

Bill No. CS/HB 1925, 1st Eng.

Amendment No. Barcode 274584

	CHAMBER ACTION	
<u>Senate</u>		<u>House</u>

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Senator Posey moved the following amendment:

Senate Amendment (with title amendment)
Delete everything after the enacting clause

and insert:

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

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

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

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

~~(a) "Voting machines," except when reference is made to write-in ballots, means that portion of the printed strips of cardboard, paper, or other material that is within the ballot frames containing the names of candidates, or a statement of a proposed constitutional amendment or other~~

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1 ~~question or proposition submitted to the electorate at any~~
2 ~~election.~~

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

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

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

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

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

28 98.471 Use of precinct register at polls.--The
29 precinct register, as prescribed in s. 98.461, may be used at
30 the polls in lieu of the registration books for the purpose of
31 identifying the elector at the polls prior to allowing him or

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1 her to vote. The clerk or inspector shall require each
2 elector, upon entering the polling place, to present a Florida
3 driver's license, a Florida identification card issued under
4 s. 322.051, or another form of picture identification approved
5 by the Department of State. The elector shall sign his or her
6 name in the space provided, and the clerk or inspector shall
7 compare the signature with that on the identification provided
8 by the elector and enter his or her initials in the space
9 provided and allow the elector to vote if the clerk or
10 inspector is satisfied as to the identity of the elector. If
11 the elector fails to furnish the required identification, or
12 if the clerk or inspector is in doubt as to the identity of
13 the elector, such clerk or inspector shall follow the
14 procedure prescribed in s. 101.49. ~~The precinct register may~~
15 ~~also contain the information set forth in s. 101.47(8) and, if~~
16 ~~so, the inspector shall follow the procedure required in s.~~
17 ~~101.47, except that the identification provided by the elector~~
18 ~~shall be used for the signature comparison.~~

19 Section 4. Section 100.341, Florida Statutes, is
20 amended to read:

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

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

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1 100.361 Municipal recall.--

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

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

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

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

11

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

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

19 101.015 Standards for voting systems.--

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

30 Section 7. Section 101.151, Florida Statutes, is
31 amended to read:

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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~~

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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

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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 (c) If in any election all the offices as set forth in
31 paragraph (a) are not involved, those offices to be filled

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1 shall be arranged on the ballot in the order named.

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

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

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

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

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

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

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1 Governor are joined in a single voting space to allow each
2 elector to cast a single vote for the joint candidacies for
3 Governor and Lieutenant Governor.

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

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

13 1. Clear and unambiguous ballot instructions and
14 directions;

15 2. Individual race layout; and

16 3. Overall ballot layout.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

31 101.341 Prohibited activities by voting system machine

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1 custodians and deputy custodians.--

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

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

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

18 101.43 Substitute ballot.--When ~~voting machines are~~
19 ~~used and~~ the required official ballots for a precinct are not
20 delivered in time to be used on election day, or after
21 delivery, are lost, destroyed or stolen, the clerk or other
22 officials whose duty it is to provide ballots for use at such
23 election, in lieu of the official ballots, shall have
24 substitute ballots prepared, conforming as nearly as possible
25 to the official ballots, and the board of election shall
26 substitute these ballots to be used in the same manner as the
27 official ballots would have been used at the election.

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

30 101.49 Procedure of election officers where signatures
31 differ.--

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1 (1) Whenever any clerk or inspector, upon a just
2 comparison of the signature, shall doubt that the handwriting
3 affixed to a signature identification slip of any elector who
4 presents himself or herself at the polls to vote is the same
5 as the signature of the elector affixed in the registration
6 book, the clerk or inspector shall deliver to the person an
7 affidavit which shall be in substantially the following form:

8
9 STATE OF FLORIDA,
10 COUNTY OF

11 I do solemnly swear (or affirm) that my name is;
12 that I am years old; that I was born in the State of
13; that I am registered to vote, and at the time I
14 registered I resided on Street, in the municipality of
15, County of, State of Florida; that I am a qualified
16 voter of the county and state aforesaid and have not voted in
17 this election.

18(Signature of voter)..
19 Sworn to and subscribed before me this day of
20, A. D. ...(year)....

21(Clerk or inspector of election)..
22 Precinct No.
23 County of

24
25 (2) The person shall fill out, in his or her own
26 handwriting or with assistance from a member of the election
27 board, the form and make an affidavit to the facts stated in
28 the filled-in form; such affidavit shall then be sworn to and
29 subscribed before one of the inspectors or clerks of the
30 election who is authorized to administer the oath. Whenever
31 the affidavit is made and filed with the clerk or inspector,

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1 the person shall then be admitted ~~to the voting machine~~ to
2 cast his or her vote, but if the person fails or refuses to
3 make out or file such affidavit, then he or she shall not be
4 permitted to vote.

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

8 101.5603 Definitions relating to Electronic Voting
9 Systems Act.--As used in this act, the term:

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

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

19 Section 15. Effective August 1, 2002, section
20 101.5604, Florida Statutes, is amended to read:

21 101.5604 Adoption of system; procurement of equipment;
22 commercial tabulations.--The board of county commissioners of
23 any county, at any regular meeting or a special meeting called
24 for the purpose, may, upon consultation with the supervisor of
25 elections, adopt, purchase or otherwise procure, and provide
26 for the use of any electronic or electromechanical voting
27 system approved by the Department of State in all or a portion
28 of the election precincts of that county. Thereafter the
29 electronic or electromechanical voting system may be used for
30 voting at all elections for public and party offices and on
31 all measures and for receiving, registering, and counting the

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1 votes thereof in such election precincts as the governing body
2 directs. Any electronic or electromechanical voting system
3 used by the county shall be a precinct tabulation voting
4 system.~~Any such board may contract for the tabulation of~~
5 ~~votes at a location within the county when there is no~~
6 ~~suitable tabulating equipment available which is owned by the~~
7 ~~county.~~

8 Section 16. Effective August 1, 2002, section
9 101.5606, Florida Statutes, is amended to read:

10 101.5606 Requirements for approval of systems.--

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

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

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

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

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

28 (e)~~(5)~~ It permits each voter at a primary election to
29 vote only for the candidates seeking nomination by the
30 political party in which such voter is registered, for any
31 candidate for nonpartisan office, and for any question upon

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1 which the voter is entitled to vote.

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

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

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

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

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

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

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

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

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

31 Section 17. Effective August 1, 2002, subsections (2),

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1 (3), and (7) of section 101.5614, Florida Statutes, are
2 amended to read:

3 101.5614 Canvass of returns.--

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

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

23 ~~(2)(3)(a) All proceedings at any the central or~~
24 ~~regional counting location or other designated location shall~~
25 ~~be under the direction of the county canvassing board and~~
26 ~~shall be open to the public, but no person except a person~~
27 ~~employed and authorized for the purpose shall touch any ballot~~
28 ~~or ballot container, any item of automatic tabulating~~
29 ~~equipment, or any return prior to its release. ~~If the ballots~~~~
30 ~~are tabulated at regional locations, one member of the~~
31 ~~canvassing board or a person designated by the board to~~

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

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

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

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

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

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

10 Section 19. Section 101.595, Florida Statutes, is
11 created to read:

12 101.595 Analysis and reports of voter error.--

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

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

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

27 (b) An identification of voting system design
28 problems; and,

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

31 (3) The Department of State shall submit the report to

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1 the Governor, the President of the Senate, and the Speaker of
2 the House of Representatives by January 31 of each year
3 following a general election.

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

6 101.71 Polling place.--

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

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

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

6 101.75 Municipal elections; change of dates for
7 cause.--

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

15 Section 22. Subsections (8) and (9) of section
16 103.101, Florida Statutes, are amended to read:

17 103.101 Presidential preference primary.--

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

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

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~~OFFICIAL PRESIDENTIAL PREFERENCE~~

~~PRIMARY BALLOT~~

~~No. Party~~

~~....COUNTY, FLORIDA~~

~~Precinct No.~~

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

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

~~Stub No. 1~~

~~OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT~~

~~No. Party~~

~~.... COUNTY, FLORIDA~~

~~Precinct No.~~

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

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

~~Stub No. 2~~

~~OFFICIAL PRESIDENTIAL PREFERENCE
PRIMARY BALLOT~~

~~.... Party~~

~~.... COUNTY, FLORIDA~~

~~Precinct No.~~

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

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

3
4 ~~For President~~

5
6 ~~...(Name of Candidate)...~~

7
8 ~~...(Name of Candidate)...~~

9
10 ~~or place a cross (X) in the blank space to the right of the~~
11 ~~name of the delegate(s) for whom you wish to vote.~~

12
13 ~~...(Name of Delegate)...~~ ~~...(Name of Candidate)...~~

14 Section 23. Section 104.30, Florida Statutes, is
15 amended to read:

16 104.30 Voting system ~~machine~~; unlawful possession;
17 tampering.--

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

22 (2) Any person who tampers or attempts to tamper with
23 or destroy any voting system or equipment ~~machine~~ with the
24 intention of interfering with the election process or the
25 results thereof is guilty of a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

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

30 138.05 Form of ballot.--The clerk of the circuit court
31 of any county in this state, when the names of the towns,

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1 villages, and cities required in s. 138.04 have been furnished
2 him or her, shall have printed, at the expense of the county,
3 a suitable ballot to be used in the ~~said~~ election, the ~~said~~
4 ballot to contain, in alphabetical order, the names of all
5 such towns, villages, and cities, and no other places shall be
6 printed on the ~~said~~ ballots; ~~provided, that in counties where~~
7 ~~the use of voting machines is now or may hereafter be~~
8 ~~authorized by law, the requirements of this section shall,~~
9 ~~insofar as practicable, be adapted to the use of said voting~~
10 ~~machines.~~

11 Section 25. Paragraph (c) of subsection (1) of section
12 582.18, Florida Statutes, is amended to read:

13 582.18 Election of supervisors of each district.--

14 (1)

15 (c) The names of all nominees on behalf of whom such
16 nominating petitions have been filed shall appear upon ballots
17 in accordance with the general election laws. All qualified
18 electors residing within the district shall be eligible to
19 vote in such election. The candidates who receive the largest
20 number of the votes cast from each group of candidates, ~~as~~
21 ~~provided in s. 100.071,~~ in such election shall be the elected
22 supervisors from such group for such district. In the case of
23 a newly created district participating in a regular election
24 for the first time, three groups of candidates shall be
25 elected for terms of 4 years, and two groups shall be elected
26 for initial terms of 2 years. Each candidate elected shall
27 assume office on the first Tuesday after the first Monday in
28 January following the election.

