

By the Procedural & Redistricting Council and 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; providing for
7 update of information in the database;
8 requiring quarterly progress reports to the
9 Legislature until fully implemented; providing
10 for an operational date; providing for an
11 appropriation; creating s. 98.0979, F.S.;

12 providing that voter registration information
13 is public except for information made
14 confidential by law; providing requirements for
15 securing copies of any voter registration
16 information; creating s. 101.048, F.S.;

17 authorizing and providing requirements for
18 provisional ballots, including the canvassing
19 thereof; amending s. 101.045, F.S.; requiring
20 verification of an elector's eligibility if the
21 elector's name is not on the precinct register;

22 authorizing the voting of a provisional ballot
23 if eligibility cannot be determined; amending
24 s. 101.5614, F.S., relating to the canvass of
25 returns; providing for provisional ballots, to
26 conform; providing a penalty for releasing the
27 results of an election prior to the closing of
28 the polls; amending s. 101.68, F.S.; allowing
29 the processing of absentee ballots through
30 electronic tabulating equipment prior to
31 election day; prohibiting the release of the

1 results of a canvassing or processing of
2 absentee ballots prior to the closing of the
3 polls; providing a penalty; amending s. 101.69,
4 F.S.; allowing a voter who has requested an
5 absentee ballot and who decides to vote at the
6 polls on election day to vote a provisional
7 ballot, if the absentee ballot is not returned;
8 amending s. 102.111, F.S.; revising membership
9 of the Elections Canvassing Commission;
10 revising provisions for filling vacancies on
11 the commission; amending s. 102.112, F.S.;
12 revising the deadline for submission of county
13 returns to the Department of State following
14 the general election; eliminating reference to
15 the second primary election; providing that
16 late returns shall be ignored; providing an
17 exception due to an emergency; eliminating
18 provisions establishing fines for late
19 reporting; amending s. 102.141, F.S.;
20 clarifying canvassing procedures relating to
21 election recounts; providing conditions under
22 which a manual recount is required; amending s.
23 102.166, F.S.; modifying protest procedures and
24 deadlines for requesting a manual recount;
25 providing for the use of certain standards for
26 determining voter intent; amending s. 102.167,
27 F.S.; providing the form of protest of election
28 returns with the Elections Canvassing
29 Commission; amending s. 102.168, F.S.;
30 providing that an unsuccessful candidate is the
31 proper party to bring an election contest for

1 certain elections; providing that any elector
2 is the proper party to bring an election
3 contest for elections involving a referendum;
4 clarifying the circumstances under which a
5 person may bring an election contest; providing
6 that the Elections Canvassing Commission is a
7 defendant in certain contested elections;
8 removing certain authority of circuit judges to
9 fashion orders relating to contests; amending
10 s. 99.096, F.S.; providing conditions for
11 automatic ballot access for minor party
12 candidates without having to pay a filing fee
13 or qualify by the alternative method, if
14 otherwise qualified; amending s. 106.31, F.S.;
15 providing legislative intent with respect to
16 public campaign financing; amending s. 106.33,
17 F.S.; prohibiting the use of contributions from
18 individuals who are not state residents to meet
19 the eligibility threshold for receiving
20 election campaign financing; prohibiting
21 participants from accepting contributions from
22 political committees and committees of
23 continuous existence; amending s. 106.35, F.S.;
24 providing that certain contributions may not be
25 used as qualifying matching contributions;
26 providing a limit on the total funds available
27 for distribution for election campaign
28 financing purposes; amending s. 106.355, F.S.;
29 revising limits on the funding provided to
30 participating candidates when nonparticipating
31 candidates exceed the expenditure limits;

1 repealing s. 98.0975, F.S., relating to list
2 maintenance of the central voter file;
3 providing severability; providing effective
4 dates.

5
6 Be It Enacted by the Legislature of the State of Florida:

7
8 Section 1. Subsections (11) through (20) and (22)
9 through (30) of section 97.021, Florida Statutes, are
10 renumbered as subsections (12) through (21) and (24) through
11 (32), respectively, present subsection (21) is renumbered as
12 subsection (22) and amended, and new subsections (11) and (23)
13 are added to said section, to read:

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

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

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

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

29 (a) The voter's name does not appear on the precinct
30 register and verification of the voter's eligibility cannot be
31 determined.

