

By the Committee on Rules, Ethics & Elections and
Representative Goodlette

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; defining the terms "error in the
4 vote tabulation" and "provisional ballot";
5 revising the definition of "primary election";
6 amending s. 100.061, F.S.; providing for a
7 single primary election, including the date for
8 holding that election; providing that
9 candidates receiving the highest number of
10 votes in the primary election are declared
11 nominated; providing a method for deciding tie
12 votes; repealing s. 100.091, F.S., relating to
13 the second primary election, to conform;
14 repealing s. 100.096, F.S., relating to the
15 holding of special elections in conjunction
16 with the second primary election, to conform;
17 amending ss. 97.055, 97.071, 97.1031, and
18 98.081, F.S., relating to restrictions on
19 changing party affiliation between primary
20 elections, to conform; amending s. 99.063,
21 F.S.; revising the date to designate a
22 Lieutenant Governor running mate, to conform;
23 amending s. 101.62, F.S.; revising the dates
24 for mailing absentee ballots to absent electors
25 overseas and eliminating advance absentee
26 ballots, to conform; amending ss. 10.1008,
27 99.061, 99.095, 99.103, 100.071, 100.081,
28 100.111, 100.141, 101.141, 101.251, 101.252,
29 102.012, 103.021, 103.022, 103.091, 105.031,
30 105.041, 105.051, 106.07, and 106.29, F.S.;
31 revising and deleting references, to conform;

1 amending s. 106.08, F.S.; increasing campaign
2 contribution limits; providing penalties;
3 revising and deleting references to the primary
4 elections, to conform; creating s. 98.0977,
5 F.S.; providing for development of a statewide
6 voter registration database; authorizing the
7 Department of State to hold the copyright to
8 the database software as provided by law;
9 providing for update of information in the
10 database; providing for an operational date;
11 providing that funding shall be as provided for
12 in the General Appropriations Act; creating s.
13 98.0979, F.S.; providing that voter
14 registration information is public except for
15 information made confidential by law; providing
16 requirements for securing copies of any voter
17 registration information; creating s. 101.048,
18 F.S.; authorizing and providing requirements
19 for provisional ballots, including the
20 canvassing thereof; amending s. 101.045, F.S.;
21 requiring verification of an elector's
22 eligibility if the elector's name is not on the
23 precinct register; authorizing the voting of a
24 provisional ballot if eligibility cannot be
25 determined; amending s. 101.5614, F.S.,
26 relating to the canvass of returns; providing
27 for provisional ballots, to conform; amending
28 s. 101.69, F.S.; allowing a voter who has
29 requested an absentee ballot and who decides to
30 vote at the polls on election day to vote a
31 provisional ballot, if the absentee ballot is

1 not returned; amending s. 102.111, F.S.;

2 revising membership of the Elections Canvassing

3 Commission; revising provisions for filling

4 vacancies on the commission; amending s.

5 102.112, F.S.; revising the deadline for

6 submission of county returns to the Department

7 of State following the general election;

8 eliminating reference to the second primary

9 election; providing that late returns shall be

10 ignored; providing an exception due to an

11 emergency; eliminating provisions establishing

12 fines for late reporting; amending s. 102.141,

13 F.S.; clarifying canvassing procedures relating

14 to election recounts; providing conditions

15 under which a manual recount is required;

16 amending s. 102.166, F.S.; modifying protest

17 procedures and deadlines for requesting a

18 manual recount; providing for the use of

19 certain standards for determining voter intent;

20 amending s. 102.167, F.S.; providing the form

21 of protest of election returns with the

22 Elections Canvassing Commission; amending s.

23 102.168, F.S.; providing that an unsuccessful

24 candidate is a proper party to bring an

25 election contest for certain elections;

26 providing that any taxpayer is a proper party

27 to bring an election contest for elections

28 involving a referendum; clarifying the

29 circumstances under which a person may bring an

30 election contest; providing that the Elections

31 Canvassing Commission is a defendant in certain

1 contested elections; removing certain authority
2 of circuit judges to fashion orders relating to
3 contests; amending s. 99.096, F.S.; providing
4 conditions for automatic ballot access for
5 minor party candidates without having to pay a
6 filing fee or qualify by the alternative
7 method, if otherwise qualified; providing an
8 effective date.

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

11
12 Section 1. Subsections (11) through (20) and (22)
13 through (30) of section 97.021, Florida Statutes, are
14 renumbered as subsections (12) through (21) and (24) through
15 (32), respectively, present subsection (21) is renumbered as
16 subsection (22) and amended, and new subsections (11) and (23)
17 are added to said section, to read:

18 97.021 Definitions.--For the purposes of this code,
19 except where the context clearly indicates otherwise, the
20 term:

21 (11) "Error in the vote tabulation" means the failure
22 of a vote tabulation system to count a vote for a candidate
23 when the voter's intent is clearly ascertainable.

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

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1 (23) "Provisional ballot" means a ballot issued to a
2 voter by the election board at the polling place on election
3 day for one of the following reasons:

4 (a) The voter's name does not appear on the precinct
5 register and verification of the voter's eligibility cannot be
6 determined.

7 (b) There is an indication on the precinct register
8 that the voter has requested an absentee ballot and the voter
9 does not return the absentee ballot to the election board at
10 the precinct.

11 Section 2. Section 100.061, Florida Statutes, is
12 amended to read:

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

25 Section 3. Sections 100.091 and 100.096, Florida
26 Statutes, are repealed.

27 Section 4. Section 10.1008, Florida Statutes, is
28 amended to read:

29 10.1008 Applicability.--This joint resolution applies
30 with respect to the qualification, nomination, and election of
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1 members of the Legislature in the primary ~~primaries~~ and
2 general elections ~~election~~ to be held in 1992 and thereafter.