29 Section 26. Sections 100.071, 101.141, 101.181,
30 101.191, 101.251, and 101.5609, Florida Statutes, are
31 repealed.

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1 Section 27. Effective August 1, 2002, sections
2 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.34,
3 101.35, 101.36, 101.37, 101.38, 101.39, 101.40, 101.445,
4 101.45, 101.46, 101.47, 101.54, 101.55, 101.56, and
5 102.012(7), Florida Statutes, are repealed.

6 Section 28. Section 97.021, Florida Statutes, is
7 amended to read:

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

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

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

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

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

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

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

30 ~~(f) Has changed his or her residency to another state~~
31 ~~and is ineligible under the laws of that state to vote in the~~

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1 ~~general election; however, this pertains only to presidential~~
2 ~~ballots.~~

3 (2) "Ballot" or "official ballot" when used in
4 reference to:

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

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

17 (c) "Electronic or electromechanical devices" means a
18 ballot which is voted by the process of punching or marking
19 with a marking device for tabulation by automatic tabulating
20 equipment or data processing equipment.

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

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

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

27 (c) Any person who receives contributions or makes
28 expenditures, or gives his or her consent for any other person
29 to receive contributions or make expenditures, with a view to
30 bringing about his or her nomination or election to, or
31 retention in, public office.

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1 (d) Any person who appoints a treasurer and designates
2 a primary depository.

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

5

6 However, this definition does not include any candidate for a
7 political party executive committee.

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

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

12 (6) "Division" means the Division of Elections of the
13 Department of State.

14 (7) "Election" means any primary election, special
15 primary election, special election, general election, or
16 presidential preference primary election.

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

19 (9) "Election costs" shall include, but not be limited
20 to, expenditures for all paper supplies such as envelopes,
21 instructions to voters, affidavits, reports, ballot cards,
22 ballot booklets for absentee voters, postage, notices to
23 voters; advertisements for registration book closings, testing
24 of voting equipment, sample ballots, and polling places; forms
25 used to qualify candidates; polling site rental and equipment
26 delivery and pickup; data processing time and supplies;
27 election records retention; and labor costs, including those
28 costs uniquely associated with absentee ballot preparation,
29 poll workers, and election night canvass.

30 (10) "Elector" is synonymous with the word "voter" or
31 "qualified elector or voter," except where the word is used to

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1 describe presidential electors.

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

7 (12) "Lists of registered electors" means copies of
8 printed lists of registered electors, computer tapes or disks,
9 or any other device used by the supervisor of elections to
10 maintain voter records.

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

15 (a) Employed as an officer or crew member of a vessel
16 documented under the laws of the United States, a vessel owned
17 by the United States, or a vessel of foreign-flag registry
18 under charter to or control of the United States; or

19 (b) Enrolled with the United States for employment or
20 training for employment, or maintained by the United States
21 for emergency relief service, as an officer or crew member of
22 such vessel.

23 ~~(14)~~ (13) "Minor political party" is any group as
24 defined in this subsection which on January 1 preceding a
25 primary election does not have registered as members 5 percent
26 of the total registered electors of the state. Any group of
27 citizens organized for the general purposes of electing to
28 office qualified persons and determining public issues under
29 the democratic processes of the United States may become a
30 minor political party of this state by filing with the
31 department a certificate showing the name of the organization,

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1 the names of its current officers, including the members of
2 its executive committee, and a copy of its constitution or
3 bylaws. It shall be the duty of the minor political party to
4 notify the department of any changes in the filing certificate
5 within 5 days of such changes.

6 (15)~~(14)~~ "Newspaper of general circulation" means a
7 newspaper printed in the language most commonly spoken in the
8 area within which it circulates and which is readily available
9 for purchase by all inhabitants in the area of circulation,
10 but does not include a newspaper intended primarily for
11 members of a particular professional or occupational group, a
12 newspaper the primary function of which is to carry legal
13 notices, or a newspaper that is given away primarily to
14 distribute advertising.

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

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

21 (18)~~(17)~~ "Office that serves persons with
22 disabilities" means any state office that takes applications
23 either in person or over the telephone from persons with
24 disabilities for any program, service, or benefit primarily
25 related to their disabilities.

26 (19) "Overseas voter" means:

27 (a) Members of the uniformed services while in the
28 active service who are permanent residents of the state and
29 are temporarily residing outside the territorial limits of the
30 United States and the District of Columbia;

31 (b) Members of the Merchant Marine of the United

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1 States who are permanent residents of the state and are
2 temporarily residing outside the territorial limits of the
3 United States and the District of Columbia; and

4 (c) Other citizens of the United States who are
5 permanent residents of the state and are temporarily residing
6 outside the territorial limits of the United States and the
7 District of Columbia,

8
9 who are qualified and registered to vote as provided by law.

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

15 (21)(18) "Persons with disabilities" means individuals
16 who have a physical or mental impairment that substantially
17 limits one or more major life activities.

18 (22)(19) "Polling place" is the building which
19 contains the polling room where ballots are cast.

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

22 (24)(21) "Primary election" means an election held
23 preceding the general election for the purpose of nominating a
24 party nominee to be voted for in the general election to fill
25 a national, state, county, or district office. The first
26 primary election is a nomination or elimination election; the
27 second primary is a nominating election only.

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

31 (a) The voter's name does not appear on the precinct

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1 register and verification of the voter's eligibility cannot be
2 determined; or

3 (b) There is an indication on the precinct register
4 that the voter has requested an absentee ballot and the voter
5 does not return the absentee ballot to the election board at
6 the precinct.

7 (26)(22) "Public assistance" means assistance provided
8 through the food stamp program; the Medicaid program; the
9 Special Supplemental Food Program for Women, Infants, and
10 Children; and the WAGES Program.

11 (27)(23) "Public office" means any federal, state,
12 county, municipal, school, or other district office or
13 position which is filled by vote of the electors.

14 (28)(24) "Qualifying educational institution" means
15 any public or private educational institution receiving state
16 financial assistance which has, as its primary mission, the
17 provision of education or training to students who are at
18 least 18 years of age, provided such institution has more than
19 200 students enrolled in classes with the institution and
20 provided that the recognized student government organization
21 has requested this designation in writing and has filed the
22 request with the office of the supervisor of elections in the
23 county in which the institution is located.

24 (29)(25) "Special election" is a special election
25 called for the purpose of voting on a party nominee to fill a
26 vacancy in the national, state, county, or district office.

27 (30)(26) "Special primary election" is a special
28 nomination election designated by the Governor, called for the
29 purpose of nominating a party nominee to be voted on in a
30 general or special election.

31 (31)(27) "Supervisor" means the supervisor of

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1 elections.

2 (32) "Undervote" means that the elector does not
3 properly designate any choice for an office or ballot
4 question, and the tabulator records no vote for the office or
5 question.

6 (33) "Uniformed services" means the Army, Navy, Air
7 Force, Marine Corps, and Coast Guard, the commissioned corps
8 of the Public Health Service, and the commissioned corps of
9 the National Oceanic and Atmospheric Administration.

10 (34)(28) "Voter registration agency" means any office
11 that provides public assistance, any office that serves
12 persons with disabilities, any center for independent living,
13 or any public library.

14 (35)(29) "Voting booth" or "booth" means that booth or
15 enclosure wherein an elector casts his or her ballot, be it a
16 paper ballot, a voting machine ballot, or a ballot cast for
17 tabulation by an electronic or electromechanical device.

18 (36)(30) "Voting system" means a method of casting and
19 processing votes that functions wholly or partly by use of
20 mechanical, electromechanical, or electronic apparatus or by
21 use of paper ballots and includes, but is not limited to, the
22 procedures for casting and processing votes and the programs,
23 operating manuals, tabulating cards, printouts, and other
24 software necessary for the system's operation.

25 Section 29. Section 101.048, Florida Statutes, is
26 created to read:

27 101.048 Provisional ballots.--

28 (1)(a) At all elections, a voter claiming to be
29 properly registered in the county and eligible to vote in the
30 election but whose eligibility cannot be determined shall be
31 entitled to vote a provisional ballot. Once voted, the

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1 provisional ballot shall be placed in a secrecy envelope and
2 thereafter sealed in a provisional ballot envelope. The
3 provisional ballot shall be deposited in a ballot box. All
4 provisional ballots shall remain sealed in their envelopes for
5 return to the supervisor of elections.

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

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

22 2. If it is determined that the person voting the
23 provisional ballot was not registered or entitled to vote, the
24 provisional ballot shall not be counted and the ballot shall
25 remain in the envelope containing the Provisional Ballot
26 Voter's Certificate, and the envelope shall be marked
27 "Rejected as Illegal."

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

30 STATE OF FLORIDA

31 COUNTY OF _____

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

...(Signature of Voter)...
...(Current Address)...

Sworn to and subscribed before me this day of, (year).

...(Clerk or Inspector of Election)...

You may provide additional information to further assist the supervisor of elections in determining eligibility. If known, please provide the place and date that you registered to vote.

(3) In counties where the voting system does not use a paper ballot, the supervisor of elections shall provide the appropriate provisional ballots to each polling place.

Section 30. Subsections (2) and (3) of section 101.045, Florida Statutes, are amended to read:

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

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

Change of Legal Residence of Registered

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Voter

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

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

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

Change of Name of Registered
Voter

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

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1 Name.....
 2 Address.....
 3 Municipality.....
 4 County.....
 5 Florida, Zip.....
 6 My present name and address of legal residence are as follows:
 7 Name.....
 8 Address.....
 9 Municipality.....
 10 County.....
 11 Florida, Zip.....
 12 and I further swear (or affirm) that I am otherwise legally
 13 registered and entitled to vote.

14
15 ...(Signature of voter whose name has changed)...

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

29 (d) Instead of the affirmation contained in paragraph
30 (a) or paragraph (b), an elector may complete a voter
31 registration application that indicates the change of name or

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1 change of address of legal residence.

2 (e) A request for an absentee ballot pursuant to s.
3 101.62 which indicates that the elector has had a change of
4 address of legal residence from that in the supervisor's
5 records shall be sufficient as the notice to the supervisor of
6 change of address of legal residence required by this section.
7 Upon receipt of such request for an absentee ballot from an
8 elector who has changed his or her address of legal residence,
9 the supervisor shall provide the elector with the proper
10 ballot for the precinct in which the elector then has his or
11 her legal residence.

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

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

26 101.5614 Canvass of returns.--

27 (1)(a) In precincts in which an electronic or
28 electromechanical voting system is used, as soon as the polls
29 are closed, the election board shall secure the voting devices
30 against further voting. The election board shall thereafter
31 open the ballot box in the presence of members of the public

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1 desiring to witness the proceedings and count the number of
2 voted ballots, unused ballots, provisional ballots, and
3 spoiled ballots to ascertain whether such number corresponds
4 with the number of ballots issued by the supervisor. If there
5 is a difference, this fact shall be reported in writing to the
6 county canvassing board with the reasons therefor if known.
7 The total number of voted ballots shall be entered on the
8 forms provided. The proceedings of the election board at the
9 precinct after the polls have closed shall be open to the
10 public; however, no person except a member of the election
11 board shall touch any ballot or ballot container or interfere
12 with or obstruct the orderly count of the ballots.