1 (b) There is an indication on the precinct register
2 that the voter has requested an absentee ballot and there is
3 no indication whether the voter has returned the absentee
4 ballot.

5 Section 2. Section 100.061, Florida Statutes, is
6 amended to read:

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

19 Section 3. Sections 100.091 and 100.096, Florida
20 Statutes, are repealed.

21 Section 4. Section 10.1008, Florida Statutes, is
22 amended to read:

23 10.1008 Applicability.--This joint resolution applies
24 with respect to the qualification, nomination, and election of
25 members of the Legislature in the primary ~~primaries~~ and
26 general elections ~~election~~ to be held in 1992 and thereafter.

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

29 97.055 Registration books; when closed for an
30 election.--

31

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

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

14 97.071 Registration identification card.--

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

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

24 97.1031 Notice of change of residence within the same
25 county, change of name, or change of party.--

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

31

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

3 98.081 Names removed from registration books;
4 restrictions on reregistering; recordkeeping; restoration of
5 erroneously or illegally removed names.--

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

13 Section 9. Subsections (1), (2), and (8) of section
14 99.061, Florida Statutes, are amended to read:

15 99.061 Method of qualifying for nomination or election
16 to federal, state, county, or district office.--

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

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

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

30 (8) Notwithstanding the qualifying period prescribed
31 by this section, in each year in which the Legislature

1 apportions the state, the qualifying period for persons
2 seeking to qualify for nomination or election to federal
3 office shall be between noon of the 57th day prior to the
4 ~~first~~ primary election, but not later than noon of the 53rd
5 day prior to the ~~first~~ primary election.

6 Section 10. Subsections (1), (2), and (4) of section
7 99.063, Florida Statutes, are amended to read:

8 99.063 Candidates for Governor and Lieutenant
9 Governor.--

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

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

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

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

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

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

29 (4) In order to have the name of the candidate for
30 Lieutenant Governor printed on the ~~first or second~~ primary
31 election ballot, a candidate for Governor participating in the

1 primary must designate the candidate for Lieutenant Governor,
2 and the designated candidate must qualify no later than the
3 end of the qualifying period specified in s. 99.061. If the
4 candidate for Lieutenant Governor has not been designated and
5 has not qualified by the end of the qualifying period
6 specified in s. 99.061, the phrase "Not Yet Designated" must
7 be included in lieu of the candidate's name on the primary
8 election ballot ~~ballots and on advance absentee ballots for~~
9 ~~the general election.~~

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

12 99.095 Alternative method of qualifying.--

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

1 form to be used in administering and filing such oath. No
2 signatures shall be obtained by a candidate on any nominating
3 petition until the candidate has filed the oath required in
4 this section. If the person is running for an office which
5 will be grouped on the ballot with two or more similar offices
6 to be filled at the same election and the petition does not
7 indicate the group or district office for which the person is
8 running, the signatures obtained on such petition will not be
9 counted.

10 Section 12. Section 99.103, Florida Statutes, is
11 amended to read:

12 99.103 Department of State to remit part of filing
13 fees and party assessments of candidates to state executive
14 committee.--

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

28 (2) Not later than 20 days after the close of
29 qualifying in even-numbered years, the Department of State
30 shall remit 95 percent of all filing fees, less the amount
31 deposited in general revenue pursuant to subsection (1), or

1 party assessments that may have been collected by the
2 department to the respective state executive committees of the
3 parties complying with subsection (1). Party assessments
4 collected by the Department of State shall be remitted to the
5 appropriate state executive committee, irrespective of other
6 requirements of this section, provided such committee is duly
7 organized under the provisions of chapter 103. The remainder
8 of filing fees or party assessments collected by the
9 Department of State shall be remitted to the appropriate state
10 executive committees not later than the date of the ~~first~~
11 primary election.

