

By Representative Brutus

1 A bill to be entitled
2 An act relating to facilitating voting;
3 amending s. 97.052, F.S.; revising the
4 information required to be elicited on the
5 uniform statewide voter registration
6 application; amending s. 97.061, F.S.;
7 authorizing special registration for electors
8 requiring assistance in voting because their
9 primary language is other than English;
10 amending s. 97.071, F.S.; revising the
11 information a voter registration card is
12 required to contain; amending s. 98.461, F.S.;
13 revising the information a precinct register is
14 required to contain; creating s. 101.005, F.S.;
15 providing for a uniform statewide voting system
16 and ballots; providing rulemaking authority to
17 the Department of State to implement and adopt
18 standards for the system, including ballot
19 requirements; amending s. 101.051, F.S.;
20 authorizing assistance in voting for electors
21 whose primary language is other than English;
22 creating s. 101.155, F.S.; authorizing
23 identifying colors or symbols to be placed on
24 the ballot next to candidate names, subject to
25 prior approval by the Division of Elections of
26 the Department of State; amending s. 101.2515,
27 F.S.; providing for translation of ballot
28 language, voter instructions, and registration
29 and other voting materials under certain
30 circumstances; amending s. 101.65, F.S.;
31 revising instructions to absent electors

1 relating to the requirement to personally mark
2 the absentee ballot unless exempted by reason
3 of needing assistance; amending s. 101.661,
4 F.S.; authorizing absent electors whose primary
5 language is other than English to allow certain
6 other persons to mark or assist in marking
7 their absentee ballots; providing effective
8 dates.

9
10 Be It Enacted by the Legislature of the State of Florida:

11
12 Section 1. Subsection (2) of section 97.052, Florida
13 Statutes, is amended to read:

14 97.052 Uniform statewide voter registration
15 application.--

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

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

26 (g) Race of ~~or ethnicity that best describes~~ the
27 applicant, to be provided using any one or more of the
28 following categories:

- 29 1. American Indian or Alaskan Native, including the
30 name of the person's principal or enrolled tribe.

31

1 2. Asian, including whether Asian Indian, Chinese,
2 Filipino, Japanese, Korean, Vietnamese, or any other Asian
3 race, as specified by the applicant ~~or Pacific Islander.~~

4 3. Native Hawaiian or other Pacific Islander,
5 including Guamanian, Chamorro, or Samoan, or any other Pacific
6 island race, as specified by the applicant.

7 ~~4.3. Black or African American, not Hispanic.~~

8 ~~5.4. White, not Hispanic.~~

9 ~~6.5. Some other race, as specified by the applicant~~
10 ~~Hispanic.~~

11 (h) Whether the applicant is Hispanic and, if so, the
12 specific group to which the applicant belongs, including
13 Chicano, Cuban, Honduran, Mexican, Mexican American, Puerto
14 Rican, Spanish, Venezuelan, or any other Hispanic group, as
15 specified by the applicant.

16 (i) Ancestry or ethnic origin, including Bahamian,
17 Cuban, Dutch, Haitian, Italian, Mexican, Nigerian, Norwegian,
18 Syrian, Taiwanese, Ukranian, or any other nationality,
19 lineage, or country of origin, as specified by the applicant.

20 (j) Primary language, if other than English.

21 ~~(k)(h)~~ Sex.

22 ~~(l)(i)~~ Party affiliation.

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

25 ~~(n)(k)~~ Name and address where last registered.

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

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

31 ~~(q)(n)~~ Telephone number (optional).

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

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

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

14 (v)~~(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 civil rights have been restored
20 and persons who have been adjudicated mentally incapacitated
21 and have had their voting rights restored are not required to
22 reveal their prior conviction or adjudication.

23 Section 2. Subsection (1) of section 97.061, Florida
24 Statutes, is amended to read:

25 97.061 Special registration for electors requiring
26 assistance.--

27 (1) Any person who is eligible to register and who is
28 unable to read or write, whose primary language is other than
29 English, or who, because of some disability, needs assistance
30 in voting shall upon that person's request be registered by
31 the supervisor under the procedure prescribed by this section

1 and shall be entitled to receive assistance at the polls under
2 the conditions prescribed by this section.

3 Section 3. Subsection (1) of section 97.071, Florida
4 Statutes, is amended to read:

5 97.071 Registration identification card.--

6 (1) A registration identification card must be
7 furnished to all voters registering under the permanent single
8 registration system and must contain:

9 (a) Voter's registration number.

10 (b) Date of registration.

11 (c) Full name.

12 (d) Party affiliation.

13 (e) Date of birth.

14 (f) Race, ethnic origin, and ancestry ~~or ethnicity~~, if
15 provided by the applicant.

16 (g) Primary language, if other than English.

17 (h)~~(g)~~ Sex, if provided by the applicant.

18 (i)~~(h)~~ Address of legal residence.

19 (j)~~(i)~~ Precinct number.

20 (k)~~(j)~~ Signature of supervisor.

21 (l)~~(k)~~ Place for voter's signature.

22 (m)~~(l)~~ Other information deemed necessary by the
23 department.