3 Section 5. Subsection (1) of section 97.055, Florida
4 Statutes, is amended to read:

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

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

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

20 97.071 Registration identification card.--

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

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

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

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

6 Section 8. Subsection (1) of section 98.081, Florida
7 Statutes, is amended to read:

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

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

18 Section 9. Subsections (1), (2), and (8) of section
19 99.061, Florida Statutes, are amended to read:

20 99.061 Method of qualifying for nomination or election
21 to federal, state, county, or district office.--

22 (1) The provisions of any special act to the contrary
23 notwithstanding, each person seeking to qualify for nomination
24 or election to a federal, state, or multicounty district
25 office, other than election to a judicial office as defined in
26 chapter 105 or the office of school board member, shall file
27 his or her qualification papers with, and pay the qualifying
28 fee, which shall consist of the filing fee and election
29 assessment, and party assessment, if any has been levied, to,
30 the Department of State, or qualify by the alternative method
31 with the Department of State, at any time after noon of the

1 1st day for qualifying, which shall be as follows: the 120th
2 day prior to the ~~first~~ primary election, but not later than
3 noon of the 116th day prior to the date of the ~~first~~ primary
4 election, for persons seeking to qualify for nomination or
5 election to federal office; and noon of the 50th day prior to
6 the ~~first~~ primary election, but not later than noon of the
7 46th day prior to the date of the ~~first~~ primary election, for
8 persons seeking to qualify for nomination or election to a
9 state or multicounty district office.

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

1 which shall be used to promote the candidacy of candidates for
2 county offices and the candidacy of members of the
3 Legislature.

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

11 Section 10. Subsections (1), (2), and (4) of section
12 99.063, Florida Statutes, are amended to read:

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

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

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

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

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

29 (c) If the office sought is partisan, the written
30 statement of political party affiliation required by s.
31 99.021(1)(b).

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

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

15 Section 11. Subsection (1) of section 99.095, Florida
16 Statutes, is amended to read:

17 99.095 Alternative method of qualifying.--

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

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

15 Section 12. Section 99.103, Florida Statutes, is
16 amended to read:

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

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

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

18 Section 13. Subsection (2) of section 100.071, Florida
19 Statutes, is amended to read:

20 100.071 Grouping of candidates on primary election
21 ballot ~~ballots~~.--

22 (2) Each nominee of a political party chosen in the
23 primary election ~~primaries~~ shall appear on the general
24 election ballot in the same numbered group or district as on
25 the primary election ballot.

26 Section 14. Section 100.081, Florida Statutes, is
27 amended to read:

28 100.081 ~~Conducting primary elections~~;Nomination of
29 county commissioners at primary election.--The primary
30 election ~~elections~~ shall provide for the nomination of county
31

1 commissioners by the qualified electors of such county at the
2 time and place set for voting on other county officers.

3 Section 15. Paragraph (c) of subsection (1),
4 subsection (3), paragraph (a) of subsection (4), and
5 subsection (5) of section 100.111, Florida Statutes, are
6 amended to read:

7 100.111 Filling vacancy.--

8 (1)

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

21 (3) Whenever there is a vacancy for which a special
22 election is required pursuant to s. 100.101(1)-(4), the
23 Governor, after consultation with the Secretary of State,
24 shall fix the date of a special ~~first~~ primary election, ~~a~~
25 ~~special second primary election,~~ and a special election.
26 Nominees of political parties other than minor political
27 parties shall be chosen under the primary laws of this state
28 in the special primary election elections to become candidates
29 in the special election. Prior to setting the special
30 election dates, the Governor shall consider any upcoming
31 elections in the jurisdiction where the special election will

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

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

28 (b) The filing of campaign expense statements by
29 candidates in such special primary election ~~elections~~ or
30 special election ~~primaries~~ and by committees making
31 contributions or expenditures to influence the results of such

1 special primary election ~~primaries~~ or special election
2 ~~elections~~ shall be not later than such dates as shall be fixed
3 by the Department of State, and in fixing such dates the
4 Department of State shall take into consideration and be
5 governed by the practical time limitations.

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

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

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

27 (4)(a) In the event that death, resignation,
28 withdrawal, removal, or any other cause or event should cause
29 a party to have a vacancy in nomination which leaves no
30 candidate for an office from such party, the Governor shall,
31 after conferring with the Secretary of State, call a special

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

20 (5) In the event of unforeseeable circumstances not
21 contemplated in these general election laws concerning the
22 calling and holding of a special primary election ~~elections~~
23 and a special election ~~elections~~ resulting from court order or
24 other unpredictable circumstances, the Department of State
25 shall have the authority to provide for the conduct of orderly
26 elections.

27 Section 16. Subsection (2) of section 100.141, Florida
28 Statutes, is amended to read:

29 100.141 Notice of special election to fill any vacancy
30 in office or nomination.--
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1 (2) The Department of State shall prepare a notice
2 stating what offices and vacancies are to be filled in the
3 special election, the dates ~~date~~ set for the ~~each~~ special
4 primary election and the special election, the dates fixed for
5 qualifying for office, the dates fixed for qualifying by the
6 alternative method, and the dates fixed for filing campaign
7 expense statements.