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

14 100.071 Grouping of candidates on primary election
15 ballot ~~ballots~~.--

16 (2) Each nominee of a political party chosen in the
17 primary election ~~primaries~~ shall appear on the general
18 election ballot in the same numbered group or district as on
19 the primary election ballot.

20 Section 14. Section 100.081, Florida Statutes, is
21 amended to read:

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

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

31 100.111 Filling vacancy.--

1 (1)
2 (c) If such a vacancy occurs prior to the ~~first~~
3 primary election but on or after the first day set by law for
4 qualifying, the Secretary of State shall set dates for
5 qualifying for the unexpired portion of the term of such
6 office. Any person seeking nomination or election to the
7 unexpired portion of the term shall qualify within the time
8 set by the Secretary of State. If time does not permit party
9 nominations to be made in conjunction with the ~~first and~~
10 ~~second primary election elections~~, the Governor may call a
11 special primary election, ~~and, if necessary, a second special~~
12 ~~primary election~~, to select party nominees for the unexpired
13 portion of such term.
14 (3) Whenever there is a vacancy for which a special
15 election is required pursuant to s. 100.101(1)-(4), the
16 Governor, after consultation with the Secretary of State,
17 shall fix the date of a special ~~first~~ primary election, ~~a~~
18 ~~special second primary election~~, and a special election.
19 Nominees of political parties other than minor political
20 parties shall be chosen under the primary laws of this state
21 in the special primary election ~~elections~~ to become candidates
22 in the special election. Prior to setting the special
23 election dates, the Governor shall consider any upcoming
24 elections in the jurisdiction where the special election will
25 be held. The dates fixed by the Governor shall be specific
26 days certain and shall not be established by the happening of
27 a condition or stated in the alternative. The dates fixed
28 shall provide a minimum of 2 weeks between each election. In
29 the event a vacancy occurs in the office of state senator or
30 member of the House of Representatives when the Legislature is
31 in regular ~~legislative~~ session, the minimum times prescribed

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

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

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

30 (c) The dates for a candidate to qualify by the
31 alternative method in such special primary election or special

1 election shall be fixed by the Department of State. In fixing
2 such dates the Department of State shall take into
3 consideration and be governed by the practical time
4 limitations. Any candidate seeking to qualify by the
5 alternative method in a special primary election shall obtain
6 25 percent of the signatures required by s. 99.095, s.
7 99.0955, or s. 99.096, as applicable.

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

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

20 (4)(a) In the event that death, resignation,
21 withdrawal, removal, or any other cause or event should cause
22 a party to have a vacancy in nomination which leaves no
23 candidate for an office from such party, the Governor shall,
24 after conferring with the Secretary of State, call a special
25 primary election ~~and, if necessary, a second special primary~~
26 ~~election~~ to select for such office a nominee of such political
27 party. The dates on which candidates may qualify for such
28 special primary election shall be fixed by the Department of
29 State, and the candidates shall qualify no later than noon of
30 the last day so fixed. The filing of campaign expense
31 statements by candidates in a special primary election

1 ~~primaries~~ shall not be later than such dates as shall be fixed
2 by the Department of State. In fixing such dates, the
3 Department of State shall take into consideration and be
4 governed by the practical time limitations. The qualifying
5 fees and party assessment of such candidates as may qualify
6 shall be the same as collected for the same office at the last
7 previous primary for that office. Each county canvassing
8 board shall make as speedy a return of the results of such
9 special primary election ~~primaries~~ as time will permit, and
10 the Elections Canvassing Commission shall likewise make as
11 speedy a canvass and declaration of the nominees as time will
12 permit.

13 (5) In the event of unforeseeable circumstances not
14 contemplated in these general election laws concerning the
15 calling and holding of a special primary election ~~elections~~
16 and a special election ~~elections~~ resulting from court order or
17 other unpredictable circumstances, the Department of State
18 shall have the authority to provide for the conduct of orderly
19 elections.