24 Section 4. Section 98.461, Florida Statutes, is
25 amended to read:

26 98.461 Registration form, precinct register;
27 contents.--A registration form, approved by the Department of
28 State, containing the information required in s. 97.052 shall
29 be filed alphabetically in the office of the supervisor as the
30 master list of electors of the county. However, the
31 registration forms may be microfilmed and such microfilms

1 substituted for the original registration forms; or, when
2 voter registration information, including the voter's
3 signature, is maintained digitally or on electronic, magnetic,
4 or optic media, such stored information may be substituted for
5 the original registration form. Such microfilms or stored
6 information shall be retained in the custody of the supervisor
7 of elections. In the event the original registration forms are
8 microfilmed or maintained digitally or on electronic or other
9 media, such originals may be destroyed in accordance with the
10 schedule approved by the Bureau of Archives and Records
11 Management of the Division of Library and Information Services
12 of the Department of State. As an alternative, the information
13 from the registration form, including the signature, may be
14 electronically reproduced and stored as provided in s. 98.451.
15 A computer printout may be used at the polls as a precinct
16 register in lieu of the registration books. The precinct
17 register shall contain the date of the election, the precinct
18 number, and the following information concerning each
19 registered elector: last name, first name, and middle name or
20 initial; party affiliation; residence address; registration
21 number; date of birth; sex, if provided; race, ethnic origin,
22 and ancestry, if provided; primary language, if other than
23 English; whether the voter needs assistance in voting; and
24 such other additional information as to readily identify the
25 elector. The precinct register may also contain a list of the
26 forms of identification, which must include, but is not
27 limited to, a Florida driver's license, a Florida
28 identification card issued under s. 322.051, or another form
29 of picture identification approved by the Department of State.
30 The precinct register may also contain a space for the
31 elector's signature, a space for the initials of the

1 witnessing clerk or inspector, and a space for the signature
2 slip or ballot number.

3 Section 5. Effective upon this act becoming a law,
4 section 101.005, Florida Statutes, is created to read:

5 101.005 Uniform statewide voting system and ballots.--

6 (1) Notwithstanding any other provision of law to the
7 contrary, there shall be a uniform statewide voting system,
8 beginning with the primary and general elections held in 2002.
9 The uniform statewide voting system shall be the most
10 reliable, accurate, and secure marksense or optical scan
11 voting system certified by the department as of September 30,
12 2001, and may be updated for subsequent elections as needed.

13 (2) The ballots used by the uniform statewide voting
14 system shall be uniform, to the extent practicable, and must
15 be approved by the department prior to use in any election.

16 (3) The department may adopt rules pursuant to ss.
17 120.536(1) and 120.54 necessary to implement this section and
18 to specify both the standards for the uniform statewide voting
19 system, including those relating to software, hardware,
20 accuracy, and security, and the requirements for the ballots
21 used by such system, including those relating to the order and
22 manner of arrangement of the names of candidates and issues in
23 order to ensure consistency and those relating to the
24 placement of the voting squares in order to eliminate
25 confusion as to which name or issue a square belongs.

26 Section 6. Subsections (1) and (3) of section 101.051,
27 Florida Statutes, are amended to read:

28 101.051 Electors seeking assistance in casting
29 ballots; oath to be executed; forms to be furnished.--

30 (1)(a) Any elector applying to vote in any election
31 who requires assistance to vote by reason of blindness,

1 disability, or inability to read or write or because the
2 elector's primary language is other than English may request
3 the assistance of two election officials or some other person
4 of the elector's own choice, other than the elector's
5 employer, an agent of the employer, or an officer or agent of
6 his or her union, to assist the elector in casting his or her
7 vote. Any such elector, before retiring to the voting booth,
8 may have one of such persons read over to him or her, without
9 suggestion or interference, the titles of the offices to be
10 filled and the candidates therefor and the issues on the
11 ballot. After the elector requests the aid of the two
12 election officials or the person of the elector's choice, they
13 shall retire to the voting booth for the purpose of casting
14 the elector's vote according to the elector's choice.

15 (b) Notwithstanding paragraph (a), any elector voting
16 for the first time may request assistance in voting under this
17 section.

18 (3) Any elector applying to cast an absentee ballot in
19 the office of the supervisor, in any election, who requires
20 assistance to vote by reason of blindness, disability, or
21 inability to read or write or because the elector's primary
22 language is other than English may request the assistance of
23 some person of his or her own choice, other than the elector's
24 employer, an agent of the employer, or an officer or agent of
25 his or her union, in casting his or her absentee ballot.

26 Section 7. Section 101.155, Florida Statutes, is
27 created to read:

28 101.155 Candidate colors or symbols on ballots.--Any
29 candidate who has secured a position on any ballot may have an
30 identifying color or symbol placed next to the candidate's
31 name on the ballot, provided the color or symbol has been

1 approved by the division within 14 days after the close of
2 qualifying for the office sought.

3 Section 8. Section 101.2515, Florida Statutes, is
4 amended to read:

5 101.2515 Translation of ballot language, voter
6 instructions, and registration and other voting materials.--

7 ~~(1) Upon the request of a supervisor of elections made~~
8 No later than 60 days prior to the date of a general election,
9 the Department of State shall provide the supervisor of
10 elections of each affected county a written translation of a
11 statewide ballot issue in the language of any language
12 minority group making up more than 1 percent of the voting age
13 citizens in that county ~~specified in the provisions of s. 203~~
14 ~~of the Voting Rights Act of 1965, as amended, as applicable to~~
15 ~~this state.~~

16 (2) Whenever the supervisor of elections of any county
17 having a language minority group making up more than 1 percent
18 of the voting age citizens in any precinct in that county
19 provides any registration or voting notices, forms,
20 instructions, assistance, or other materials or information
21 relating to the electoral process, including ballots, the
22 supervisor shall provide them for that precinct in the
23 language of the applicable minority group as well as in
24 English. However, if the language of the applicable minority
25 group is oral or unwritten or in the case of Alaskan natives
26 and American Indians, if the predominant language is
27 historically unwritten, the supervisor is only required to
28 furnish oral instructions, assistance, or other information
29 relating to registration and voting.

30 (3) For purposes of this section, "language minority
31 group" means any group of citizens whose primary language is

1 other than English and who are unable to speak or understand
2 English adequately enough to participate in the electoral
3 process.

4 Section 9. Section 101.65, Florida Statutes, is
5 amended to read:

6 101.65 Instructions to absent electors.--The
7 supervisor shall enclose with each absentee ballot separate
8 printed instructions in substantially the following form:

9
10 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

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

16 2. Mark your ballot in secret as instructed on the
17 ballot. You must mark your own ballot unless you are unable to
18 do so because of blindness, disability, or inability to read
19 or write or because your primary language is other than
20 English.

21 3. Place your marked ballot in the enclosed secrecy
22 envelope.

23 4. Insert the secrecy envelope into the enclosed
24 mailing envelope which is addressed to the supervisor.

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

27 6. VERY IMPORTANT. In order for your absentee ballot
28 to be counted, you must sign your name on the line above
29 (Voter's Signature), place the last four digits of your Social
30 Security number in the space provided, and your ballot must be
31 witnessed in either of the following manners:

1 a. One witness, who is a registered voter in the
2 state, must affix his or her signature, printed name, address,
3 voter identification number, and county of registration on the
4 voter's certificate. Each witness is limited to witnessing
5 five ballots per election unless certified as an absentee
6 ballot coordinator. A candidate may not serve as an attesting
7 witness.

8 b. Any notary or other officer entitled to administer
9 oaths or any Florida supervisor of elections or deputy
10 supervisor of elections, other than a candidate, may serve as
11 an attesting witness.

12 7. Mail, deliver, or have delivered the completed
13 mailing envelope. Be sure there is sufficient postage if
14 mailed.

15 8. FELONY NOTICE. It is a felony under Florida law to
16 accept any gift, payment, or gratuity in exchange for your
17 vote for a candidate. It is also a felony under Florida law to
18 vote in an election using a false identity or false address,
19 or under any other circumstances making your ballot false or
20 fraudulent.

21 Section 10. Subsection (1) of section 101.661, Florida
22 Statutes, is amended to read:

23 101.661 Voting absentee ballots.--All electors must
24 personally mark or designate their choices on the absentee
25 ballot, except:

26 (1) Electors who require assistance to vote because of
27 blindness, disability, or inability to read or write or
28 because the elector's primary language is other than English,
29 who may have some person of the elector's choice, other than
30 the elector's employer, an agent of the employer, or an
31 officer or agent of the elector's union, mark the elector's

1 choices or assist the elector in marking his or her choices on
2 the ballot.

3 Section 11. Except as otherwise provided herein, this
4 act shall take effect January 1, 2002.

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7 HOUSE SUMMARY

8
9 Revises the information required to be elicited on the
10 uniform statewide voter registration application and the
11 information voter registration cards and precinct
12 registers are required to contain, to include more
13 specific information on race, ethnic origin, and ancestry
14 and information on primary languages other than English.

15
16 Authorizes special registration for electors requiring
17 assistance in voting because their primary language is
18 other than English, and authorizes assistance in voting
19 for such electors. Authorizes absent electors whose
20 primary language is other than English to allow certain
21 other persons to mark or assist in marking their absentee
22 ballots, and revises instructions to absent electors
23 relating to the requirement to personally mark the
24 absentee ballot unless exempted by reason of needing
25 assistance, to conform.

26
27 Provides for a uniform statewide voting system and
28 ballots, beginning with the primary and general elections
29 held in 2002, and requires the voting system to be a
30 marksense or optical scan system. Provides rulemaking
31 authority to the Department of State to implement and
adopt standards for the system, including ballot
requirements.

32
33 Authorizes identifying colors or symbols to be placed on
34 the ballot next to candidate names, subject to prior
35 approval by the Division of Elections of the Department
36 of State.

37
38 Provides for translation of ballot language, voter
39 instructions, and registration and other voting materials
40 under certain circumstances. See bill for details.