8 Section 17. Subsection (6) of section 101.141, Florida
9 Statutes, is amended to read:

10 101.141 Specifications for primary election
11 ballot.--In counties in which voting machines are not used,
12 and in other counties for use as absentee ballots not designed
13 for tabulation by an electronic or electromechanical voting
14 system, the primary election ballot shall conform to the
15 following specifications:

16 (6) Should the above directions for complete
17 preparation of the ballot be insufficient, the Department of
18 State shall determine and prescribe any additional matter or
19 form. The Department of State shall, not less than 60 days
20 prior to the ~~first~~ primary election, mail to each supervisor
21 of elections the format of the ballot to be used for the
22 primary election.

23 Section 18. Subsection (1) of section 101.251, Florida
24 Statutes, is amended to read:

25 101.251 Information which supervisor of elections must
26 print on ballots.--

27 (1) The supervisor of elections of each county shall
28 print, on the general election ballots to be used in such
29 county, the names of candidates nominated by primary election
30 or special primary election ~~elections~~ or selected by the
31 appropriate executive committee of any political party.

1 Section 19. Subsection (2) of section 101.252, Florida
2 Statutes, is amended to read:

3 101.252 Candidates entitled to have names printed on
4 certain ballots; exception.--

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

13 Section 20. Paragraph (a) of subsection (4) and
14 subsection (7) of section 101.62, Florida Statutes, are
15 amended to read:

16 101.62 Request for absentee ballots.--

17 (4)(a) To each absent qualified elector overseas who
18 has requested an absentee ballot, the supervisor of elections
19 shall, not fewer than 35 days before the ~~first~~ primary
20 election and not fewer than 45 days before the general
21 election, mail an absentee ballot. ~~Not fewer than 45 days~~
22 ~~before the second primary and general election, the supervisor~~
23 ~~of elections shall mail an advance absentee ballot to those~~
24 ~~persons requesting ballots for such elections. The advance~~
25 ~~absentee ballot for the second primary shall be the same as~~
26 ~~the first primary absentee ballot as to the names of~~
27 ~~candidates, except that for any offices where there are only~~
28 ~~two candidates, those offices and all political party~~
29 ~~executive committee offices shall be omitted. Except as~~
30 ~~provided in s. 99.063(4), the advance absentee ballot for the~~
31 ~~general election shall be as specified in s. 101.151, except~~

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

19 (7)(a) For the purposes of this section, "absent
20 qualified elector overseas" means:

21 (a)1. Members of the Armed Forces while in the active
22 service who are permanent residents of the state and are
23 temporarily residing outside the territorial limits of the
24 United States and the District of Columbia;

25 (b)2. Members of the Merchant Marine of the United
26 States who are permanent residents of the state and are
27 temporarily residing outside the territorial limits of the
28 United States and the District of Columbia; and

29 (c)3. Other citizens of the United States who are
30 permanent residents of the state and are temporarily residing

31

1 outside the territorial limits of the United States and the
2 District of Columbia,

3
4 who are qualified and registered as provided by law.

5 (8)~~(b)~~ Notwithstanding any other provision of law to
6 the contrary, there shall appear on the ballots sent to absent
7 qualified electors overseas, in addition to the names of the
8 candidates for each office, the political party affiliation of
9 each candidate for each office, other than a nonpartisan
10 office.

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

14 Section 21. Subsection (8) of section 102.012, Florida
15 Statutes, is amended to read:

16 102.012 Inspectors and clerks to conduct elections.--

17 (8) The supervisor of elections shall conduct training
18 for inspectors, clerks, and deputy sheriffs prior to each
19 ~~first~~ primary, general, and special election for the purpose
20 of instructing such persons in their duties and
21 responsibilities as election officials. A certificate may be
22 issued by the supervisor of elections to each person
23 completing such training. No person shall serve as an
24 inspector, clerk, or deputy sheriff for an election unless
25 such person has completed the training as required. A person
26 who has attended previous training conducted within 2 years of
27 the election may be appointed by the supervisor to fill a
28 vacancy on election day. If no person with prior training is
29 available to fill such vacancy, the supervisor of elections
30 may fill such vacancy in accordance with the provisions of
31

1 subsection (9) from among persons who have not received the
2 training required by this section.

3 Section 22. Subsection (3) and paragraph (b) of
4 subsection (4) of section 103.021, Florida Statutes, are
5 amended to read:

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

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

31 (4)

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

26 Section 23. Section 103.022, Florida Statutes, is
27 amended to read:

28 103.022 Write-in candidates for President and Vice
29 President.--Persons seeking to qualify for election as
30 write-in candidates for President and Vice President of the
31 United States may have a blank space provided on the general

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

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

13 103.091 Political parties.--

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

1 after the committee members take office, hold an
2 organizational meeting of all newly elected members for the
3 purpose of electing officers.

4 Section 25. Subsection (1) of section 105.031, Florida
5 Statutes, is amended to read:

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

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

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

3 Section 26. Subsection (1) and paragraph (b) of
4 subsection (2) of section 105.041, Florida Statutes, are
5 amended to read:

6 105.041 Form of ballot.--

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

17 (2) LISTING OF CANDIDATES.--

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

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

29 Section 27. Paragraph (b) of subsection (1) of section
30 105.051, Florida Statutes, is amended to read:

31

1 105.051 Determination of election or retention to
2 office.--
3 (1) ELECTION.--In circuits and counties holding
4 elections:
5 (b) If two or more candidates, neither of whom is a
6 write-in candidate, qualify for such an office, the names of
7 those candidates shall be placed on the ballot at the ~~first~~
8 primary election. If any candidate for such office receives a
9 majority of the votes cast for such office in the ~~first~~
10 primary election, the name of the candidate who receives such
11 majority shall not appear on any other ballot unless a
12 write-in candidate has qualified for such office. An
13 unopposed candidate shall be deemed to have voted for himself
14 or herself at the general election. If no candidate for such
15 office receives a majority of the votes cast for such office
16 in the ~~first~~ primary election, the names of the two candidates
17 receiving the highest number of votes for such office shall be
18 placed on the general election ballot. If more than two
19 candidates receive an equal and highest number of votes, the
20 name of each candidate receiving an equal and highest number
21 of votes shall be placed on the general election ballot. In
22 any contest in which there is a tie for second place and the
23 candidate placing first did not receive a majority of the
24 votes cast for such office, the name of the candidate placing
25 first and the name of each candidate tying for second shall be
26 placed on the general election ballot.

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

29 106.07 Reports; certification and filing.--

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

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

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

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

29 Section 29. Subsection (1) of section 106.08, Florida
30 Statutes, is amended to read:

31 106.08 Contributions; limitations on.--

1 (1)(a) Except for political parties, no person,
2 political committee, or committee of continuous existence may,
3 in any election, make contributions in excess of \$1,500~~\$500~~
4 to any candidate for election to or retention in office or to
5 any political committee supporting or opposing one or more
6 candidates. Candidates for the offices of Governor and
7 Lieutenant Governor on the same ticket are considered a single
8 candidate for the purpose of this section.

9 (b)1. The contribution limits provided in this
10 subsection do not apply to contributions made by a state or
11 county executive committee of a political party regulated by
12 chapter 103 or to amounts contributed by a candidate to his or
13 her own campaign.

14 2. Notwithstanding the limits provided in this
15 subsection, an unemancipated child under the age of 18 years
16 of age may not make a contribution in excess of \$100 to any
17 candidate or to any political committee supporting one or more
18 candidates.

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

31

1 Section 30. Subsection (1) of section 106.29, Florida
2 Statutes, is amended to read:

3 106.29 Reports by political parties; restrictions on
4 contributions and expenditures; penalties.--

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

25 Section 31. Section 98.0977, Florida Statutes, is
26 created to read:

27 98.0977 Statewide voter registration database.--

28 (1) The department, in collaboration with the State
29 Technology Office, shall develop a statewide voter
30 registration database, to be administered by the division.
31

1 (2) The copyright to the database shall be held by the
2 department according to the rights provided in s. 119.084.

3 (3) In administering the database, the division shall
4 compare registration information provided by a voter with
5 information held by the Department of Law Enforcement, the
6 Board of Executive Clemency, and the Office of Vital
7 Statistics. If the division finds information that suggests
8 that a voter is ineligible to register to vote, the division
9 shall notify the voter by certified U.S. mail. The
10 notification shall contain a statement as to the reason for
11 the voter's potential ineligibility to register to vote and
12 shall request information from the voter on forms provided by
13 the division in order to make a final determination on the
14 voter's eligibility. After reviewing the information
15 requested by the division and provided by the voter, if the
16 division determines that the voter is not eligible to vote
17 under the laws of this state, the division shall notify the
18 voter by certified U.S. mail that he or she has been found
19 ineligible to register to vote in this state, shall state the
20 reason for the ineligibility, and shall inform the voter that
21 he or she will be removed from the voter registration rolls.
22 The division shall also notify the appropriate supervisor of
23 elections, directing him or her to remove the voter from the
24 county voter registration rolls.

25 Section 32. (1) The statewide voter registration
26 database, created pursuant to s. 98.0977, Florida Statutes, by
27 this act, shall be operational by June 1, 2002.

28 (2) Funding for the design and implementation of the
29 statewide voter registration database shall be as provided for
30 in the General Appropriations Act.

31

1 Section 33. Section 98.0979, Florida Statutes, is
2 created to read:

3 98.0979 Statewide voter registration database open to
4 inspection; copies.--

5 (1)(a) The voter registration information of the state
6 constitutes public records. Any citizen shall be allowed to
7 examine the voter registration records, but may not make any
8 copies or extract therefrom except as provided by this
9 section.

10 (b) Within 15 days after a request for voter
11 registration information, the division shall furnish any
12 requested information, excluding only a voter's signature,
13 social security number, and such other information that is by
14 statute specifically made confidential or is exempt from
15 public records requirements.

16 (c) Actual costs of duplication of information
17 authorized by this section for release to the public shall be
18 charged in accordance with the provisions of s. 119.07.

19 (2) The information provided by the division pursuant
20 to this section shall be furnished only to:

21 (a) Municipalities;

22 (b) Other governmental agencies;

23 (c) Political candidates, for the purpose of
24 furthering their candidacies;

25 (d) Registered political committees, certified
26 committees of continuous existence, and political parties or
27 officials thereof, for political purposes only; and

28 (e) Incumbent officeholders, for the purpose of
29 reporting to their constituents.

30 (3) Such information shall not be used for commercial
31 purposes. No person to whom a list of registered voters is

1 made available pursuant to this section, and no person who
2 acquires such a list, shall use any information contained
3 therein for purposes which are not related to elections,
4 political or governmental activities, voter registration, or
5 law enforcement.

6 (4) Any person who acquires a list of registered
7 voters from the division shall take and subscribe to an oath
8 which shall be in substantially the following form:

9
10 I hereby swear (or affirm) that I am a person
11 authorized by s. 98.0979, Florida Statutes, to acquire
12 information on the registered voters of Florida; that the
13 information acquired will be used only for the purposes
14 prescribed in that section and for no other purpose; and that
15 I will not permit the use or copying of such information by
16 persons not authorized by the Election Code of the State of
17 Florida.

18
19 ...(Signature of person acquiring list)...

20
21 Sworn and subscribed before me this day of,
22 ...(year)....

23 ...(Name of person providing list)...

24 Section 34. Section 101.048, Florida Statutes, is
25 created to read:

26 101.048 Provisional ballots.--

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

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

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

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

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

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

29
30 STATE OF FLORIDA
31 COUNTY OF

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

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

10
11 Sworn to and subscribed before me this day of,
12 ...(year)....
13 ...(Clerk or Inspector of Election)...

14
15 Additional information may be provided to further assist the
16 supervisor of elections in determining eligibility. If known,
17 please provide the place and date that you registered to vote.

18
19 (4) In counties where the voting system does not
20 utilize a paper ballot, the supervisor of elections shall
21 provide the appropriate provisional ballots to each polling
22 place.

23 Section 35. Subsections (2) and (3) of section
24 101.045, Florida Statutes, are amended to read:
25 101.045 Electors must be registered in precinct;
26 provisions for residence or name change.--

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

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Change of Legal Residence of Registered
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

1 address of legal residence appear on the registration books of
2 precinct as follows:
3 Name.....
4 Address.....
5 Municipality.....
6 County.....
7 Florida, Zip.....
8 My present name and address of legal residence are as follows:
9 Name.....
10 Address.....
11 Municipality.....
12 County.....
13 Florida, Zip.....
14 and I further swear (or affirm) that I am otherwise legally
15 registered and entitled to vote.
16
17 ...(Signature of voter whose name has changed)...
18
19 (c) Such affirmation, when completed and presented at
20 the precinct in which such elector is entitled to vote, and
21 upon verification of the elector's registration, shall entitle
22 such elector to vote as provided in this subsection. If the
23 elector's eligibility to vote cannot be determined, he or she
24 shall be entitled to vote a provisional ballot subject to the
25 requirements and procedures in s. 101.048. Upon receipt of an
26 affirmation certifying a change in address of legal residence
27 or name, the supervisor shall as soon as practicable make the
28 necessary changes in the registration records of the county to
29 indicate the change in address of legal residence or name of
30 such elector.
31

1 (d) Instead of the affirmation contained in paragraph
2 (a) or paragraph (b), an elector may complete a voter
3 registration application that indicates the change of name or
4 change of address of legal residence.

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

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

27 Section 36. Subsections (1), (2), and (8) of section
28 101.5614, Florida Statutes, are amended to read:

29 101.5614 Canvass of returns.--

30 (1)(a) In precincts in which an electronic or
31 electromechanical voting system is used, as soon as the polls

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

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

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

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

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

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

19 Section 37. Section 101.69, Florida Statutes, is
20 amended to read:

21 101.69 Voting in person; return of absentee
22 ballot.--The provisions of this code shall not be construed to
23 prohibit any elector from voting in person at the elector's
24 precinct on the day of an election notwithstanding that the
25 elector has requested an absentee ballot for that election.
26 An elector who has received an absentee ballot, but desires to
27 vote in person, shall return the ballot, whether voted or not,
28 to the election board in the elector's precinct. The returned
29 ballot shall be marked "canceled" by the board and placed with
30 other canceled ballots. However, if the elector is unable to
31 return the ballot, the elector may vote a provisional ballot

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

4 Section 38. Subsection (1) of section 102.111, Florida
5 Statutes, is amended to read:

6 102.111 Elections Canvassing Commission.--

7 (1) Immediately after certification of any election by
8 the county canvassing board, the results shall be forwarded to
9 the Department of State concerning the election of any federal
10 or state officer. The Elections Canvassing Commission shall
11 consist of the Governor and two members of the Cabinet as
12 determined by the Governor, ~~the Secretary of State, and the~~
13 ~~Director of the Division of Elections shall be the Elections~~
14 ~~Canvassing Commission.~~ The Elections Canvassing Commission
15 shall, as soon as the official results are compiled from all
16 counties, certify the returns of the election and determine
17 and declare who has been elected for each office. In the event
18 that the Governor is recused, or any other member of the
19 commission cannot serve, the Governor shall fill the vacancy
20 following the same procedure for appointment to the
21 commission. If no other Cabinet members are available to
22 serve, the Governor shall choose a registered voter to replace
23 the member ~~any member of the Elections Canvassing Commission~~
24 ~~is unavailable to certify the returns of any election, such~~
25 ~~member shall be replaced by a substitute member of the Cabinet~~
26 ~~as determined by the Director of the Division of Elections. If~~
27 ~~the county returns are not received by the Department of State~~
28 ~~by 5 p.m. of the seventh day following an election, all~~
29 ~~missing counties shall be ignored, and the results shown by~~
30 ~~the returns on file shall be certified.~~

31

1 Section 39. Section 102.112, Florida Statutes, is
2 amended to read:

3 102.112 Deadline for submission of county returns to
4 the Department of State; ~~penalties.~~--

5 (1) The county canvassing board or a majority thereof
6 shall file the county returns for the election of a federal or
7 state officer with the Department of State immediately after
8 certification of the election results.

9 (2) Returns must be filed by 5 p.m. on the 7th day
10 following the first primary election and by 5 p.m. on the 11th
11 day following the and general election and by 3 p.m. on the
12 3rd day following the second primary.

13 (3) If the returns are not received by the department
14 by the time specified, such returns shall ~~may~~ be ignored and
15 the results on file at that time shall ~~may~~ be certified by the
16 department.

17 (4) If the returns are not received by the department
18 due to an emergency, as defined in s. 101.732, the Elections
19 Canvassing Commission shall determine the deadline by which
20 the returns must be received.

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

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

29 Section 40. Subsection (4) of section 102.141, Florida
30 Statutes, is amended to read:

31 102.141 County canvassing board; duties.--

1 (4)(a) If the returns for any office reflect that a
2 candidate was defeated or eliminated by one-half of a percent
3 or less of the votes cast for such office, that a candidate
4 for retention to a judicial office was retained or not
5 retained by one-half of a percent or less of the votes cast on
6 the question of retention, or that a measure appearing on the
7 ballot was approved or rejected by one-half of a percent or
8 less of the votes cast on such measure, each county canvassing
9 ~~the~~ board responsible for certifying the results of the vote
10 on such race or measure shall order a machine recount of the
11 votes cast with respect to such office or measure. A recount
12 need not be ordered with respect to the returns for any
13 office, however, if the candidate or candidates defeated or
14 eliminated from contention for such office by one-half of a
15 percent or less of the votes cast for such office request in
16 writing that a recount not be made. Each canvassing board
17 responsible for conducting a machine recount shall recount the
18 ballots with the vote tabulation system ~~examine the counters~~
19 ~~on the machines or the tabulation of the ballots cast in each~~
20 ~~precinct in which the office or issue appeared on the ballot~~
21 ~~and determine whether the returns correctly reflect the votes~~
22 ~~cast. If there is a discrepancy between the returns and the~~
23 ~~counters of the machines or the tabulation of the ballots~~
24 ~~cast, the counters of such machines or the tabulation of the~~
25 ~~ballots cast shall be presumed correct and such votes shall be~~
26 ~~canvassed accordingly.~~

27 (b) If, after conducting a machine recount under
28 paragraph (a), the returns for any office reflect that a
29 candidate was defeated or eliminated by one-quarter of a
30 percent or less of the votes cast for such office, that a
31 candidate for retention to a judicial office was retained or

1 not retained by one-quarter of a percent or less of the votes
2 cast on the question of retention, or that a measure appearing
3 on the ballot was approved or rejected by one-quarter of a
4 percent or less of the votes cast on such measure, each county
5 canvassing board responsible for certifying the results of the
6 vote on such race or measure shall order a manual recount of
7 the votes cast with respect to such office or measure that
8 were not counted by an otherwise properly functioning vote
9 tabulation system. Manual recounts shall be conducted by the
10 county canvassing boards using the procedures described in s.
11 102.166. Upon completion of its manual recount, each county
12 canvassing board shall certify the returns for the applicable
13 office or measure.

14 Section 41. Section 102.166, Florida Statutes, is
15 amended to read:

16 102.166 Protest of election returns; procedure.--

17 (1)(a) Any candidate for nomination or election to a
18 federal, state, or multicounty district office, or any elector
19 qualified to vote in the election related to such candidacy,
20 shall have the right to protest the returns of the election as
21 being erroneous by filing with the Elections Canvassing
22 Commission ~~appropriate canvassing board~~ a sworn, written
23 protest.

24 (b)(2) Such protest shall be filed with the Elections
25 Canvassing Commission ~~canvassing board~~ prior to the time the
26 Elections Canvassing Commission ~~canvassing board~~ certifies the
27 results for the office being protested or within 72 hours 5
28 days after the close of the polls in that election ~~midnight of~~
29 the date the election is held, whichever occurs later.

30 ~~(3) Before canvassing the returns of the election, the~~
31 ~~canvassing board shall:~~

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

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

9 (c) Upon receipt of a sworn, written protest, the
10 Elections Canvassing Commission shall direct each county
11 canvassing board within the geographic jurisdiction of the
12 office or ballot measure to ~~When electronic or~~
13 ~~electromechanical equipment is used, the canvassing board~~
14 ~~shall~~ examine precinct records and election returns. If there
15 is a clerical error, such error shall be corrected by the
16 county canvassing board. If there is a discrepancy that ~~which~~
17 could affect the outcome of an election, the Elections
18 Canvassing Commission may direct each county canvassing board
19 to may recount the ballots on the automatic tabulating
20 equipment.

21 ~~(d)1.(4)(a)~~ Upon completion of a machine recount
22 ordered by the Elections Canvassing Commission pursuant to
23 paragraph (c), any candidate for federal, state, or
24 multicounty district office whose name appeared on the ballot
25 or any political committee that supports or opposes a
26 statewide or multicounty ~~an~~ issue that ~~which~~ appeared on the
27 ballot, ~~or any political party whose candidates' names~~
28 ~~appeared on the ballot~~ may file a written request with the
29 Elections Canvassing Commission ~~county canvassing board~~ for a
30 manual recount of the votes cast with respect to such office
31 or measure that were not counted by an otherwise properly

1 functioning vote tabulation system. The written request shall
2 contain a statement of the reason the manual recount is being
3 requested.

4 2.(b) Such request must be filed with the Elections
5 Canvassing Commission ~~canvassing board prior to the time the~~
6 ~~canvassing board certifies the results for the office being~~
7 ~~protested or within 72 hours after completion of the machine~~
8 recount ordered by the Elections Canvassing Commission
9 pursuant to paragraph (c)midnight of the date the election
10 was held, whichever occurs later.

11 3.(c) Based on its evaluation of the validity of the
12 reasons stated in the written request, the Elections
13 Canvassing Commission ~~county canvassing board~~ may authorize a
14 manual recount of those ballots not counted by the voting
15 equipment during the machine recount. If a manual recount is
16 authorized, the Elections Canvassing Commission shall direct
17 each county canvassing board within the geographic
18 jurisdiction of the office or ballot measure to manually
19 recount all ballots not previously counted by an otherwise
20 properly functioning vote tabulation system, using standards
21 for determining voter intent developed and published by the
22 Division of Elections. If a manual recount is authorized, the
23 Elections Canvassing Commission ~~county canvassing board~~ shall
24 make a reasonable effort to notify each candidate whose race
25 is being recounted of the time and place of such recount.

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

1 ~~recounted, the county canvassing board shall select the~~
2 ~~additional precincts.~~

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

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

8 ~~(b) Request the Department of State to verify the~~
9 ~~tabulation software; or~~

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

11 (2)(a) Any candidate for nomination or election to a
12 county office, municipal office, or district office not
13 covered by paragraph (1)(a), or any elector qualified to vote
14 in the election related to such candidacy, shall have the
15 right to protest the returns of the election as being
16 erroneous by filing with the appropriate county canvassing
17 board a sworn, written protest.

18 (b) Such protest shall be filed with the county
19 canvassing board prior to the time the canvassing board
20 certifies the results for the office being protested or within
21 72 hours after the close of the polls in that election,
22 whichever occurs later.

23 (c) Upon receipt of a sworn, written protest, the
24 county canvassing board shall:

25 1. When paper ballots are used, examine the tabulation
26 of the paper ballots cast.

27 2. When voting machines are used, examine the counters
28 on the machines of nonprinter machines or the printer-pac on
29 printer machines. If there is a discrepancy between the
30 returns and the counters of the machines or the printer-pac,
31

1 the counters of such machines or the printer-pac shall be
2 presumed correct.

3 3. When electronic or electromechanical equipment is
4 used, examine precinct records and election returns. If there
5 is a clerical error, such error shall be corrected by the
6 county canvassing board. If there is a discrepancy that could
7 affect the outcome of an election, the canvassing board may
8 recount the ballots on the automatic tabulating equipment.

9 (d)1. Upon completion of a machine recount ordered by
10 a county canvassing board pursuant to subparagraph (c)3., any
11 candidate not covered by paragraph (1)(d) whose name appeared
12 on the ballot or any political committee that supports or
13 opposes an issue not covered by paragraph (1)(d) which
14 appeared on the ballot may file a written request with the
15 county canvassing board for a manual recount of the votes cast
16 with respect to such office or measure that were not counted
17 by an otherwise properly functioning vote tabulation system.
18 The written request shall contain a statement of the reason
19 the manual recount is being requested.

20 2. Such request must be filed with the canvassing
21 board within 72 hours after the completion of the machine
22 recount ordered pursuant to subparagraph (c)3.

23 3. Based on its evaluation of the validity of the
24 reasons stated in the written request, the county canvassing
25 board may authorize a manual recount of those ballots not
26 counted by the voting equipment during the machine recount. If
27 a manual recount is authorized, the county canvassing board
28 shall manually recount all ballots not previously counted by
29 an otherwise properly functioning vote tabulation system,
30 using standards for determining voter intent developed and
31 published by the Division of Elections. If a manual recount is

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

4 ~~(3)(6)~~ Any manual recount shall be open to the public.

5 ~~(4)(7)~~ Procedures for a manual recount are as follows:

6 (a) The county canvassing board shall appoint as many
7 counting teams of at least two electors as is necessary to
8 manually recount the ballots. A counting team must have, when
9 possible, members of at least two political parties. A
10 candidate involved in the race shall not be a member of the
11 counting team.

12 (b) If a counting team is unable to determine a
13 voter's intent in casting a ballot, using the standards for
14 determining voter intent developed and published by the
15 Division of Elections, the ballot shall be presented to the
16 county canvassing board for it to determine the voter's
17 intent. If the county canvassing board is unable to determine
18 a voter's intent in casting a ballot using the standards for
19 determining voter intent developed and published by the
20 Division of Elections, the ballot shall not be counted in the
21 official canvass.

22 ~~(5)(8)~~ If the county canvassing board determines the
23 need to verify the tabulation software, the county canvassing
24 board shall request in writing that the Department of State
25 verify the software.

26 ~~(6)(9)~~ When the Department of State verifies such
27 software, the department shall:

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

31 (b) Check the election parameters.

1 ~~(7)(10)~~ The Department of State shall respond to the
2 county canvassing board within 3 working days.

3 Section 42. Section 102.167, Florida Statutes, is
4 amended to read:

5 102.167 Form of protest of election returns.--

6 (1) The form of the "Protest of Election Returns to
7 the Elections Canvassing Commission" shall be as follows:

8

9 PROTEST OF ELECTION RETURNS TO THE
10 ELECTIONS CANVASSING COMMISSION

11

12 , Florida
13 , ...(year)...

14 As provided in Section 102.166(1), Florida Statutes, I,
15 of County, Florida, believe the election returns
16 from in the election ...(year)... are erroneous.

17 I hereby protest the canvass of such returns by the
18 Elections Canvassing Commission, and request that said returns
19 be investigated, examined, checked, and corrected by the
20 Elections Canvassing Commission. The basis for this protest
21 is

22

23

24

25

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27

28 Under penalties of perjury, I swear (or affirm) that I have
29 read the foregoing and that the facts alleged are true, to the
30 best of my knowledge and belief.

31

1 ...(Signature of person protesting election returns)...

2 (2) The form of the "Protest of Election Returns to
3 Canvassing Board" shall be as follows:

4
5 PROTEST OF ELECTION RETURNS TO
6 CANVASSING BOARD

7
8 , Florida
9 , ...(year)...

10 As provided in Section 102.166~~(1)~~(2), Florida Statutes,
11 I, of County, Florida, believe the election returns
12 from Precinct No. in the election ...(year)... are
13 erroneous.

14 I hereby protest the canvass of such returns by the
15 Canvassing Board, and request that said returns be
16 investigated, examined, checked, and corrected by said
17 Canvassing Board. The basis for this protest is
18
19
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22

23
24 Under penalties of perjury, I swear (or affirm) that I have
25 read the foregoing and that the facts alleged are true, to the
26 best of my knowledge and belief.

27
28 ...(Signature of person protesting election returns)...

29 Section 43. Section 102.168, Florida Statutes, is
30 amended to read:

31 102.168 Contest of election.--

1 (1) Except as provided in s. 102.171, the
2 certification of election or nomination of any person to
3 office, or of the result on any question submitted by
4 referendum, may be contested in the circuit court by any
5 unsuccessful candidate for such office or nomination thereto
6 ~~or by any elector qualified to vote in the election related to~~
7 ~~such candidacy,~~ or by any taxpayer, respectively.

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

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

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

26 (b) Ineligibility of the successful candidate for the
27 nomination or office in dispute.

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

31

1 (d) Proof that any elector, election official, or
2 canvassing board member was given or offered a bribe or reward
3 in money, property, or any other thing of value for the
4 purpose of procuring the successful candidate's nomination or
5 election or determining the result on any question submitted
6 by referendum.

7 ~~(e) Any other cause or allegation which, if sustained,~~
8 ~~would show that a person other than the successful candidate~~
9 ~~was the person duly nominated or elected to the office in~~
10 ~~question or that the outcome of the election on a question~~
11 ~~submitted by referendum was contrary to the result declared by~~
12 ~~the canvassing board or election board.~~

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

18 (5) A statement of the grounds of contest may not be
19 rejected, nor the proceedings dismissed, by the court for any
20 want of form if the grounds of contest provided in the
21 statement are sufficient to clearly inform the defendant of
22 the particular proceeding or cause for which the nomination or
23 election is contested.

24 (6) A copy of the complaint shall be served upon the
25 defendant and any other person named therein in the same
26 manner as in other civil cases under the laws of this state.
27 Within 10 days after the complaint has been served, the
28 defendant must file an answer admitting or denying the
29 allegations on which the contestant relies or stating that the
30 defendant has no knowledge or information concerning the
31 allegations, which shall be deemed a denial of the

1 allegations, and must state any other defenses, in law or
2 fact, on which the defendant relies. If an answer is not filed
3 within the time prescribed, the defendant may not be granted a
4 hearing in court to assert any claim or objection that is
5 required by this subsection to be stated in an answer.

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

12 ~~(8) The circuit judge to whom the contest is presented~~
13 ~~may fashion such orders as he or she deems necessary to ensure~~
14 ~~that each allegation in the complaint is investigated,~~
15 ~~examined, or checked, to prevent or correct any alleged wrong,~~
16 ~~and to provide any relief appropriate under such~~
17 ~~circumstances.~~

18 Section 44. Subsection (5) is added to section 99.096,
19 Florida Statutes, to read:

20 99.096 Minor party candidates; names on ballot.--

21 (5) Notwithstanding any other provision of this
22 section, a minor political party's entire slate of candidates
23 shall be automatically granted ballot access at the general
24 election that immediately follows a statewide or federal
25 election at which any candidate of the minor political party
26 received at least 1 percent of the votes cast statewide, and
27 shall be exempt from the qualifying fee provisions under
28 subsection (2) and the provisions for qualifying by the
29 alternative method under subsection (3), if otherwise
30 qualified for the office sought.

31 Section 45. This act shall take effect July 1, 2001.

HOUSE SUMMARY

Provides for a single primary election to be held on the second Tuesday of September preceding each general election. Provides that candidates receiving the highest number of votes in the primary election are declared nominated. Provides a method for deciding tie votes. Eliminates the second primary election, revises restrictions on changing party affiliation between certain elections, revises the date to designate a Lieutenant Governor running mate, revises the dates for mailing absentee ballots to absent electors overseas, eliminates advance absentee ballots, and revises various other provisions of the Florida Election Code, to conform.

Increases campaign contribution limits.

Provides for development of a statewide voter registration database. Authorizes the Department of State to hold the copyright to the database software as provided by law. Provides for update of information in the database. Provides a date by which the database shall be operational. Provides that voter registration information is public except for information made confidential by law. Provides requirements for securing copies of any voter registration information.

Authorizes and provides requirements for provisional ballots, including the canvassing thereof. Requires verification of an elector's eligibility if the elector's name is not on the precinct register and authorizes the voting of a provisional ballot if eligibility cannot be determined. Allows a voter who has requested an absentee ballot and who decides to vote at the polls on election day to vote a provisional ballot, if the absentee ballot is not returned.

Revises membership of the Elections Canvassing Commission and provisions for filling vacancies on the commission. Revises the deadline for submission of county returns to the Department of State following the general election. Provides that late returns shall be ignored. Provides an exception due to an emergency. Eliminates provisions establishing fines for late reporting. Clarifies canvassing procedures relating to election recounts. Provides conditions under which a manual recount is required. Modifies protest procedures and deadlines for requesting a manual recount. Provides for the use of certain standards for determining voter intent. Provides the form of protest of election returns with the Elections Canvassing Commission. Provides that an unsuccessful candidate is a proper party to bring an election contest for certain elections. Provides that any taxpayer is a proper party to bring an election contest

1 for elections involving a referendum. Clarifies the
2 circumstances under which a person may bring an election
3 contest. Provides that the Elections Canvassing
4 Commission is a defendant in certain contested elections.
5 Removes certain authority of circuit judges to fashion
6 orders relating to contests.

7
8 Provides conditions for automatic ballot access for minor
9 party candidates, without having to pay a filing fee or
10 qualify by the alternative method, if otherwise
11 qualified.

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13 See bill for details.

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