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

22 100.141 Notice of special election to fill any vacancy
23 in office or nomination.--

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

31

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

3 101.141 Specifications for primary election
4 ballot.--In counties in which voting machines are not used,
5 and in other counties for use as absentee ballots not designed
6 for tabulation by an electronic or electromechanical voting
7 system, the primary election ballot shall conform to the
8 following specifications:

9 (6) Should the above directions for complete
10 preparation of the ballot be insufficient, the Department of
11 State shall determine and prescribe any additional matter or
12 form. The Department of State shall, not less than 60 days
13 prior to the ~~first~~ primary election, mail to each supervisor
14 of elections the format of the ballot to be used for the
15 primary election.

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

18 101.251 Information which supervisor of elections must
19 print on ballots.--

20 (1) The supervisor of elections of each county shall
21 print, on the general election ballots to be used in such
22 county, the names of candidates nominated by primary election
23 or special primary election ~~elections~~ or selected by the
24 appropriate executive committee of any political party.

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

27 101.252 Candidates entitled to have names printed on
28 certain ballots; exception.--

29 (2) Any candidate for party executive committee member
30 who has qualified as prescribed by law is entitled to have his
31 or her name printed on the ~~first~~ primary election ballot.

1 However, when there is only one candidate of any political
2 party qualified for such an office, the name of the candidate
3 shall not be printed on the ~~first~~ primary election ballot, and
4 such candidate shall be declared elected to the state or
5 county executive committee.

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

9 101.62 Request for absentee ballots.--

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

1 ~~primary, second primary, and general election. The supervisor~~
2 ~~shall mail an advance absentee ballot for the second primary~~
3 ~~and general election to each qualified absent elector for whom~~
4 ~~a request is received until the absentee ballots are printed.~~
5 ~~The supervisor shall enclose with the advance second primary~~
6 ~~absentee ballot and advance general election absentee ballot~~
7 ~~an explanation stating that the absentee ballot for the~~
8 ~~election will be mailed as soon as it is printed; and, if both~~
9 ~~the advance absentee ballot and the absentee ballot for the~~
10 ~~election are returned in time to be counted, only the absentee~~
11 ~~ballot will be counted.~~

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

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

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

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

26
27 who are qualified and registered as provided by law.

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

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

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

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

8 102.012 Inspectors and clerks to conduct elections.--

9 (8) The supervisor of elections shall conduct training
10 for inspectors, clerks, and deputy sheriffs prior to each
11 ~~first~~ primary, general, and special election for the purpose
12 of instructing such persons in their duties and
13 responsibilities as election officials. A certificate may be
14 issued by the supervisor of elections to each person
15 completing such training. No person shall serve as an
16 inspector, clerk, or deputy sheriff for an election unless
17 such person has completed the training as required. A person
18 who has attended previous training conducted within 2 years of
19 the election may be appointed by the supervisor to fill a
20 vacancy on election day. If no person with prior training is
21 available to fill such vacancy, the supervisor of elections
22 may fill such vacancy in accordance with the provisions of
23 subsection (9) from among persons who have not received the
24 training required by this section.

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

28 103.021 Nomination for presidential
29 electors.--Candidates for presidential electors shall be
30 nominated in the following manner:

31

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

23 (4)

24 (b) A minor party that is not affiliated with a
25 national party holding a national convention to nominate
26 candidates for President and Vice President of the United
27 States may have the names of its candidates for President and
28 Vice President printed on the general election ballot if a
29 petition is signed by 1 percent of the registered electors of
30 this state, as shown by the compilation by the Department of
31 State for the preceding general election. A separate petition

1 from each county for which signatures are solicited shall be
2 submitted to the supervisors of elections of the respective
3 county no later than July 15 of each presidential election
4 year. The supervisor shall check the names and, on or before
5 the date of the ~~first~~ primary election, shall certify the
6 number shown as registered electors of the county. The
7 supervisor shall be paid by the person requesting the
8 certification the cost of checking the petitions as prescribed
9 in s. 99.097. The supervisor shall then forward the
10 certificate to the Department of State, which shall determine
11 whether or not the percentage factor required in this section
12 has been met. When the percentage factor required in this
13 section has been met, the Department of State shall order the
14 names of the candidates for whom the petition was circulated
15 to be included on the ballot and shall permit the required
16 number of persons to be certified as electors in the same
17 manner as other party candidates.

18 Section 23. Section 103.022, Florida Statutes, is
19 amended to read:

20 103.022 Write-in candidates for President and Vice
21 President.--Persons seeking to qualify for election as
22 write-in candidates for President and Vice President of the
23 United States may have a blank space provided on the general
24 election ballot for their names to be written in by filing an
25 oath with the Department of State at any time after the 57th
26 day, but before noon of the 49th day, prior to the date of the
27 ~~first~~ primary election in the year in which a presidential
28 election is held. The Department of State shall prescribe the
29 form to be used in administering the oath. The candidates
30 shall file with the department a certificate naming the
31 required number of persons to serve as electors. Such

1 write-in candidates shall not be entitled to have their names
2 on the ballot.

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

5 103.091 Political parties.--

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

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

29 105.031 Qualification; filing fee; candidate's oath;
30 items required to be filed.--

31

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

27 Section 26. Subsection (1) and paragraph (b) of
28 subsection (2) of section 105.041, Florida Statutes, are
29 amended to read:

30 105.041 Form of ballot.--

31

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

11 (2) LISTING OF CANDIDATES.--

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

17 2. Candidates who have secured a position on the
18 general election ballot, after having survived elimination at
19 the ~~first~~ primary election, shall have their names listed in
20 the same order as on the ~~first~~ primary election ballot,
21 notwithstanding the elimination of any intervening names as a
22 result of the ~~first~~ primary election.

23 Section 27. Paragraph (b) of subsection (1) of section
24 105.051, Florida Statutes, is amended to read:

25 105.051 Determination of election or retention to
26 office.--

27 (1) ELECTION.--In circuits and counties holding
28 elections:

29 (b) If two or more candidates, neither of whom is a
30 write-in candidate, qualify for such an office, the names of
31 those candidates shall be placed on the ballot at the ~~first~~

1 primary election. If any candidate for such office receives a
2 majority of the votes cast for such office in the ~~first~~
3 primary election, the name of the candidate who receives such
4 majority shall not appear on any other ballot unless a
5 write-in candidate has qualified for such office. An
6 unopposed candidate shall be deemed to have voted for himself
7 or herself at the general election. If no candidate for such
8 office receives a majority of the votes cast for such office
9 in the ~~first~~ primary election, the names of the two candidates
10 receiving the highest number of votes for such office shall be
11 placed on the general election ballot. If more than two
12 candidates receive an equal and highest number of votes, the
13 name of each candidate receiving an equal and highest number
14 of votes shall be placed on the general election ballot. In
15 any contest in which there is a tie for second place and the
16 candidate placing first did not receive a majority of the
17 votes cast for such office, the name of the candidate placing
18 first and the name of each candidate tying for second shall be
19 placed on the general election ballot.

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

22 106.07 Reports; certification and filing.--

23 (1) Each campaign treasurer designated by a candidate
24 or political committee pursuant to s. 106.021 shall file
25 regular reports of all contributions received, and all
26 expenditures made, by or on behalf of such candidate or
27 political committee. Reports shall be filed on the 10th day
28 following the end of each calendar quarter from the time the
29 campaign treasurer is appointed, except that, if the 10th day
30 following the end of a calendar quarter occurs on a Saturday,
31 Sunday, or legal holiday, the report shall be filed on the

1 next following day which is not a Saturday, Sunday, or legal
2 holiday. Quarterly reports shall include all contributions
3 received and expenditures made during the calendar quarter
4 which have not otherwise been reported pursuant to this
5 section.

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

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

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

24 106.08 Contributions; limitations on.--

25 (1)(a) Except for political parties, no person,
26 political committee, or committee of continuous existence may,
27 in any election, make contributions in excess of \$1,000~~\$500~~
28 to any candidate for election to or retention in office or to
29 any political committee supporting or opposing one or more
30 candidates. Candidates for the offices of Governor and
31

1 Lieutenant Governor on the same ticket are considered a single
2 candidate for the purpose of this section.

3 (b)1. The contribution limits provided in this
4 subsection do not apply to contributions made by a state or
5 county executive committee of a political party regulated by
6 chapter 103 or to amounts contributed by a candidate to his or
7 her own campaign.

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

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

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

27 106.29 Reports by political parties; restrictions on
28 contributions and expenditures; penalties.--

29 (1) The state executive committee and each county
30 executive committee of each political party regulated by
31 chapter 103 shall file regular reports of all contributions

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

18 Section 31. Section 98.0977, Florida Statutes, is
19 created to read:

20 98.0977 Statewide voter registration database.--
21 (1) The department shall develop a statewide voter
22 registration database, which shall contain voter registration
23 information from every supervisor of elections in this state
24 and shall be accessible through an Internet web site.
25 Accordingly, the department may contract for the analysis,
26 design, development, operation, and maintenance of a
27 statewide, on-line voter registration database and associated
28 Internet web site. The database system adopted must provide
29 functionality for ensuring that the database is updated on a
30 daily basis to determine if a registered voter is ineligible
31

1 to vote for any of the following reasons, including, but not
2 limited to:

3 (a) The voter is deceased;

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

6 (c) The voter has been adjudicated mentally
7 incompetent and his or her mental capacity with respect to
8 voting has not been restored.

9
10 The database shall also allow for duplicate voter
11 registrations to be identified.

12 (2) In administering the database, each supervisor of
13 elections shall compare registration information provided by a
14 voter with information held by the Department of Law
15 Enforcement, the Board of Executive Clemency, and the Office
16 of Vital Statistics. If the supervisor of elections finds
17 information that suggests that a voter is ineligible to
18 register to vote, the supervisor of elections shall notify the
19 voter by certified United States mail. The notification shall
20 contain a statement as to the reason for the voter's potential
21 ineligibility to register to vote and shall request
22 information from the voter on forms provided by the supervisor
23 of elections in order to make a final determination on the
24 voter's eligibility. After reviewing the information
25 requested by the supervisor of elections and provided by the
26 voter, if the supervisor of elections determines that the
27 voter is not eligible to vote under the laws of this state,
28 the supervisor of elections shall notify the voter by
29 certified United States mail that he or she has been found
30 ineligible to register to vote in this state, shall state the

31

1 reason for the ineligibility, and shall inform the voter that
2 he or she will be removed from the voter registration rolls.

3 (3) To the maximum extent feasible, state and local
4 governmental agencies shall facilitate provision of
5 information and access to data to the department and the
6 supervisors of elections in order to compare information in
7 the statewide voter registration database with available
8 information in other computer databases, including, but not
9 limited to, databases that contain reliable criminal records
10 and records of deceased persons. State and local governmental
11 agencies that provide such data shall do so without charge if
12 the direct cost incurred by those agencies is not significant.

13 (4) The Division of Elections shall provide written
14 quarterly progress reports on each phase of development of the
15 voter registration database to the President of the Senate and
16 the Speaker of the House of Representatives beginning July 1,
17 2001, and continuing until the database is fully implemented.

18 (5) Any supervisor of elections who willfully refuses
19 or willfully neglects to perform his or her duties under this
20 section shall be in violation of s. 104.051(2).

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

24 (2) Funding for the design and implementation of the
25 statewide voter registration database shall be as provided for
26 in the General Appropriations Act.

27 Section 33. Section 98.0979, Florida Statutes, is
28 created to read:

29 98.0979 Statewide voter registration database open to
30 inspection; copies.--

31

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

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

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

15 (2) The information provided by the division or
16 supervisor of elections pursuant to this section shall be
17 furnished only to:

18 (a) Municipalities;

19 (b) Other governmental agencies;

20 (c) Political candidates, for the purpose of
21 furthering their candidacies;

22 (d) Registered political committees, certified
23 committees of continuous existence, and political parties or
24 officials thereof, for political purposes only; and

25 (e) Incumbent officeholders, for the purpose of
26 reporting to their constituents.

27 (3) Such information shall not be used for commercial
28 purposes. No person to whom a list of registered voters is
29 made available pursuant to this section, and no person who
30 acquires such a list, shall use any information contained
31 therein for purposes which are not related to elections,

1 political or governmental activities, voter registration, or
2 law enforcement.

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

7
8 I hereby swear (or affirm) that I am a person
9 authorized by s. 98.0979, Florida Statutes, to acquire
10 information on the registered voters of Florida; that the
11 information acquired will be used only for the purposes
12 prescribed in that section and for no other purpose; and that
13 I will not permit the use or copying of such information by
14 persons not authorized by the Election Code of the State of
15 Florida.

16
17 ...(Signature of person acquiring list)...

18
19 Sworn and subscribed before me this day of,
20 ...(year)....

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

22 Section 34. Section 101.048, Florida Statutes, is
23 created to read:

24 101.048 Provisional ballots.--

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

1 provisional ballots shall remain sealed in their envelopes for
2 return to the supervisor of elections.

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

7 (b)1. If it is determined that the person was
8 registered and entitled to vote, the canvassing board shall
9 compare the signature on the provisional ballot envelope with
10 the signature on the voter's registration and, if it matches,
11 shall count the ballot.

12 2. If it is determined that the person voting the
13 provisional ballot was not registered or entitled to vote, the
14 provisional ballot shall not be counted and the ballot shall
15 remain in the envelope containing the Provisional Ballot
16 Voter's Certificate and the envelope marked "Rejected as
17 Illegal."

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

20
21 STATE OF FLORIDA

22 COUNTY OF

23
24 I do solemnly swear (or affirm) that my name is;
25 that my date of birth is; that I am registered to vote
26 and at the time I registered I resided at, in the
27 municipality of, in County, Florida; that I am a
28 qualified voter of the county and have not voted in this
29 election.

30 ...(Signature of Voter)...

31 ...(Current Address)...

1
2 Sworn to and subscribed before me this day of,
3 ...(year)....
4 ...(Clerk or Inspector of Election)...

5
6 Additional information may be provided to further assist the
7 supervisor of elections in determining eligibility. If known,
8 please provide the place and date that you registered to vote.
9

10 (4) In counties where the voting system does not
11 utilize a paper ballot, the supervisor of elections shall
12 provide the appropriate provisional ballots to each polling
13 place.

14 Section 35. Subsections (2) and (3) of section
15 101.045, Florida Statutes, are amended to read:

16 101.045 Electors must be registered in precinct;
17 provisions for residence or name change.--

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

23
24 Change of Legal Residence of Registered
25 Voter
26

27 Under penalties for false swearing, I, ...(Name of voter)...,
28 swear (or affirm) that the former address of my legal
29 residence was ...(Address of legal residence)... in the
30 municipality of, in County, Florida, and I was
31 registered to vote in the precinct of County,

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 Florida; that I have not voted in the precinct of my former
2 registration in this election; that I now reside at
3 ...(Address of legal residence)... in the Municipality of
4, in County, Florida, and am therefore eligible to
5 vote in the precinct of County, Florida; and I
6 further swear (or affirm) that I am otherwise legally
7 registered and entitled to vote.

8
9 ...(Signature of voter whose address of legal residence has
10 changed)...

11
12 (b) An elector whose name changes because of marriage
13 or other legal process may be permitted to vote, provided such
14 elector completes an affirmation in substantially the
15 following form:

16
17 Change of Name of Registered
18 Voter
19

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

25 Name.....
26 Address.....
27 Municipality.....
28 County.....
29 Florida, Zip.....
30 My present name and address of legal residence are as follows:
31 Name.....

1 Address.....
2 Municipality.....
3 County.....
4 Florida, Zip.....
5 and I further swear (or affirm) that I am otherwise legally
6 registered and entitled to vote.

7
8 ...(Signature of voter whose name has changed)...
9

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

22 (d) Instead of the affirmation contained in paragraph
23 (a) or paragraph (b), an elector may complete a voter
24 registration application that indicates the change of name or
25 change of address of legal residence.

26 (e) A request for an absentee ballot pursuant to s.
27 101.62 which indicates that the elector has had a change of
28 address of legal residence from that in the supervisor's
29 records shall be sufficient as the notice to the supervisor of
30 change of address of legal residence required by this section.
31 Upon receipt of such request for an absentee ballot from an

1 elector who has changed his or her address of legal residence,
2 the supervisor shall provide the elector with the proper
3 ballot for the precinct in which the elector then has his or
4 her legal residence.

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

17 Section 36. Subsections (1), (2), and (8) of section
18 101.5614, Florida Statutes, are amended, and subsection (9) is
19 added to said section, to read:

20 101.5614 Canvass of returns.--

21 (1)(a) In precincts in which an electronic or
22 electromechanical voting system is used, as soon as the polls
23 are closed, the election board shall secure the voting devices
24 against further voting. The election board shall thereafter
25 open the ballot box in the presence of members of the public
26 desiring to witness the proceedings and count the number of
27 voted ballots, unused ballots, provisional ballots, and
28 spoiled ballots to ascertain whether such number corresponds
29 with the number of ballots issued by the supervisor. If there
30 is a difference, this fact shall be reported in writing to the
31 county canvassing board with the reasons therefor if known.

1 The total number of voted ballots shall be entered on the
2 forms provided. The proceedings of the election board at the
3 precinct after the polls have closed shall be open to the
4 public; however, no person except a member of the election
5 board shall touch any ballot or ballot container or interfere
6 with or obstruct the orderly count of the ballots.

7 (b) In lieu of opening the ballot box at the precinct,
8 the supervisor may direct the election board to keep the
9 ballot box sealed and deliver it to a central or regional
10 counting location. In this case, the election board shall
11 count the stubs removed from the ballots to determine the
12 number of voted ballots.

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

26 (b) If ballots are to be counted at the precincts,
27 such ballots shall be counted pursuant to rules adopted by the
28 Department of State, which rules shall provide safeguards
29 which conform as nearly as practicable to the safeguards
30 provided in the procedures for the counting of votes at a
31 central location.

1 (8) The return printed by the automatic tabulating
2 equipment, to which has been added the return of write-in,
3 absentee, and manually counted votes and votes from
4 provisional ballots, shall constitute the official return of
5 the election. Upon completion of the count, the returns shall
6 be open to the public. A copy of the returns may be posted at
7 the central counting place or at the office of the supervisor
8 of elections in lieu of the posting of returns at individual
9 precincts.

10 (9) Any supervisor of elections, deputy supervisor of
11 elections, canvassing board member, election board member, or
12 election employee who releases the results of any election
13 prior to the closing of the polls on election day commits a
14 felony of the third degree, punishable as provided in s.
15 775.082, s. 775.083, or s. 775.084.

16 Section 37. Paragraph (a) of subsection (2) of section
17 101.68, Florida Statutes, is amended to read:

18 101.68 Canvassing of absentee ballot.--

19 (2)(a) The county canvassing board may begin the
20 canvassing of absentee ballots at 7 a.m. on the fourth day
21 before the election, but not later than noon on the day
22 following the election. In addition, for any county using
23 electronic tabulating equipment, the processing of absentee
24 ballots through such tabulating equipment may begin at 7 a.m.
25 on the fourth day before the election ~~upon the opening of the~~
26 ~~polls on election day~~. However, notwithstanding any such
27 authorization to begin canvassing or otherwise processing
28 absentee ballots early, no result ~~or tabulation of absentee~~
29 ~~ballots~~ shall be released ~~made~~ until after the closing ~~close~~
30 of the polls on election day. Any supervisor of elections,
31 deputy supervisor of elections, canvassing board member,

1 election board member, or election employee who releases the
2 results of a canvassing or processing of absentee ballots
3 prior to the closing of the polls on election day commits a
4 felony of the third degree, punishable as provided in s.
5 775.082, s. 775.083, or s. 775.084.

6 Section 38. Section 101.69, Florida Statutes, is
7 amended to read:

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

22 Section 39. Subsection (1) of section 102.111, