 105.041, Florida  
16 Statutes, is amended to read:

17 105.041 Form of ballot.--

18 (4) WRITE-IN CANDIDATES.--Space shall be made  
19 available on the general election ballot for an elector to  
20 write in the name of a write-in candidate for judge of a  
21 circuit court or county court, supervisor of elections, or  
22 member of a school board if a candidate has qualified as a  
23 write-in candidate for such office pursuant to s. 105.031.  
24 This subsection shall not apply to the offices of justices and  
25 judges seeking retention.

26 Section 60. Paragraph (a) of subsection (1) of section  
27 105.051, Florida Statutes, is amended to read:

28 105.051 Determination of election or retention to  
29 office.--

30 (1) ELECTION.--In circuits and counties holding  
31 elections:

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

6           Section 61. Subsection (3) is added to section  
7 105.061, Florida Statutes, to read:

8           105.061 Electors qualified to vote.--

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

11          Section 62. Subsection (1) of section 105.08, Florida  
12 Statutes, is amended to read:

13          105.08 Campaign contribution and expense; reporting.--

14          (1) A candidate for judicial office, the office of  
15 supervisor of elections, or the office of school board member  
16 may accept contributions and may incur only such expenses as  
17 are authorized by law. Each such candidate shall keep an  
18 accurate record of his or her contributions and expenses, and  
19 shall file reports pursuant to chapter 106.

20          Section 63. Sections 100.091 and 100.096, Florida  
21 Statutes, are repealed.

22          Section 64. Subsection (1) of section 97.055, Florida  
23 Statutes, is amended to read:

24          97.055 Registration books; when closed for an  
25 election.--

26          (1) The registration books must be closed on the 29th  
27 day before each election and must remain closed until after  
28 that election. If an election is called and there are fewer  
29 than 29 days before that election, the registration books must  
30 be closed immediately. When the registration books are closed  
31 for an election, voter registration and party changes must be

1 accepted but only for the purpose of subsequent elections.  
2 ~~However, party changes received between the book-closing date~~  
3 ~~of the first primary election and the date of the second~~  
4 ~~primary election are not effective until after the second~~  
5 ~~primary election.~~

6 Section 65. Subsection (3) of section 97.071, Florida  
7 Statutes, is amended to read:

8 97.071 Registration identification card.--

9 (3) In the case of a change of name, address, or party  
10 affiliation, the supervisor must issue the voter a new  
11 registration identification card. ~~However, a registration~~  
12 ~~identification card indicating a party affiliation change made~~  
13 ~~between the book-closing date for the first primary election~~  
14 ~~and the date of the second primary election may not be issued~~  
15 ~~until after the second primary election.~~

16 Section 66. Subsection (3) of section 97.1031, Florida  
17 Statutes, is amended to read:

18 97.1031 Notice of change of residence within the same  
19 county, change of name, or change of party.--

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

25 Section 67. Section 98.081, Florida Statutes, is  
26 amended to read:

27 98.081 Names removed from registration books;  
28 ~~restrictions on reregistering; recordkeeping; restoration of~~  
29 ~~erroneously or illegally removed names.--~~

30 ~~(1) Any person who requested that his or her name be~~  
31 ~~removed from the registration books between the book-closing~~

1 ~~date of the first primary and the date of the second primary~~  
2 ~~may not register in a different political party until after~~  
3 ~~the date of the second primary election.~~

4       (1)~~(2)~~ When the name of any elector is removed from  
5 the registration books pursuant to s. 98.065, s. 98.075, or s.  
6 98.093, the elector's original registration form shall be  
7 filed alphabetically in the office of the supervisor. As  
8 alternatives, registrations removed from the registration  
9 books may be microfilmed and such microfilms substituted for  
10 the original registration forms; or, when voter registration  
11 information, including the voter's signature, is maintained  
12 digitally or on electronic, magnetic, or optic media, such  
13 stored information may be substituted for the original  
14 registration form. Such microfilms or stored information shall  
15 be retained in the custody of the supervisor. In the event the  
16 original registration forms are microfilmed or maintained  
17 digitally or on electronic or other media, such originals may  
18 be destroyed in accordance with the schedule approved by the  
19 Bureau of Archives and Records Management of the Division of  
20 Library and Information Services of the department.

21       (2)~~(3)~~ When the name of any elector has been  
22 erroneously or illegally removed from the registration books,  
23 the name of the elector shall be restored by the supervisor  
24 upon satisfactory proof, even though the registration period  
25 for that election is closed.