13 (b) In lieu of opening the ballot box at the precinct,
14 the supervisor may direct the election board to keep the
15 ballot box sealed and deliver it to a central or regional
16 counting location. In this case, the election board shall
17 count the stubs removed from the ballots to determine the
18 number of voted ballots.

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

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

7 (5) If any ballot card of the type for which the
8 offices and measures are not printed directly on the card is
9 damaged or defective so that it cannot properly be counted by
10 the automatic tabulating equipment, a true duplicate copy
11 shall be made of the damaged ballot card in the presence of
12 witnesses and substituted for the damaged ballot. Likewise, a
13 duplicate ballot card shall be made of a defective ballot
14 which shall not include the invalid votes. All duplicate
15 ballot cards shall be clearly labeled "duplicate," bear a
16 serial number which shall be recorded on the damaged or
17 defective ballot card, and be counted in lieu of the damaged
18 or defective ballot. If any ballot card of the type for which
19 offices and measures are 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 may
22 be made of the damaged ballot card in the presence of
23 witnesses and in the manner set forth above, or the valid
24 votes on the damaged ballot card may be manually counted at
25 the counting center by the canvassing board, whichever
26 procedure is best suited to the system used. If any paper
27 ballot is damaged or defective so that it cannot be counted
28 properly by the automatic tabulating equipment, the ballot
29 shall be counted manually at the counting center by the
30 canvassing board. The totals for all such ballots or ballot
31 cards counted manually shall be added to the totals for the

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1 several precincts or election districts. No vote shall be
2 declared invalid or void if there is a clear indication on the
3 ballot that the voter has made a definite choice ~~of the intent~~
4 ~~of the voter~~ as determined by the canvassing board. After
5 duplicating a ballot, the defective ballot shall be placed in
6 an envelope provided for that purpose, and the duplicate
7 ballot shall be tallied with the other ballots for that
8 precinct.

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

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

26 Section 32. Section 101.69, Florida Statutes, is
27 amended to read:

28 101.69 Voting in person; return of absentee
29 ballot.--The provisions of this code shall not be construed to
30 prohibit any elector from voting in person at the elector's
31 precinct on the day of an election notwithstanding that the

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1 elector has requested an absentee ballot for that election.
2 An elector who has received an absentee ballot, but desires to
3 vote in person, shall return the ballot, whether voted or not,
4 to the election board in the elector's precinct. The returned
5 ballot shall be marked "canceled" by the board and placed with
6 other canceled ballots. However, if the elector is unable to
7 return the ballot, the elector may vote a provisional ballot
8 as provided in s. 101.048 ~~execute an affidavit stating that~~
9 ~~the absentee ballot has not been voted and the elector may~~
10 ~~then vote at the precinct.~~

11 Section 33. Section 102.111, Florida Statutes, is
12 amended to read:

13 102.111 Elections Canvassing Commission.--

14 (1) ~~Immediately after certification of any election by~~
15 ~~the county canvassing board, the results shall be forwarded to~~
16 ~~the Department of State concerning the election of any federal~~
17 ~~or state officer. The Governor, the Secretary of State, and~~
18 ~~the Director of the Division of Elections shall be the~~
19 ~~Elections Canvassing Commission.~~The Elections Canvassing
20 Commission shall consist of the Governor and two members of
21 the Cabinet selected by the Governor. If a member of the
22 Elections Canvassing Commission is unable to serve for any
23 reason, the Governor shall appoint a remaining member of the
24 Cabinet. If there is a further vacancy, the remaining members
25 of the commission shall agree on another elected official to
26 fill the vacancy.~~The Elections Canvassing Commission shall,~~
27 ~~as soon as the official results are compiled from all~~
28 ~~counties, certify the returns of the election and determine~~
29 ~~and declare who has been elected for each federal, state, and~~
30 ~~multi-county office. ~~In the event that any member of the~~~~
31 ~~Elections Canvassing Commission is unavailable to certify the~~

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1 ~~returns of any election, such member shall be replaced by a~~
2 ~~substitute member of the Cabinet as determined by the Director~~
3 ~~of the Division of Elections. If the county returns are not~~
4 ~~received by the Department of State by 5 p.m. of the seventh~~
5 ~~day following an election, all missing counties shall be~~
6 ~~ignored, and the results shown by the returns on file shall be~~
7 ~~certified.~~

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

10 Section 34. Section 102.112, Florida Statutes, is
11 amended to read:

12 102.112 Deadline for submission of county returns to
13 the Department of State; penalties.--

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

29 (2)(a) If the county returns are not received by the
30 Department of State by 5 p.m. of the 7th day following a
31 primary election, all missing counties shall be ignored, and

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1 the results shown by the returns on file shall be certified.

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

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

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

10 c. For state legislative offices, until 5 p.m. on the
11 13th day following the election.

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

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

18 2. Following a general election, the Department of
19 State shall not accept returns filed after the certification
20 deadline for the offices of United States President and Vice
21 President.

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

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1 ~~(3)~~~~(2)~~ The department shall fine each board member
2 ~~\$500~~~~\$200~~ for each day such returns are late, the fine to be
3 paid only from the board member's personal funds. Such fines
4 shall be deposited into the Election Campaign Financing Trust
5 Fund, created by s. 106.32.

6 ~~(4)~~~~(3)~~ Members of the county canvassing board may
7 appeal such fines to the Florida Elections Commission, which
8 shall adopt rules for such appeals.

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

15 102.141 County canvassing board; duties.--

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

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1 measure submitted to the electorate of the county, as shown by
2 the returns then on file in the office of the supervisor of
3 elections and the office of the county court judge.

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

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

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

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

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

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

30 (a) In counties with voting systems that use ballot
31 cards or paper ballots, each canvassing board responsible for

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

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

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1 such votes shall be canvassed accordingly.

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

17 Section 36. Section 102.166, Florida Statutes, is
18 amended to read:

19 102.166 Manual recounts ~~Protest of election returns;~~
20 ~~procedure.--~~

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

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1 cast in the entire geographic jurisdiction of such office or
2 ballot measure.

3 (2)(a) If the second set of unofficial returns
4 pursuant to s. 102.141 indicates that a candidate for any
5 office was defeated or eliminated by between one-quarter and
6 one-half of a percent of the votes cast for such office, that
7 a candidate for retention to judicial office was retained or
8 not retained by between one-quarter and one-half of a percent
9 of the votes cast on the question of retention, or that a
10 measure appearing on the ballot was approved or rejected by
11 between one-quarter and one-half of a percent of the votes
12 cast on such measure, any such candidate, the political party
13 of such candidate, or any political committee that supports or
14 opposes such ballot measure is entitled to a manual recount of
15 the overvotes and undervotes cast in the entire geographic
16 jurisdiction of such office or ballot measure, provided that:

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

19 2. At the time of the request, the requesting party
20 posts a bond in an amount prescribed by rule of the Department
21 of State, which shall be forfeited if the outcome of the
22 election does not change.

23 (b) For federal, statewide, state, and multi-county
24 races and ballot issues, requests for a manual recount shall
25 be made in writing to the state Elections Canvassing
26 Commission. For all other races and ballot issues, requests
27 for a manual recount shall be made in writing to the county
28 canvassing board.

29 (c) Upon receipt of an appropriate, timely request
30 accompanied by an adequate bond, the Elections Canvassing
31 Commission or county canvassing board shall immediately order

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1 a manual recount of overvotes and undervotes in all affected
2 jurisdictions.

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

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

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

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

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1 overvotes and undervotes. The department's rules may provide
2 for the temporary use of hardware or software whose sole
3 function is identifying and sorting overvotes and undervotes.

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

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

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

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

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

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

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

30 ~~(c) When electronic or electromechanical equipment is~~
31 ~~used, the canvassing board shall examine precinct records and~~

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

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

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

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

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

31 ~~(5) If the manual recount indicates an error in the~~

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1 ~~vote tabulation which could affect the outcome of the~~
 2 ~~election, the county canvassing board shall:~~
 3 ~~(a) Correct the error and recount the remaining~~
 4 ~~precincts with the vote tabulation system;~~
 5 ~~(b) Request the Department of State to verify the~~
 6 ~~tabulation software; or~~
 7 ~~(c) Manually recount all ballots.~~
 8 ~~(4)(6)~~ Any manual recount shall be open to the public.
 9 (5)(a) A vote for a candidate or ballot measure shall
 10 be counted if there is a clear indication on the ballot that
 11 the voter has made a definite choice.
 12 (b) The Department of State shall adopt specific rules
 13 for each certified voting system prescribing what constitutes
 14 a "clear indication on the ballot that the voter has made a
 15 definite choice." The rules may not:
 16 1. Exclusively provide that the voter must properly
 17 mark or designate his or her choice on the ballot; or,
 18 2. Contain a catch-all provision that fails to
 19 identify specific standards, such as "any other mark or
 20 indication clearly indicating that the voter has made a
 21 definite choice."
 22 ~~(6)(7)~~ Procedures for a manual recount are as follows:
 23 (a) The county canvassing board shall appoint as many
 24 counting teams of at least two electors as is necessary to
 25 manually recount the ballots. A counting team must have, when
 26 possible, members of at least two political parties. A
 27 candidate involved in the race shall not be a member of the
 28 counting team.
 29 (b) If a counting team is unable to determine whether
 30 the ballot contains a clear indication that the voter has made
 31 a definite choice ~~a voter's intent in casting a ballot, the~~

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1 ballot shall be presented to the county canvassing board for a
2 determination ~~it to determine the voter's intent.~~

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

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

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

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

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

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

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

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

29 102.168 Contest of election.--

30 (2) Such contestant shall file a complaint, together
31 with the fees prescribed in chapter 28, with the clerk of the

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1 circuit court within 10 days after midnight of the date the
2 last county canvassing board empowered to canvass the returns
3 certifies the results of the election being contested ~~or~~
4 ~~within 5 days after midnight of the date the last county~~
5 ~~canvassing board empowered to canvass the returns certifies~~
6 ~~the results of that particular election following a protest~~
7 ~~pursuant to s. 102.166(1), whichever occurs later.~~

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

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

17 (b) Ineligibility of the successful candidate for the
18 nomination or office in dispute.