26       Section 68. Subsections (1), (2), and (8) of section  
27 99.061, Florida Statutes, are amended to read:

28       99.061 Method of qualifying for nomination or election  
29 to federal, state, county, or district office.--

30       (1) The provisions of any special act to the contrary  
31 notwithstanding, each person seeking to qualify for nomination

1 or election to a federal, state, or multicounty district  
2 office, other than election to a judicial office as defined in  
3 chapter 105 or the office of school board member, shall file  
4 his or her qualification papers with, and pay the qualifying  
5 fee, which shall consist of the filing fee and election  
6 assessment, and party assessment, if any has been levied, to,  
7 the Department of State, or qualify by the alternative method  
8 with the Department of State, at any time after noon of the  
9 1st day for qualifying, which shall be as follows: the 120th  
10 day prior to the ~~first~~ primary election, but not later than  
11 noon of the 116th day prior to the date of the ~~first~~ primary  
12 election, for persons seeking to qualify for nomination or  
13 election to federal office; and noon of the 50th day prior to  
14 the ~~first~~ primary election, but not later than noon of the  
15 46th day prior to the date of the ~~first~~ primary election, for  
16 persons seeking to qualify for nomination or election to a  
17 state or multicounty district office.

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

1 held at the same time as the ~~second primary~~ or general  
2 election, qualifying shall be the 50th day prior to the ~~first~~  
3 primary election, but not later than noon of the 46th day  
4 prior to the date of the ~~first~~ primary election. Within 30  
5 days after the closing of qualifying time, the supervisor of  
6 elections shall remit to the secretary of the state executive  
7 committee of the political party to which the candidate  
8 belongs the amount of the filing fee, two-thirds of which  
9 shall be used to promote the candidacy of candidates for  
10 county offices and the candidacy of members of the  
11 Legislature.

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

19 Section 69. Subsections (1), (2), and (4) of section  
20 99.063, Florida Statutes, are amended to read:

21 99.063 Candidates for Governor and Lieutenant  
22 Governor.--

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

28 (2) No later than 5 p.m. of the 9th ~~6th~~ day following  
29 the ~~second~~ primary election, each designated candidate for  
30 Lieutenant Governor shall file with the Department of State:  
31

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

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

7           (c) If the office sought is partisan, the written  
8 statement of political party affiliation required by s.  
9 99.021(1)(b).

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

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

24           Section 70. Subsection (1) of section 99.095, Florida  
25 Statutes, is amended to read:

26           99.095 Alternative method of qualifying.--

27           (1) A person seeking to qualify for nomination to any  
28 office may qualify to have his or her name placed on the  
29 ballot for the ~~first~~ primary election by means of the  
30 petitioning process prescribed in this section. A person  
31 qualifying by this alternative method shall not be required to

1 pay the qualifying fee or party assessment required by this  
2 chapter. A person using this petitioning process shall file  
3 an oath with the officer before whom the candidate would  
4 qualify for the office stating that he or she intends to  
5 qualify by this alternative method for the office sought. If  
6 the person is running for an office which will be grouped on  
7 the ballot with two or more similar offices to be filled at  
8 the same election, the candidate must indicate in his or her  
9 oath for which group or district office he or she is running.  
10 The oath shall be filed at any time after the first Tuesday  
11 after the first Monday in January of the year in which the  
12 ~~first~~ primary election is held, but prior to the 21st day  
13 preceding the first day of the qualifying period for the  
14 office sought. The Department of State shall prescribe the  
15 form to be used in administering and filing such oath. No  
16 signatures shall be obtained by a candidate on any nominating  
17 petition until the candidate has filed the oath required in  
18 this section. If the person is running for an office which  
19 will be grouped on the ballot with two or more similar offices  
20 to be filled at the same election and the petition does not  
21 indicate the group or district office for which the person is  
22 running, the signatures obtained on such petition will not be  
23 counted.

24 Section 71. Section 99.103, Florida Statutes, is  
25 amended to read:

26 99.103 Department of State to remit part of filing  
27 fees and party assessments of candidates to state executive  
28 committee.--

29 (1) If more than three-fourths of the full authorized  
30 membership of the state executive committee of any party was  
31 elected at the last previous election for such members and if



1 such party is declared by the Department of State to have  
2 recorded on the registration books of the counties, as of the  
3 first Tuesday after the first Monday in January prior to the  
4 ~~first~~ primary election in general election years, 5 percent of  
5 the total registration of such counties when added together,  
6 such committee shall receive, for the purpose of meeting its  
7 expenses, all filing fees collected by the Department of State  
8 from its candidates less an amount equal to 15 percent of the  
9 filing fees, which amount the Department of State shall  
10 deposit in the General Revenue Fund of the state.

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

26 Section 72. Section 100.061, Florida Statutes, is  
27 amended to read:

28 100.061 ~~First~~ Primary election.--In each year in which  
29 a general election is held, a ~~first~~ primary election for  
30 nomination of candidates of political parties shall be held on  
31 the second Tuesday following the first Monday in September 9

1 ~~weeks prior to the general election.~~ The ~~Each~~ candidate  
2 receiving the highest number ~~a majority~~ of the votes cast in  
3 each contest in the ~~first~~ primary election shall be declared  
4 nominated for such office. If two or more candidates receive  
5 an equal and highest number of votes for the same office, such  
6 candidates shall draw lots to determine who shall receive the  
7 nomination. ~~A second primary election shall be held as~~  
8 ~~provided by s. 100.091 in every contest in which a candidate~~  
9 ~~does not receive a majority.~~

10 Section 73. Section 100.081, Florida Statutes, is  
11 amended to read:

12 100.081 ~~Conducting primary elections;~~ Nomination of  
13 county commissioners at primary election. --The primary  
14 election ~~elections~~ shall provide for the nomination of county  
15 commissioners by the qualified electors of such county at the  
16 time and place set for voting on other county officers.

17 Section 74. Paragraph (c) of subsection (1),  
18 subsection (3), and paragraph (a) of subsection (4) of section  
19 100.111, Florida Statutes, are amended to read:

20 100.111 Filling vacancy.--

21 (1)

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

1 ~~primary election~~, to select party nominees for the unexpired  
2 portion of such term.

3 (3) Whenever there is a vacancy for which a special  
4 election is required pursuant to s. 100.101(1)-(4), the  
5 Governor, after consultation with the Secretary of State,  
6 shall fix the dates ~~date~~ of a special ~~first~~ primary election,  
7 ~~a special second primary election~~, and a special election.  
8 Nominees of political parties other than minor political  
9 parties shall be chosen under the primary laws of this state  
10 in the special primary election ~~elections~~ to become candidates  
11 in the special election. Prior to setting the special  
12 election date ~~dates~~, the Governor shall consider any upcoming  
13 elections in the jurisdiction where the special election will  
14 be held. The dates fixed by the Governor shall be specific  
15 days certain and shall not be established by the happening of  
16 a condition or stated in the alternative. The dates fixed  
17 shall provide a minimum of 2 weeks between each election. In  
18 the event a vacancy occurs in the office of state senator or  
19 member of the House of Representatives when the Legislature is  
20 in regular legislative session, the minimum times prescribed  
21 by this subsection may be waived upon concurrence of the  
22 Governor, the Speaker of the House of Representatives, and the  
23 President of the Senate. If a vacancy occurs in the office of  
24 state senator and no session of the Legislature is scheduled  
25 to be held prior to the next general election, the Governor  
26 may fix the dates for the ~~any~~ special primary and for the  
27 special election to coincide with the dates of the ~~first and~~  
28 ~~second~~ primary election and general election. If a vacancy in  
29 office occurs in any district in the state Senate or House of  
30 Representatives or in any congressional district, and no  
31 session of the Legislature, or session of Congress if the

1 vacancy is in a congressional district, is scheduled to be  
2 held during the unexpired portion of the term, the Governor is  
3 not required to call a special election to fill such vacancy.

4 (a) The dates for candidates to qualify in such  
5 special election or special primary election shall be fixed by  
6 the Department of State, and candidates shall qualify not  
7 later than noon of the last day so fixed. The dates fixed for  
8 qualifying shall allow a minimum of 14 days between the last  
9 day of qualifying and the special ~~first~~ primary election.

10 (b) The filing of campaign expense statements by  
11 candidates in such special elections or special primaries and  
12 by committees making contributions or expenditures to  
13 influence the results of such special primaries or special  
14 elections shall be not later than such dates as shall be fixed  
15 by the Department of State, and in fixing such dates the  
16 Department of State shall take into consideration and be  
17 governed by the practical time limitations.

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

27 (d) The qualifying fees and party assessments of such  
28 candidates as may qualify shall be the same as collected for  
29 the same office at the last previous primary for that office.  
30 The party assessment shall be paid to the appropriate  
31

1 executive committee of the political party to which the  
2 candidate belongs.

3 (e) Each county canvassing board shall make as speedy  
4 a return of the result of such special primary elections and  
5 special elections ~~and primaries~~ as time will permit, and the  
6 Elections Canvassing Commission likewise shall make as speedy  
7 a canvass and declaration of the nominees as time will permit.

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

1           Section 75. Subsection (2) of section 100.141, Florida  
2 Statutes, is amended to read:

3           100.141 Notice of special election to fill any vacancy  
4 in office or nomination.--

5           (2) The Department of State shall prepare a notice  
6 stating what offices and vacancies are to be filled in the  
7 special election, the dates ~~date~~ set for the ~~each~~ special  
8 primary election and the special election, the dates fixed for  
9 qualifying for office, the dates fixed for qualifying by the  
10 alternative method, and the dates fixed for filing campaign  
11 expense statements.

12           Section 76. Subsection (2) of section 101.252, Florida  
13 Statutes, is amended to read:

14           101.252 Candidates entitled to have names printed on  
15 certain ballots; exception.--

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

24           Section 77. Paragraph (a) of subsection (4) of section  
25 101.62, Florida Statutes, is amended to read:

26           101.62 Request for absentee ballots.--

27           (4)(a) To each absent qualified elector overseas who  
28 has requested an absentee ballot, the supervisor of elections  
29 shall, not fewer than 35 days before the ~~first~~ primary  
30 election and not fewer than 45 days before the general  
31 election, mail an absentee ballot. ~~Not fewer than 45 days~~

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

29 Section 78. Subsection (7) of section 102.168, Florida  
30 Statutes, is amended to read:

31 102.168 Contest of election.--

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

7           Section 79. Subsection (3) and paragraph (b) of  
8 subsection (4) of section 103.021, Florida Statutes, are  
9 amended to read:

10           103.021 Nomination for presidential  
11 electors.--Candidates for presidential electors shall be  
12 nominated in the following manner:

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



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

4 (4)

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

30 Section 80. Section 103.022, Florida Statutes, is  
31 amended to read:

1           103.022 Write-in candidates for President and Vice  
2 President.--Persons seeking to qualify for election as  
3 write-in candidates for President and Vice President of the  
4 United States may have a blank space provided on the general  
5 election ballot for their names to be written in by filing an  
6 oath with the Department of State at any time after the 57th  
7 day, but before noon of the 49th day, prior to the date of the  
8 ~~first~~ primary election in the year in which a presidential  
9 election is held. The Department of State shall prescribe the  
10 form to be used in administering the oath. The candidates  
11 shall file with the department a certificate naming the  
12 required number of persons to serve as electors. Such  
13 write-in candidates shall not be entitled to have their names  
14 on the ballot.

15           Section 81. Subsection (4) of section 103.091, Florida  
16 Statutes, is amended to read:

17           103.091 Political parties.--

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

1 committee shall, within 30 days after the committee members  
2 take office, hold an organizational meeting of all newly  
3 elected members for the purpose of electing officers. The  
4 chair of each state executive committee shall, within 60 days  
5 after the committee members take office, hold an  
6 organizational meeting of all newly elected members for the  
7 purpose of electing officers.

8 Section 82. Subsection (1) of section 105.031, Florida  
9 Statutes, is amended to read:

10 105.031 Qualification; filing fee; candidate's oath;  
11 items required to be filed.--

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

1 oath and file the qualifying papers at any time within 5 days  
2 from the date he or she is notified that the necessary number  
3 of signatures has been obtained. Any person other than a  
4 write-in candidate who qualifies within the time prescribed in  
5 this subsection shall be entitled to have his or her name  
6 printed on the ballot.

7 Section 83. Subsection (1) and paragraph (b) of  
8 subsection (2) of section 105.041, Florida Statutes, are  
9 amended to read:

10 105.041 Form of ballot.--

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

22 (2) LISTING OF CANDIDATES.--

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

28 2. Candidates who have secured a position on the  
29 general election ballot, after having survived elimination at  
30 the ~~first~~ primary election, shall have their names listed in  
31 the same order as on the ~~first~~ primary election ballot,

1 notwithstanding the elimination of any intervening names as a  
2 result of the first primary election.

3 Section 84. Paragraph (b) of subsection (1) of section  
4 105.051, Florida Statutes, is amended to read:

5 105.051 Determination of election or retention to  
6 office.--

7 (1) ELECTION.--In circuits and counties holding  
8 elections:

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

31

1           Section 85. Paragraphs (a) and (b) of subsection (1)  
2 of section 106.07, Florida Statutes, are amended to read:

3           106.07 Reports; certification and filing.--

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

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

26           (b) Following the last day of qualifying for office,  
27 any statewide candidate who has requested to receive  
28 contributions from the Election Campaign Financing Trust Fund  
29 or any statewide candidate in a race with a candidate who has  
30 requested to receive contributions from the trust fund shall  
31 file reports on the 4th, 11th, 18th, 25th, and 32nd days prior

1 to the ~~first~~ primary election ~~and general elections~~, and on  
2 the 4th, 11th, 18th, ~~and~~ 25th, 32nd, 39th, 46th, and 53rd days  
3 prior to the general election ~~second primary~~.

4 Section 86. Paragraph (c) of subsection (1) of section  
5 106.08, Florida Statutes, is amended to read:

6 106.08 Contributions; limitations on.--

7 (1)

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

20 Section 87. Subsection (1) of section 106.29, Florida  
21 Statutes, is amended to read:

22 106.29 Reports by political parties; restrictions on  
23 contributions and expenditures; penalties.--

24 (1) The state executive committee and each county  
25 executive committee of each political party regulated by  
26 chapter 103 shall file regular reports of all contributions  
27 received and all expenditures made by such committee. Such  
28 reports shall contain the same information as do reports  
29 required of candidates by s. 106.07 and shall be filed on the  
30 10th day following the end of each calendar quarter, except  
31 that, during the period from the last day for candidate

1 qualifying until the general election, such reports shall be  
2 filed on the Friday immediately preceding both the ~~first~~  
3 ~~primary election, the second primary election,~~ and the general  
4 election. Each state executive committee shall file the  
5 original and one copy of its reports with the Division of  
6 Elections. Each county executive committee shall file its  
7 reports with the supervisor of elections in the county in  
8 which such committee exists. Any state or county executive  
9 committee failing to file a report on the designated due date  
10 shall be subject to a fine as provided in subsection (3). No  
11 separate fine shall be assessed for failure to file a copy of  
12 any report required by this section.

13 Section 88. Subsection (6) is added to section 236.25,  
14 Florida Statutes, to read:

15 236.25 District school tax.--

16 (6) In addition to the maximum millage levied under  
17 this section and the General Appropriations Act, a school  
18 district may levy, by local referendum or in a general  
19 election, additional millage for school operational purposes  
20 up to an amount that, when combined with nonvoted millage  
21 levied under this section, does not exceed the 10-mill limit  
22 established in s. 9(b), Art. VII of the State Constitution.  
23 Any such levy shall be for a maximum of 4 years and shall be  
24 counted as part of the 10-mill limit established in s. 9(b),  
25 Art. VII of the State Constitution. Millage elections  
26 conducted under the authority granted pursuant to this section  
27 are subject to ss. 236.31 and 236.32. Funds generated by such  
28 additional millage do not become a part of the calculation of  
29 the Florida Education Finance Program total potential funds in  
30 2001-2002 or any subsequent year and must not be incorporated

31



1 in the calculation of any hold-harmless or other component of  
2 the Florida Education Finance Program formula in any year.

3 Section 89. Section 236.31, Florida Statutes, is  
4 amended to read:

5 236.31 District millage elections.--

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

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

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1           Section 90. Section 236.32, Florida Statutes, is  
2 amended to read:

3           (Substantial rewording of section. See  
4           s. 236.32, F.S., for present text.)

5           236.32 Procedures for holding and conducting school  
6 district millage elections.--

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

11           (2) FORM OF BALLOT.--

12           (a) The school board may propose a single millage or  
13 two millages, with one for operating expenses and another for  
14 a local capital improvement reserve fund. When two millage  
15 figures are proposed, each millage must be voted on  
16 separately.

17           (b) The school board shall provide the wording of the  
18 substance of the measure and the ballot title in the  
19 resolution calling for the election. The wording of the  
20 ballot must conform to the provisions of s. 101.161.

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

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

30  
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1           (5) EXPENSES OF ELECTION.--The cost of the publication  
2 of the notice of the election and all expenses of the election  
3 in the school district shall be paid by the school board.

4           Section 91. Paragraph (b) of subsection (2) of section  
5 97.041, Florida Statutes, is amended to read:

6           97.041 Qualifications to register or vote.--

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

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

1           Section 92. Subsection (2) of section 97.052, Florida  
2 Statutes, is amended to read:

3           97.052 Uniform statewide voter registration  
4 application.--

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

8           (a) Full name.

9           (b) Date of birth.

10          (c) Address of legal residence.

11          (d) Mailing address, if different.

12          (e) County of legal residence.

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

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

17           1. American Indian or Alaskan Native.

18           2. Asian or Pacific Islander.

19           3. Black, not Hispanic.

20           4. White, not Hispanic.

21           5. Hispanic.

22          (h) Sex.

23          (i) Party affiliation.

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

25          (k) Name and address where last registered.

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

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

31          (n) Telephone number (optional).

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

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

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

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

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

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

23           Section 93. Paragraph (a) of subsection (5) of section  
24 97.053, Florida Statutes, is amended to read:

25           97.053 Acceptance of voter registration  
26 applications.--

27           (5)(a) A voter registration application is complete if  
28 it contains:

- 29           1. The applicant's name.
- 30           2. The applicant's legal residence address.
- 31           3. The applicant's date of birth.

1           4. An indication that the applicant is a citizen of  
2 the United States.

3           5. The last four digits of the applicant's social  
4 security number.

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

8           7. An indication that the applicant has not been  
9 adjudicated mentally incapacitated with respect to voting or  
10 that, if so adjudicated, has had his or her right to vote  
11 restored.

12           8. Signature of the applicant swearing or affirming  
13 under the penalty for false swearing pursuant to s. 104.011  
14 that the information contained in the registration application  
15 is true and subscribing to the oath required by s. 3, Art. VI  
16 of the State Constitution and s. 97.051.

17           Section 94. (1) Effective July 1, 2001, the sum of \$2  
18 million is appropriated from the General Revenue Fund to the  
19 Department of State for the purpose of providing a statewide  
20 voter registration database. From the funds appropriated, the  
21 department may contract with the Florida Association of Court  
22 Clerks to analyze, design, develop, operate, and maintain a  
23 statewide, on-line voter registration database and associated  
24 web site, to be available statewide by June 1, 2002. The  
25 database shall contain voter registration information from  
26 each of the 67 supervisors of elections in this state, and  
27 shall be accessible through an Internet web site. The system  
28 shall provide functionality for ensuring that the database is  
29 updated on a daily basis to determine if a registered voter is  
30 ineligible to vote for any of the following reasons,  
31 including, but not limited to:

- 1           (a) The voter is deceased;  
2           (b) The voter has been convicted of a felony and has  
3 not had his or her civil rights restored; or  
4           (c) The voter has been adjudicated mentally  
5 incompetent and his or her mental capacity with respect to  
6 voting has not been restored.

7  
8 The database shall also allow for duplicate voter  
9 registrations to be identified.

10           (2) The Department of State shall not contract with  
11 any private entity other than the Florida Association of Court  
12 Clerks for the operation or maintenance of the statewide voter  
13 registration database.

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

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

29           Section 95. Effective June 30, 2001, section 98.0975,  
30 Florida Statutes, is repealed.

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1           Section 96. 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 in the following manner:

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

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

17           Section 97. Except for sections 91 through 93, which  
18 shall take effect on the effective date of Senate Joint  
19 Resolution No. 434 or another amendment to the State  
20 Constitution which authorizes, or removes impediments to,  
21 enactment of those sections by the Legislature, and except  
22 when a different effective date is expressly provided in the  
23 act, this act shall take effect January 1, 2002.

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1                   STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN  
2                   COMMITTEE SUBSTITUTE FOR  
3                   CS for SB 1374

4 The Committee Substitute for Committee Substitute for SB 1374  
5 changes the Committee Substitute by adding the following major  
6 issues:

- 6 - provides for provisional ballots for voters whose  
7 eligibility cannot be determined at the polls on  
8 election day;
- 8 - revises the recount standards and mechanisms;
- 9 - revises the deadlines for the certification of election  
10 results;
- 10 - authorizes any voter to vote an absentee ballot and  
11 modifies other portions of the absentee ballot laws  
12 which have not been precleared by the Justice Department  
13 or which have proved unworkable;
- 13 - creates several new sections to facilitate provisions of  
14 the federal Uniformed and Overseas Citizens Absentee  
15 Voting Act;
- 15 - revises procedures to be followed for incomplete voter  
16 registrations;
- 16 - revises procedures for school district millage  
17 elections;
- 18 - and provides a distribution formula for appropriation to  
19 the counties.