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

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

28 (e) Proof that valid votes were not counted due to
29 system malfunctions or any other valid reason ~~Any other cause~~
30 ~~or allegation~~ which, if sustained, would show that a person
31 other than the successful candidate was the person duly

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1 nominated or elected to the office in question or that the
2 outcome of the election on a question submitted by referendum
3 was contrary to the result declared by the canvassing board or
4 Elections Canvassing Commission ~~election board~~.

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

10 Section 38. Section 102.135, Florida Statutes, is
11 created to read:

12 102.135 Prohibited activities.--A member of the
13 Elections Canvassing Commission or a member of the county
14 canvassing board who publicly endorses or solicits
15 contributions on behalf of a candidate for public office may
16 not render any post-election decision in his or her official
17 capacity as a member of the commission or board which may
18 affect the outcome of any race in which he or she publicly
19 endorsed or solicited contributions on behalf of a candidate
20 for public office.

21 Section 39. Section 97.0555, Florida Statutes, is
22 created to read:

23 97.0555 Late registration.--An individual or
24 accompanying family member who has been discharged or
25 separated from the uniformed services, Merchant Marine, or
26 from employment outside the territorial limits of the United
27 States, after the book closing for an election pursuant to s.
28 97.055 who is otherwise qualified, may register to vote in
29 such election until 5 p.m. on the Friday before that election.
30 Such persons must produce sufficient documentation showing
31 evidence of qualifying for late registration pursuant to this

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1 section. The Department of State shall adopt rules specifying
2 documentation that is sufficient to determine eligibility.

3 Section 40. Section 101.6951, Florida Statutes, is
4 created to read:

5 101.6951 State write-in ballot.--

6 (1) An overseas voter may request, not earlier than
7 180 days before a general election, a state write-in absentee
8 ballot from the supervisor of elections in the county of
9 registration. In order to receive a state write-in ballot, the
10 voter shall state that due to military or other contingencies
11 that preclude normal mail delivery, the voter cannot vote an
12 absentee ballot during the normal absentee voting period.

13 State write-in absentee ballots shall be made available to
14 voters 90 to 180 days prior to a general election. The
15 Department of State shall prescribe by rule the form of the
16 state write-in ballot.

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

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

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

31 Section 41. Section 101.6952, Florida Statutes, is

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1 created to read:

2 101.6952 Absentee ballots for overseas voters.--

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

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

16 Section 42. Section 101.697, Florida Statutes, is
 17 created to read:

18 101.697 Electronic transmission of election
 19 materials.--The Department of State shall adopt rules to
 20 authorize a supervisor of elections to accept a request for an
 21 absentee ballot and a voted absentee ballot by facsimile
 22 machine or other electronic means from overseas voters. The
 23 rules must provide that in order to accept a voted ballot, the
 24 verification of the voter must be established, the security of
 25 the transmission must be established, and each ballot received
 26 must be recorded.

27 Section 43. Section 101.698, Florida Statutes, is
 28 created to read:

29 101.698 Absentee voting in emergency situations.--If a
 30 national or local emergency or other situation arises which
 31 makes substantial compliance with the provisions of state or

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1 federal law relating to the methods of voting for overseas
2 voters impossible or unreasonable, such as an armed conflict
3 involving United States Armed Forces or mobilization of those
4 forces, including state National Guard and reserve components,
5 the Elections Canvassing Commission may adopt by emergency
6 rules, such special procedures or requirements necessary to
7 facilitate absentee voting by those persons directly affected
8 who are otherwise eligible to vote in the election.

9 Section 44. Paragraph (b) of subsection (1) and
10 subsection (7) of section 101.62, Florida Statutes, are
11 amended to read:

12 101.62 Request for absentee ballots.--

13 (1)

14 (b) The supervisor may accept a written or telephonic
15 request for an absentee ballot from the elector, or, if
16 directly instructed by the elector, a member of the elector's
17 immediate family, or the elector's legal guardian. For
18 purposes of this section, the term "immediate family" has the
19 same meaning as specified in paragraph (4)(b). The person
20 making the request must disclose:

21 1. The name of the elector for whom the ballot is
22 requested;

23 2. The elector's address;

24 3. The last four digits of the elector's social
25 security number;

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

28 5. The requester's name;

29 6. The requester's address;

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

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1 8. The requester's relationship to the elector; and
2 9. The requester's signature (written requests only).

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

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

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

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

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

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

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

28 Section 45. Section 101.64, Florida Statutes, is
29 amended to read:

30 101.64 Delivery of absentee ballots; envelopes;
31 form.--

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

8

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

11

VOTER'S CERTIFICATE

12

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

23

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

26

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

29

30 ~~3. I am an inspector, a poll worker, a deputy voting~~
31 ~~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.~~

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

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

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

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

16
17
18 ~~...(Date)...~~

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

19
20 ~~...(Last four digits of voter's social security number)...~~

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

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

24
25 ~~Sworn to (or affirmed) and subscribed before me this~~
26 ~~.... day of, ...(year)...., by ...(name of person~~
27 ~~making statement).... My commission expires this day of~~
28 ~~....., ...(year)....~~

29 ~~.....(Signature of Official)...~~

30 ~~.....(Print, Type, or Stamp Name)...~~

31 ~~.....(State or Country of Commission)...~~

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1 ~~Personally Known OR Produced Identification~~

2 ~~.....~~

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

4

5 OR

6

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

10

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

15

16 ~~WITNESS:~~

17

18 ~~...(Signature of Witness)...~~

19

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

20

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

23

24 ~~...(Address)...~~

25

~~...(City/State)...~~

26

27 (2) The certificate shall be arranged on the back of
28 the mailing envelope so that the lines for the signatures of
29 the absent elector and the attesting witness are across the
30 seal of the envelope; however, no statement shall appear on
31 the envelope which indicates that a signature of the voter or

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1 witness must cross the seal of the envelope. The absent
2 elector and the attesting witness shall execute the
3 certificate on the envelope.

4 Section 46. 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.

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

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

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

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

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

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

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

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

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

19 ~~9.7.~~ Mail, deliver, or have delivered the completed
 20 mailing envelope. Be sure there is sufficient postage if
 21 mailed.

22 ~~10.8.~~ FELONY NOTICE. It is a felony under Florida law
 23 to accept any gift, payment, or gratuity in exchange for your
 24 vote for a candidate. It is also a felony under Florida law to
 25 vote in an election using a false identity or false address,
 26 or under any other circumstances making your ballot false or
 27 fraudulent.

28 Section 47. Section 101.657, Florida Statutes, is
 29 amended to read:

30 101.657 Voting absentee ballots in person.--

31 (1) ~~Notwithstanding s. 97.021(1),~~Any qualified and

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1 registered elector ~~who is unable to attend the polls on~~
2 ~~election day~~ may pick up and vote an absentee ballot in person
3 at the office of, and under the supervision of, the supervisor
4 of elections. Before receiving the ballot, the elector must
5 present a Florida driver's license, a Florida identification
6 card issued under s. 322.051, or another form of picture
7 identification approved by the Department of State. If the
8 elector fails to furnish the required identification, or if
9 the supervisor is in doubt as to the identity of the elector,
10 the supervisor must follow the procedure prescribed in s.
11 101.49.

12 (2) As an alternative to the provisions of ss. 101.64,
13 ~~101.647~~, and 101.65, the supervisor of elections may allow an
14 elector to cast an absentee ballot in the main or branch
15 office of the supervisor by depositing the voted ballot in a
16 voting device used by the supervisor to collect or tabulate
17 ballots. The results or tabulation may not be made before the
18 close of the polls on election day.

19 (a)~~(3)~~ The elector must provide picture identification
20 and must complete an In-Office Voter Certificate in
21 substantially the following form:

22
23 IN-OFFICE VOTER CERTIFICATE
24

25 I,, am a qualified elector in this election and
26 registered voter of County, Florida. I do solemnly swear
27 or affirm that I am the person so listed on the voter
28 registration rolls of County and that I reside at the
29 listed address. I understand that if I commit or attempt to
30 commit fraud in connection with voting, vote a fraudulent
31 ballot, or vote more than once in an election I could be

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1 convicted of a felony of the third degree and both fined up to
 2 \$5,000 and imprisoned for up to 5 years. I understand that my
 3 failure to sign this certificate and have my signature
 4 witnessed invalidates my ballot. ~~I am entitled to vote an~~
 5 ~~absentee ballot because I am unable to attend the polls on~~
 6 ~~election day.~~

7
 8
 9 ...(Voter's Signature)...

10
 11 ...(Address)...

12
 13 ...(City/State)...

14
 15 ...(Name of Witness)...

16
 17 ...(Signature of Witness)...

18
 19 ...(Type of identification provided)...

20
 21 (b)(4) Any elector may challenge an elector seeking to
 22 cast an absentee ballot under the provisions of s. 101.111.
 23 Any challenged ballot must be placed in a regular absentee
 24 ballot envelope. The canvassing board shall review the ballot
 25 and decide the validity of the ballot by majority vote.

26 (c)(5) The canvass of returns for ballots cast under
 27 this subsection ~~section~~ shall be substantially the same as
 28 votes cast by electors in precincts, as provided in s.
 29 101.5614.

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

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1 101.68 Canvassing of absentee ballot.--

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

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

24 ~~a. The subscription of a notary or officer defined in~~
25 ~~item 6.b. of the instruction sheet, or~~

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

29
30 However, an absentee ballot shall not be considered illegal if
31 the signature of the elector or attesting witness does not

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1 cross the seal of the mailing envelope ~~or if the person~~
2 ~~witnessing the ballot is in violation of s. 104.047(3)~~. If the
3 canvassing board determines that any ballot is illegal, a
4 member of the board shall, without opening the envelope, mark
5 across the face of the envelope: "rejected as illegal." The
6 envelope and the ballot contained therein shall be preserved
7 in the manner that official ballots voted are preserved.

8 2. If any elector or candidate present believes that
9 an absentee ballot is illegal due to a defect apparent on the
10 voter's certificate, he or she may, at any time before the
11 ballot is removed from the envelope, file with the canvassing
12 board a protest against the canvass of that ballot, specifying
13 the precinct, the ballot, and the reason he or she believes
14 the ballot to be illegal. A challenge based upon a defect in
15 the voter's certificate may not be accepted after the ballot
16 has been removed from the mailing envelope.

17 Section 49. Section 104.047, Florida Statutes, is
18 amended to read:

19 104.047 Absentee ballots and voting; violations.--

20 (1) Any person who provides or offers to provide, and
21 any person who accepts, a pecuniary or other benefit in
22 exchange for distributing, ordering, requesting, collecting,
23 delivering, or otherwise physically possessing absentee
24 ballots, except as provided in ss. 101.6105-101.694, is guilty
25 of a felony of the third degree, punishable as provided in s.
26 775.082, s. 775.083, or s. 775.084.

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

31 ~~(3) Any person, other than a notary or other officer~~

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1 ~~entitled to administer oaths or an absentee ballot coordinator~~
 2 ~~as provided by s. 101.685, who witnesses more than five~~
 3 ~~ballots in any single election, is guilty of a misdemeanor of~~
 4 ~~the first degree, punishable as provided in s. 775.082 or s.~~
 5 ~~775.083.~~

6 ~~(3)(4)~~ Any person who marks or designates a choice on
 7 the ballot of another person, except as provided in s.
 8 101.051, s. 101.655, or s. 101.661, is guilty of a felony of
 9 the third degree, punishable as provided in s. 775.082, s.
 10 775.083, or s. 775.084.

11 ~~(5) Any person who returns more than two absentee~~
 12 ~~ballots to the supervisors of elections in violation of s.~~
 13 ~~101.647 is guilty of a misdemeanor of the first degree,~~
 14 ~~punishable as provided in s. 775.082 or s. 775.083.~~

15 Section 50. Sections 101.647 and 101.685, Florida
 16 Statutes, are repealed.

17 Section 51. Section 98.255, Florida Statutes, is
 18 amended to read:

19 (Substantial rewording of section. See
 20 s. 98.255, F.S., for present text.)
 21 98.255 Voter education programs.--

22 (1) By March 1, 2002, the Department of State shall
 23 adopt rules prescribing minimum standards for nonpartisan
 24 voter education. In developing the rules, the department
 25 shall review current voter-education programs within each
 26 county of the state. The standards shall address, but are not
 27 limited to, the following subjects:

- 28 (a) Voter registration;
- 29 (b) Balloting procedures, absentee and polling place;
- 30 (c) Voter rights and responsibilities;
- 31 (d) Distribution of sample ballots; and

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1 (e) Public service announcements.

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

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

11 (b) The Department of State, upon receipt of such
12 information, shall prepare a public report on the
13 effectiveness of voter-education programs and shall submit the
14 report to the Governor, the President of the Senate, and the
15 Speaker of the House of Representatives by January 31 of each
16 year following a general election.

17 (c) The Department of State shall reexamine the rules
18 adopted pursuant to subsection (1) and consider the findings
19 in the report as a basis for adopting modified rules that
20 incorporate successful voter-education programs and
21 techniques, as necessary.

22 Section 52. Section 101.031, Florida Statutes, is
23 amended to read:

24 101.031 Instructions for electors.--

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

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

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

11 VOTER'S BILL OF RIGHTS

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

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

31 VOTER RESPONSIBILITIES

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1 Each registered voter in this state has the
2 responsibility to:

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

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

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

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

31 101.131 Watchers at polls.--

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

14 Section 54. Section 102.014, Florida Statutes, is
15 created to read:

16 102.014 Pollworker recruitment and training.--

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

30 (2) A person who has attended previous training
31 conducted within 2 years before the election may be appointed

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1 by the supervisor to fill a vacancy on election day. If no
2 person with prior training is available to fill such vacancy,
3 the supervisor of elections may fill such vacancy in
4 accordance with the provisions of subsection (3) from among
5 persons who have not received the training required by this
6 section.

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

14 (4) Each supervisor of elections shall be responsible
15 for training inspectors and clerks, subject to the following
16 minimum requirements:

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

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

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

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

27 (5) The Department of State shall create a uniform
28 polling place procedures manual and adopt the manual by rule.
29 Each supervisor of elections shall insure that the manual is
30 available in hard copy or electronic form in every precinct in
31 the supervisor's jurisdiction on election day. The manual

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1 shall guide inspectors, clerks, and deputy sheriffs in the
2 proper implementation of election procedures and laws. The
3 manual shall be indexed by subject, and written in plain,
4 clear, unambiguous language. The manual shall provide
5 specific examples of common problems encountered at the polls
6 on election day, and detail specific procedures for resolving
7 those problems. The manual shall include, without limitation:

8 (a) Regulations governing solicitation by individuals
9 and groups at the polling place;

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

12 (c) Proper operation of the voting system;

13 (d) Ballot handling procedures;

14 (e) Procedures governing spoiled ballots;

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

16 (g) Rights of voters at the polls;

17 (h) Procedures for handling emergency situations;

18 (i) Procedures for dealing with irate voters;

19 (j) The handling and processing of provisional

20 ballots; and

21 (k) Security procedures.

22

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

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

30 (7) Supervisors of elections shall work with the
31 business and local community to develop public-private

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1 programs to ensure the recruitment of skilled inspectors and
2 clerks.

3 Section 55. Subsections (8) and (9) of section
4 102.012, Florida Statutes, are repealed.

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

7 102.021 Compensation of inspectors, clerks, and deputy
8 sheriffs.--

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

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

15 97.073 Disposition of voter registration applications;
16 cancellation notice.--

17 (1) The supervisor must notify each applicant of the
18 disposition of the applicant's voter registration application.
19 The notice must inform the applicant that the application has
20 been approved, is incomplete, has been denied, or is a
21 duplicate of a current registration. A registration
22 identification card sent to an applicant constitutes notice of
23 approval of registration. If the application is incomplete,
24 the supervisor must request that ~~notice must instruct~~ the
25 applicant supply the missing information in writing and sign a
26 statement that the additional information is true and correct
27 ~~to complete another voter registration application, which the~~
28 ~~supervisor must provide.~~ A notice of denial must inform the
29 applicant of the reason the application was denied.

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

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

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

12 Section 59. Subsection (3), paragraph (a) of
13 subsection (4), and paragraph (a) of subsection (5) of section
14 105.031, Florida Statutes, are amended to read:

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

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

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

7 (4) CANDIDATE'S OATH.--

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

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

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

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

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

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

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

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

16
17 Statement of Candidate for Judicial Office

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

22 ...(Signature of candidate)...
23 ...(Date)...

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

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

31 105.035 Alternative method of qualifying for certain

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1 judicial offices, the office of supervisor of elections, and
2 the office of school board member.--

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

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

31 (3) Each candidate for election to a judicial office,

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

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

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1 Upon receipt of the copy of such notice and qualifying papers,
2 the division shall certify the name of the candidate to the
3 appropriate supervisor or supervisors of elections as having
4 qualified for the office sought.

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

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

28 105.041 Form of ballot.--

29 (4) WRITE-IN CANDIDATES.--Space shall be made
30 available on the general election ballot for an elector to
31 write in the name of a write-in candidate for judge of a

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

6 Section 62. Paragraph (a) of subsection (1) of section
 7 105.051, Florida Statutes, is amended to read:

8 105.051 Determination of election or retention to
 9 office.--

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

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

17 Section 63. Subsection (3) is added to section
 18 105.061, Florida Statutes, to read:

19 105.061 Electors qualified to vote.--

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

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

24 105.08 Campaign contribution and expense; reporting.--

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

31 Section 65. Sections 100.091 and 100.096, Florida

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1 Statutes, are repealed.

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

4 97.055 Registration books; when closed for an
5 election.--

6 (1) The registration books must be closed on the 29th
7 day before each election and must remain closed until after
8 that election. If an election is called and there are fewer
9 than 29 days before that election, the registration books must
10 be closed immediately. When the registration books are closed
11 for an election, voter registration and party changes must be
12 accepted but only for the purpose of subsequent elections.

13 ~~However, party changes received between the book-closing date~~
14 ~~of the first primary election and the date of the second~~
15 ~~primary election are not effective until after the second~~
16 ~~primary election.~~

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

19 97.071 Registration identification card.--

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

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

29 97.1031 Notice of change of residence within the same
30 county, change of name, or change of party.--

31 (3) When an elector seeks to change party affiliation,

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1 the elector must provide a signed, written notification of
2 such intent to the supervisor and obtain a registration
3 identification card reflecting the new party affiliation,
4 ~~subject to the issuance restriction in s. 97.071(3).~~

5 Section 69. Section 98.081, Florida Statutes, is
6 amended to read:

7 98.081 Names removed from registration books;
8 ~~restrictions on reregistering; recordkeeping; restoration of~~
9 ~~erroneously or illegally removed names.--~~

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

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

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1 ~~(2)~~~~(3)~~ When the name of any elector has been
2 erroneously or illegally removed from the registration books,
3 the name of the elector shall be restored by the supervisor
4 upon satisfactory proof, even though the registration period
5 for that election is closed.

6 Section 70. Subsections (1), (2), and (8) of section
7 99.061, Florida Statutes, are amended to read:

8 99.061 Method of qualifying for nomination or election
9 to federal, state, county, or district office.--

10 (1) The provisions of any special act to the contrary
11 notwithstanding, each person seeking to qualify for nomination
12 or election to a federal, state, or multicounty district
13 office, other than election to a judicial office as defined in
14 chapter 105 or the office of school board member, shall file
15 his or her qualification papers with, and pay the qualifying
16 fee, which shall consist of the filing fee and election
17 assessment, and party assessment, if any has been levied, to,
18 the Department of State, or qualify by the alternative method
19 with the Department of State, at any time after noon of the
20 1st day for qualifying, which shall be as follows: the 120th
21 day prior to the ~~first~~ primary election, but not later than
22 noon of the 116th day prior to the date of the ~~first~~ primary
23 election, for persons seeking to qualify for nomination or
24 election to federal office; and noon of the 50th day prior to
25 the ~~first~~ primary election, but not later than noon of the
26 46th day prior to the date of the ~~first~~ primary election, for
27 persons seeking to qualify for nomination or election to a
28 state or multicounty district office.

29 (2) The provisions of any special act to the contrary
30 notwithstanding, each person seeking to qualify for nomination
31 or election to a county office, or district or special

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

23 (8) Notwithstanding the qualifying period prescribed
24 by this section, in each year in which the Legislature
25 apportions the state, the qualifying period for persons
26 seeking to qualify for nomination or election to federal
27 office shall be between noon of the 57th day prior to the
28 ~~first~~ primary election, but not later than noon of the 53rd
29 day prior to the ~~first~~ primary election.

30 Section 71. Subsections (1), (2), and (4) of section
31 99.063, Florida Statutes, are amended to read:

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1 99.063 Candidates for Governor and Lieutenant
2 Governor.--

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

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

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

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

17 (c) If the office sought is partisan, the written
18 statement of political party affiliation required by s.
19 99.021(1)(b).

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

22 (4) In order to have the name of the candidate for
23 Lieutenant Governor printed on the ~~first or second~~ primary
24 election ballot, a candidate for Governor participating in the
25 primary must designate the candidate for Lieutenant Governor,
26 and the designated candidate must qualify no later than the
27 end of the qualifying period specified in s. 99.061. If the
28 candidate for Lieutenant Governor has not been designated and
29 has not qualified by the end of the qualifying period
30 specified in s. 99.061, the phrase "Not Yet Designated" must
31 be included in lieu of the candidate's name on the primary

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1 ~~election ballot ballots and on advance absentee ballots for~~
2 ~~the general election.~~

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

5 99.095 Alternative method of qualifying.--

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

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1 running, the signatures obtained on such petition will not be
2 counted.

3 Section 73. Section 99.103, Florida Statutes, is
4 amended to read:

5 99.103 Department of State to remit part of filing
6 fees and party assessments of candidates to state executive
7 committee.--

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

21 (2) Not later than 20 days after the close of
22 qualifying in even-numbered years, the Department of State
23 shall remit 95 percent of all filing fees, less the amount
24 deposited in general revenue pursuant to subsection (1), or
25 party assessments that may have been collected by the
26 department to the respective state executive committees of the
27 parties complying with subsection (1). Party assessments
28 collected by the Department of State shall be remitted to the
29 appropriate state executive committee, irrespective of other
30 requirements of this section, provided such committee is duly
31 organized under the provisions of chapter 103. The remainder

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1 of filing fees or party assessments collected by the
2 Department of State shall be remitted to the appropriate state
3 executive committees not later than the date of the ~~first~~
4 primary election.

5 Section 74. Section 100.061, Florida Statutes, is
6 amended to read:

7 100.061 ~~First~~ Primary election.--In each year in which
8 a general election is held, a ~~first~~ primary election for
9 nomination of candidates of political parties shall be held on
10 the second Tuesday following the first Monday in September ~~9~~
11 ~~weeks prior to the general election.~~ The ~~Each~~ candidate
12 receiving the highest number ~~a majority of the~~ votes cast in
13 each contest in the ~~first~~ primary election shall be declared
14 nominated for such office. If two or more candidates receive
15 an equal and highest number of votes for the same office, such
16 candidates shall draw lots to determine who shall receive the
17 nomination. ~~A second primary election shall be held as~~
18 ~~provided by s. 100.091 in every contest in which a candidate~~
19 ~~does not receive a majority.~~

20 Section 75. Section 100.081, Florida Statutes, is
21 amended to read:

22 100.081 ~~Conducting primary elections~~ ~~Nomination of~~
23 ~~county commissioners~~ at primary election.--The primary
24 election ~~elections~~ shall provide for the nomination of county
25 commissioners by the qualified electors of such county at the
26 time and place set for voting on other county officers.

27 Section 76. Paragraph (c) of subsection (1),
28 subsection (3), and paragraph (a) of subsection (4) of section
29 100.111, Florida Statutes, are amended to read:

30 100.111 Filling vacancy.--

31 (1)

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

13 (3) Whenever there is a vacancy for which a special
14 election is required pursuant to s. 100.101(1)-(4), the
15 Governor, after consultation with the Secretary of State,
16 shall fix the dates ~~date~~ of a special ~~first~~ primary election,
17 ~~a special second primary election~~, and a special election.
18 Nominees of political parties other than minor political
19 parties shall be chosen under the primary laws of this state
20 in the special primary election ~~elections~~ to become candidates
21 in the special election. Prior to setting the special
22 election date ~~dates~~, the Governor shall consider any upcoming
23 elections in the jurisdiction where the special election will
24 be held. The dates fixed by the Governor shall be specific
25 days certain and shall not be established by the happening of
26 a condition or stated in the alternative. The dates fixed
27 shall provide a minimum of 2 weeks between each election. In
28 the event a vacancy occurs in the office of state senator or
29 member of the House of Representatives when the Legislature is
30 in regular legislative session, the minimum times prescribed
31 by this subsection may be waived upon concurrence of the

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1 Governor, the Speaker of the House of Representatives, and the
2 President of the Senate. If a vacancy occurs in the office of
3 state senator and no session of the Legislature is scheduled
4 to be held prior to the next general election, the Governor
5 may fix the dates for the any special primary and for the
6 special election to coincide with the dates of the ~~first and~~
7 ~~second~~ primary election and general election. If a vacancy in
8 office occurs in any district in the state Senate or House of
9 Representatives or in any congressional district, and no
10 session of the Legislature, or session of Congress if the
11 vacancy is in a congressional district, is scheduled to be
12 held during the unexpired portion of the term, the Governor is
13 not required to call a special election to fill such vacancy.

14 (a) The dates for candidates to qualify in such
15 special election or special primary election shall be fixed by
16 the Department of State, and candidates shall qualify not
17 later than noon of the last day so fixed. The dates fixed for
18 qualifying shall allow a minimum of 14 days between the last
19 day of qualifying and the special ~~first~~ primary election.

20 (b) The filing of campaign expense statements by
21 candidates in such special elections or special primaries and
22 by committees making contributions or expenditures to
23 influence the results of such special primaries or special
24 elections shall be not later than such dates as shall be fixed
25 by the Department of State, and in fixing such dates the
26 Department of State shall take into consideration and be
27 governed by the practical time limitations.

28 (c) The dates for a candidate to qualify by the
29 alternative method in such special primary or special election
30 shall be fixed by the Department of State. In fixing such
31 dates the Department of State shall take into consideration

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1 and be governed by the practical time limitations. Any
2 candidate seeking to qualify by the alternative method in a
3 special primary election shall obtain 25 percent of the
4 signatures required by s. 99.095, s. 99.0955, or s. 99.096, as
5 applicable.

6 (d) The qualifying fees and party assessments of such
7 candidates as may qualify shall be the same as collected for
8 the same office at the last previous primary for that office.
9 The party assessment shall be paid to the appropriate
10 executive committee of the political party to which the
11 candidate belongs.

12 (e) Each county canvassing board shall make as speedy
13 a return of the result of such special primary elections and
14 special elections ~~and primaries~~ as time will permit, and the
15 Elections Canvassing Commission likewise shall make as speedy
16 a canvass and declaration of the nominees as time will permit.

17 (4)(a) In the event that death, resignation,
18 withdrawal, removal, or any other cause or event should cause
19 a party to have a vacancy in nomination which leaves no
20 candidate for an office from such party, the Governor shall,
21 after conferring with the Secretary of State, call a special
22 primary election ~~and, if necessary, a second special primary~~
23 ~~election~~ to select for such office a nominee of such political
24 party. The dates on which candidates may qualify for such
25 special primary election shall be fixed by the Department of
26 State, and the candidates shall qualify no later than noon of
27 the last day so fixed. The filing of campaign expense
28 statements by candidates in special primary elections
29 ~~primaries~~ shall not be later than such dates as shall be fixed
30 by the Department of State. In fixing such dates, the
31 Department of State shall take into consideration and be

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1 governed by the practical time limitations. The qualifying
2 fees and party assessment of such candidates as may qualify
3 shall be the same as collected for the same office at the last
4 previous primary for that office. Each county canvassing
5 board shall make as speedy a return of the results of such
6 special primary elections ~~primaries~~ as time will permit, and
7 the Elections Canvassing Commission shall likewise make as
8 speedy a canvass and declaration of the nominees as time will
9 permit.

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

12 100.141 Notice of special election to fill any vacancy
13 in office or nomination.--

14 (2) The Department of State shall prepare a notice
15 stating what offices and vacancies are to be filled in the
16 special election, the dates ~~date~~ set for the ~~each~~ special
17 primary election and the special election, the dates fixed for
18 qualifying for office, the dates fixed for qualifying by the
19 alternative method, and the dates fixed for filing campaign
20 expense statements.

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

23 101.252 Candidates entitled to have names printed on
24 certain ballots; exception.--

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

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1 county executive committee.

2 Section 79. Paragraph (a) of subsection (4) of section
3 101.62, Florida Statutes, is amended to read:

4 101.62 Request for absentee ballots.--

5 (4)(a) To each absent qualified elector overseas who
6 has requested an absentee ballot, the supervisor of elections
7 shall, not fewer than 35 days before the ~~first~~ primary
8 election and not fewer than 45 days before the general

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

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1 ~~absentee ballot and advance general election absentee ballot~~
2 ~~an explanation stating that the absentee ballot for the~~
3 ~~election will be mailed as soon as it is printed; and, if both~~
4 ~~the advance absentee ballot and the absentee ballot for the~~
5 ~~election are returned in time to be counted, only the absentee~~
6 ~~ballot will be counted.~~

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

9 102.168 Contest of election.--

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

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

19 103.021 Nomination for presidential
20 electors.--Candidates for presidential electors shall be
21 nominated in the following manner:

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

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1 primary election, shall certify the number shown as registered
2 electors of the county. The supervisor shall be paid by the
3 person requesting the certification the cost of checking the
4 petitions as prescribed in s. 99.097. The supervisor shall
5 then forward the certificate to the Department of State which
6 shall determine whether or not the percentage factor required
7 in this section has been met. When the percentage factor
8 required in this section has been met, the Department of State
9 shall order the names of the candidates for whom the petition
10 was circulated to be included on the ballot and shall permit
11 the required number of persons to be certified as electors in
12 the same manner as party candidates.

13 (4)

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

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

8 Section 82. Section 103.022, Florida Statutes, is
9 amended to read:

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

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

26 103.091 Political parties.--

27 (4) Any political party other than a minor political
28 party may by rule provide for the membership of its state or
29 county executive committee to be elected for 4-year terms at
30 the ~~first~~ primary election in each year a presidential
31 election is held. The terms shall commence on the first day

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1 of the month following each presidential general election; but
2 the names of candidates for political party offices shall not
3 be placed on the ballot at any other election. The results of
4 such election shall be determined by a plurality of the votes
5 cast. In such event, electors seeking to qualify for such
6 office shall do so with the Department of State or supervisor
7 of elections not earlier than noon of the 57th day, or later
8 than noon of the 53rd day, preceding the ~~first~~ primary
9 election. The outgoing chair of each county executive
10 committee shall, within 30 days after the committee members
11 take office, hold an organizational meeting of all newly
12 elected members for the purpose of electing officers. The
13 chair of each state executive committee shall, within 60 days
14 after the committee members take office, hold an
15 organizational meeting of all newly elected members for the
16 purpose of electing officers.

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

19 105.031 Qualification; filing fee; candidate's oath;
20 items required to be filed.--

21 (1) TIME OF QUALIFYING.--Except for candidates for
22 judicial office, nonpartisan candidates for multicounty office
23 shall qualify with the Division of Elections of the Department
24 of State and nonpartisan candidates for countywide or less
25 than countywide office shall qualify with the supervisor of
26 elections. Candidates for judicial office other than the
27 office of county court judge shall qualify with the Division
28 of Elections of the Department of State, and candidates for
29 the office of county court judge shall qualify with the
30 supervisor of elections of the county. Candidates shall
31 qualify no earlier than noon of the 50th day, and no later

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1 than noon of the 46th day, before the ~~first~~ primary election.
2 Filing shall be on forms provided for that purpose by the
3 Division of Elections and furnished by the appropriate
4 qualifying officer. Any person seeking to qualify by the
5 alternative method, as set forth in s. 105.035, if the person
6 has submitted the necessary petitions by the required deadline
7 and is notified after the fifth day prior to the last day for
8 qualifying that the required number of signatures has been
9 obtained, shall be entitled to subscribe to the candidate's
10 oath and file the qualifying papers at any time within 5 days
11 from the date he or she is notified that the necessary number
12 of signatures has been obtained. Any person other than a
13 write-in candidate who qualifies within the time prescribed in
14 this subsection shall be entitled to have his or her name
15 printed on the ballot.

16 Section 85. Subsection (1) and paragraph (b) of
17 subsection (2) of section 105.041, Florida Statutes, are
18 amended to read:

19 105.041 Form of ballot.--

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

31 (2) LISTING OF CANDIDATES.--

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

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

12 Section 86. Paragraph (b) of subsection (1) of section
13 105.051, Florida Statutes, is amended to read:

14 105.051 Determination of election or retention to
15 office.--

16 (1) ELECTION.--In circuits and counties holding
17 elections:

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

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

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

11 106.07 Reports; certification and filing.--

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

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

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1 or election to any office, for a political committee, or for a
2 committee of continuous existence.

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

12 Section 88. Paragraph (c) of subsection (1) of section
13 106.08, Florida Statutes, is amended to read:

14 106.08 Contributions; limitations on.--

15 (1)

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

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

30 106.29 Reports by political parties; restrictions on
31 contributions and expenditures; penalties.--

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

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

23 236.25 District school tax.--

24 (6) In addition to the maximum millage levied under
25 this section and the General Appropriations Act, a school
26 district may levy, by local referendum or in a general
27 election, additional millage for school operational purposes
28 up to an amount that, when combined with nonvoted millage
29 levied under this section, does not exceed the 10-mill limit
30 established in s. 9(b), Art. VII of the State Constitution.
31 Any such levy shall be for a maximum of 4 years and shall be

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1 counted as part of the 10-mill limit established in s. 9(b),
2 Art. VII of the State Constitution. Millage elections
3 conducted under the authority granted pursuant to this section
4 are subject to ss. 236.31 and 236.32. Funds generated by such
5 additional millage do not become a part of the calculation of
6 the Florida Education Finance Program total potential funds in
7 2001-2002 or any subsequent year and must not be incorporated
8 in the calculation of any hold-harmless or other component of
9 the Florida Education Finance Program formula in any year.

10 Section 91. Section 236.31, Florida Statutes, is
11 amended to read:

12 236.31 District millage elections.--

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

26 (2) The school board, pursuant to resolution adopted
27 at a regular meeting, shall direct the county commissioners to
28 call an election at which the electors within the school
29 district may approve an ad valorem tax millage as authorized
30 under s. 236.25(6). Such election may be held at any time,
31 except that not more than one such election shall be held

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1 during any 12-month period. Any millage so authorized shall be
2 levied for a period not in excess of 4 years or until changed
3 by another millage election, whichever is earlier. If any such
4 election is invalidated by a court of competent jurisdiction,
5 such invalidated election shall be considered not to have been
6 held.

7 Section 92. Section 236.32, Florida Statutes, is
8 amended to read:

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

11 236.32 Procedures for holding and conducting school
12 district millage elections.--

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

17 (2) FORM OF BALLOT.--

18 (a) The school board may propose a single millage or
19 two millages, with one for operating expenses and another for
20 a local capital improvement reserve fund. When two millage
21 figures are proposed, each millage must be voted on
22 separately.

23 (b) The school board shall provide the wording of the
24 substance of the measure and the ballot title in the
25 resolution calling for the election. The wording of the
26 ballot must conform to the provisions of s. 101.161.

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

30 (4) RESULTS OF ELECTION.--When the school board
31 proposes one tax levy for operating expenses and another for

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1 the local capital improvement reserve fund, the results shall
2 be considered separately. The tax levy shall be levied only
3 in case a majority of the electors participating in the
4 election vote in favor of the proposed special millage.

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

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

10 106.141 Disposition of surplus funds by candidates.--

11 (5) A candidate elected to office or a candidate who
12 will be elected to office by virtue of his or her being
13 unopposed may, in addition to the disposition methods provided
14 in subsection (4), transfer from the campaign account to an
15 office account any amount of the funds on deposit in such
16 campaign account up to:

17 (a) Ten thousand dollars, for a candidate for
18 statewide office. The Governor and Lieutenant Governor shall
19 be considered separate candidates for the purpose of this
20 section.

21 (b) Five thousand dollars, for a candidate for
22 multicounty office.

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

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

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

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

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

5
6 The office account established pursuant to this subsection
7 shall be separate from any personal or other account. Any
8 funds so transferred by a candidate shall be used only for
9 legitimate expenses in connection with the candidate's public
10 office. Such expenses may include travel expenses incurred by
11 the officer or a staff member, personal taxes payable on
12 office account funds by the candidate or elected public
13 official, or expenses incurred in the operation of his or her
14 office, including the employment of additional staff. The
15 funds may be deposited in a savings account; however, all
16 deposits, withdrawals, and interest earned thereon shall be
17 reported at the appropriate reporting period. If a candidate
18 is reelected to office or elected to another office and has
19 funds remaining in his or her office account, he or she may
20 transfer surplus campaign funds to the office account. At no
21 time may the funds in the office account exceed the limitation
22 imposed by this subsection. Upon leaving public office, any
23 person who has funds in an office account pursuant to this
24 subsection remaining on deposit shall give such funds to a
25 charitable organization or organizations which meet the
26 requirements of s. 501(c)(3) of the Internal Revenue Code or,
27 in the case of a state officer, to the state to be deposited
28 in the General Revenue Fund or, in the case of an officer of a
29 political subdivision, to the political subdivision to be
30 deposited in the general fund thereof.

31 Section 94. Subsection (3) of section 106.15, Florida

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1 Statutes, is amended to read:

2 106.15 Certain acts prohibited.--

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

7 Section 95. Effective upon the effective date of the
8 amendment to the State Constitution proposed in Senate Joint
9 Resolution 434 or another amendment to the State Constitution
10 that authorizes, or removes impediments to, the enactment of
11 this section by the Legislature, paragraph (b) of subsection
12 (2) of section 97.041, Florida Statutes, is amended to read:

13 97.041 Qualifications to register or vote.--

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

16 (b) A person who has been convicted of any felony by
17 any court of record; however, such a person's right to
18 register or vote is automatically restored by operation of
19 law, for persons convicted of a forcible felony as defined in
20 s. 776.08, 5 years after completion and satisfaction of all
21 sentences imposed upon such person or, for all other felons, 1
22 year after completion and satisfaction of all sentences
23 imposed upon such person. For the purposes of this paragraph,
24 "completion and satisfaction of all sentences" occurs when a
25 person is released from incarceration upon expiration of
26 sentence and has paid all court costs and court-ordered
27 restitution and has achieved or completed all other
28 nonmonetary terms and conditions of the sentence or subsequent
29 supervision or, if the person has not been incarcerated for
30 the felony offense, has paid all court costs and court-ordered
31 restitution and has achieved or completed all nonmonetary

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1 terms and conditions of community supervision imposed by a
2 court and who has not had his or her right to vote restored
3 pursuant to law. If a majority of the Board of Executive
4 Clemency objects before the automatic restoration of the right
5 to register or vote, such rights shall be restored only upon
6 application to, and approval by, the Board of Executive
7 Clemency.

8 Section 96. Effective upon the effective date of the
9 amendment to the State Constitution proposed in Senate Joint
10 Resolution 434 or another amendment to the State Constitution
11 that authorizes, or removes impediments to, the enactment of
12 this section by the Legislature, subsection (2) of section
13 97.052, Florida 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 or ethnicity that best describes the
27 applicant:

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

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

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1 incapacitated and have had their voting rights restored are
2 not required to reveal their prior conviction or adjudication.

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

9 97.053 Acceptance of voter registration
10 applications.--

11 (5)(a) A voter registration application is complete if
12 it contains:

13 1. The applicant's name.
14 2. The applicant's legal residence address.
15 3. The applicant's date of birth.
16 4. An indication that the applicant is a citizen of
17 the United States.

18 5. The last four digits of the applicant's social
19 security number.

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

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

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

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1 Section 98. (1) Effective July 1, 2001, the sum of \$2
2 million is appropriated from the General Revenue Fund to the
3 Department of State for the purpose of providing a statewide
4 voter registration database. From the funds appropriated, the
5 department may contract with the Florida Association of Court
6 Clerks to analyze, design, develop, operate, and maintain a
7 statewide, on-line voter registration database and associated
8 web site, to be available statewide by June 1, 2002. The
9 database shall contain voter registration information from
10 each of the 67 supervisors of elections in this state, and
11 shall be accessible through an Internet web site. The system
12 shall provide functionality for ensuring that the database is
13 updated on a daily basis to determine if a registered voter is
14 ineligible to vote for any of the following reasons,
15 including, but not limited to:

16 (a) The voter is deceased;

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

19 (c) The voter has been adjudicated mentally
20 incompetent and his or her mental capacity with respect to
21 voting has not been restored.

22

23 The database shall also allow for duplicate voter
24 registrations to be identified.

25 (2) The Department of State shall not contract with
26 any private entity other than the Florida Association of Court
27 Clerks for the operation or maintenance of the statewide voter
28 registration database.

29 (3) To the maximum extent feasible, state and local
30 government entities shall facilitate provision of information
31 and access to data to the Florida Association of Court Clerks

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

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

13 Section 99. Effective June 30, 2001, section 98.0975,
14 Florida Statutes, is repealed.

15 Section 100. (1) There is appropriated from the
16 General Revenue Fund to the Division of Elections of the
17 Department of State the sum of \$5,949,375 in fiscal year
18 2001-2002 to be distributed to the counties to fund
19 comprehensive voter education programs and to train
20 pollworkers as provided in this act. The Division shall
21 divide the total amount of funds appropriated by the total
22 number of registered voters in the state for the 2000 General
23 Election to establish a funding level per individual voter.
24 Each county shall receive an amount equal to the funding level
25 per individual voter multiplied by the number of registered
26 voters in the county, as certified by the Department of State
27 for the 2000 General Election.

28 (2) No later than December 15, 2002, each county shall
29 provide a report to the Division of Elections on how the funds
30 provided in this section were used, the specific education and
31 training programs implemented in the county, and their

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1 effectiveness. The Division shall report to the Governor, the
2 President of the Senate, and the Speaker of the House of
3 Representatives by January 31, 2003, on the results of the
4 voter education and pollworker training programs used in the
5 state.

6 Section 101. Funds provided in the 2001-2002 General
7 Appropriations Act for Voting Systems Assistance shall be
8 appropriated to the Division of Elections, Department of
9 State, to be distributed to the counties to implement the
10 provisions of this act in the following manner:

11 (1) Counties having a population of 75,000 or fewer
12 based on the 2000 census shall receive a total of \$7,500 per
13 precinct based on the number of precincts as certified by the
14 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 (2) All other counties shall receive a total of \$3,750
18 per precinct based on the number of precincts as certified by
19 the Department of State for the 2000 General Election, to be
20 distributed in two equal installments on July 1, 2001, and
21 July 1, 2002.

22 Section 102. Effective upon this act becoming a law,
23 the Department of State, Division of Elections, in conjunction
24 with the Florida State Association of Supervisor of Elections,
25 shall, from existing funds, study the benefits and drawbacks
26 of having uniform poll opening and closing times throughout
27 the state. A written report shall be presented to the the
28 President of the Senate and the Speaker of the House of
29 Representatives no later than January 1, 2002. This report
30 must include, but is not limited to a discussion of the
31 circumstances surrounding the 2000 Presidential election;

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1 changing the state to one time zone; changing polling times to
2 coincide in both time zones; and having the Central Time Zone
3 not recognize Daylight Savings Time.

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

6
7
8 ===== T I T L E A M E N D M E N T =====

9 And the title is amended as follows:

10 Delete everything before the enacting clause

11
12 and insert:

13 An act relating to elections; creating the
14 Florida Election Reform Act of 2001; amending
15 s. 97.021, F.S.; revising definitions; amending
16 ss. 98.471, 100.341, 100.361, F.S.; removing
17 provisions relating to voting systems that use
18 voting machines or paper ballots; amending s.
19 101.015, F.S.; requiring the Division of
20 Elections to review the voting systems
21 certification standards to ensure that new
22 technologies are available and appropriately
23 certified for use; amending s. 101.151, F.S.;
24 modifying specifications for ballots; requiring
25 the Department of State to adopt rules
26 prescribing uniform ballots; amending ss.
27 101.21, 101.24, 101.292, 101.341, 101.43,
28 101.49, 101.58, 101.71, 101.75, 104.30, 138.05,
29 F.S.; removing provisions relating to voting
30 machines and updating references, to conform;
31 amending s. 101.5603, F.S.; deleting references

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1 to punchcard marking and voting devices;
2 amending s. 101.5604, F.S.; providing for the
3 use of precinct tabulation electronic or
4 electromechanical voting systems in each
5 county; amending s. 101.5606, F.S.; providing
6 additional requirements for electronic and
7 electromechanical voting systems; prohibiting
8 the use of punchcard voting systems; amending
9 s. 101.5614, F.S.; removing references to
10 canvassing returns at central or regional
11 locations, to conform; creating s. 101.595,
12 F.S.; requiring supervisors of elections and
13 the Department of State to report on overvotes
14 and undervotes following the general election;
15 amending s. 103.101, F.S., relating to the form
16 of the presidential preference primary, to
17 conform; amending s. 582.18, F.S., relating to
18 the election of district supervisors;
19 conforming a cross-reference; repealing ss.
20 100.071, 101.141, 101.181, 101.191, 101.251,
21 101.5609, F.S., relating to the specification
22 and form of ballots, to conform; repealing ss.
23 101.011, 101.27, 101.28, 101.29, 101.32,
24 101.33, 101.34, 101.35, 101.36, 101.37, 101.38,
25 101.39, 101.40, 101.445, 101.45, 101.46,
26 101.47, 101.54, 101.55, 101.56, 102.012(7),
27 F.S., relating to voting machines, to conform;
28 amending s. 97.021, F.S.; revising the
29 definitions of the terms "absent elector" and
30 "primary election"; providing additional
31 definitions; creating s. 101.048, F.S.;

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1 providing procedures for voting and counting
2 provisional ballots; amending s. 101.045, F.S.;
3 requiring verification of an elector's
4 eligibility if the elector's name is not on the
5 precinct register; amending s. 101.5614, F.S.;
6 providing for the return of provisional ballots
7 to the supervisor of elections; providing for
8 the canvass of provisional ballots; clarifying
9 the standard for counting votes on spoiled
10 ballots; amending s. 101.69, F.S.; allowing a
11 voter who has requested an absentee ballot and
12 who decides to vote at the polls on election
13 day to vote a provisional ballot, if the
14 absentee ballot is not returned; amending s.
15 102.111, F.S.; changing the composition of the
16 Elections Canvassing Commission; revising
17 deadlines for county returns; amending s.
18 102.112, F.S.; revising deadlines for
19 certification of election results; requiring
20 the acceptance of late-filed election returns
21 in certain circumstances; increasing the fine
22 for filing late-filed election returns;
23 amending s. 102.141, F.S.; requiring the county
24 canvassing board to provide public notice of
25 time and place of the canvass of provisional
26 ballots; modifying deadlines for submitting
27 unofficial returns; revising requirements for
28 an automatic machine recount; amending s.
29 102.166, F.S.; substantially modifying
30 standards and procedures for manual recounts;
31 amending s. 102.168, F.S.; revising the grounds

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1 for an election contest; creating s. 102.135,
2 F.S.; prohibiting a member of the Elections
3 Canvassing Commission or a member of the county
4 canvassing board from rendering a post-election
5 decision that may affect the outcome of any
6 race in which the member publicly endorsed or
7 solicited contributions; creating s. 97.0555,
8 F.S.; providing for registration of certain
9 military and overseas persons; requiring the
10 Department of State to adopt rules specifying
11 eligibility; creating s. 101.6951, F.S.;
12 providing for a state write-in absentee ballot
13 for overseas voters; creating s. 101.6952,
14 F.S.; providing for absentee ballots for
15 overseas voters; creating s. 101.697, F.S.;
16 providing for absentee ballot requests and
17 voting via electronic transmission by overseas
18 voters under certain circumstances; creating s.
19 101.698, F.S.; authorizing the Elections
20 Canvassing Commission to adopt emergency rules
21 during crises to facilitate absentee voting;
22 amending s. 101.62, F.S.; modifying information
23 on absentee ballot requests; amending s.
24 101.64, F.S.; modifying absentee ballot
25 certificates; amending s. 101.65, F.S.;
26 modifying instructions to absent electors;
27 amending s. 101.657, F.S., relating to voting
28 absentee ballots; conforming provisions;
29 amending s. 101.68, F.S.; modifying information
30 that must be included on an absentee ballot;
31 authorizing the processing of absentee ballots

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1 through tabulations for a specified period
2 before the election; amending s. 104.047, F.S.;
3 deleting a prohibition against persons
4 witnessing more than five ballots in an
5 election and a prohibition against returning
6 more than two ballots in an election, and the
7 penalties therefor; repealing ss. 101.647,
8 101.685, F.S., relating to returning absentee
9 ballots and absentee ballot coordinators;
10 amending s. 98.255, F.S.; providing for voter
11 education; amending s. 101.031, F.S.; providing
12 for a Voter's Bill of Rights and
13 Responsibilities; providing responsibilities of
14 supervisors of elections; amending s. 101.131,
15 F.S.; eliminating a requirement to call out
16 names of voters; creating s. 102.014, F.S.;
17 providing for pollworker recruitment and
18 training; repealing s. 102.012(8) and (9),
19 relating to pollworker training, to conform;
20 amending s. 102.021, F.S.; to correct a
21 cross-reference; amending s. 97.073, F.S.;
22 revising procedures to be followed when a voter
23 registration application is incomplete;
24 amending s. 98.015, F.S.; providing for the
25 nonpartisan election of supervisors of
26 elections; amending s. 105.031, F.S.; requiring
27 candidates for supervisor of elections to pay a
28 qualifying fee, subscribe to an oath, and file
29 certain items in order to qualify for election;
30 amending s. 105.035, F.S.; providing
31 alternative procedures for candidates for

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1 supervisor of elections to qualify for
2 election; amending s. 105.041, F.S.; providing
3 for the form of the ballot for candidates for
4 supervisor of elections; providing for write-in
5 candidates for supervisor of elections;
6 amending s. 105.051, F.S.; providing for
7 determination of election to office of
8 candidates for supervisor of elections;
9 amending s. 105.061, F.S.; providing that
10 supervisors of elections are to be elected by
11 vote of the qualified electors of the county;
12 amending s. 105.08, F.S.; providing
13 requirements for candidates for supervisor of
14 elections with respect to campaign
15 contributions and expenses and their reporting;
16 repealing s. 100.091, F.S., to eliminate the
17 second primary election; repealing s. 100.096,
18 F.S., relating to the holding of special
19 elections in conjunction with the second
20 primary election, to conform; amending ss.
21 97.055, 97.071, 97.1031, 98.081, F.S., relating
22 to restrictions on changing party affiliation
23 between primary elections, to conform; amending
24 ss. 99.061, 99.095, F.S., relating to
25 qualifying for nomination or election to
26 office, to conform; amending s. 99.063, F.S.;
27 adjusting the date to designate a Lieutenant
28 Governor running mate, to conform; amending ss.
29 99.103, 100.061, 100.081, 100.111, 100.141,
30 101.252, 101.62, 102.168, 103.021, 103.022,
31 103.091, 105.031, 105.041, 105.051, 106.07,

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1 106.08, 106.29, F.S.; revising references, to
2 conform to the elimination of the second
3 primary election; amending s. 236.25, F.S.;
4 allowing certain school districts to levy, by
5 referendum, additional district school taxes;
6 providing limitations on the uses of the
7 resulting revenues; amending s. 236.31, F.S.;
8 providing for millage elections pursuant to s.
9 236.25, F.S.; amending s. 236.32, F.S.;
10 revising the procedures for conducting school
11 district millage elections; amending s.
12 106.141, F.S.; increasing the amount that may
13 be transferred to an office account; amending
14 s. 106.15, F.S.; expanding prohibition against
15 candidates using state employees' services
16 during working hours to include all government
17 employees; amending s. 97.041, F.S.; providing
18 for automatic restoration of former felons'
19 right to vote following completion and
20 satisfaction of sentence of incarceration and
21 community supervision; providing conditions on
22 such automatic restoration; amending ss.
23 97.052, 97.053, F.S., to conform; providing an
24 appropriation for the design of a statewide
25 voter registration database; providing
26 requirements for the database; repealing s.
27 98.0975, F.S., relating to the central voter
28 file maintained by the Division of Elections;
29 providing an appropriation for voter education
30 and pollworker training; providing for the
31 appropriation from the General Appropriations

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Act to be used to implement the provisions of
the act; providing for study of elections
process in multiple time zones; providing
effective dates.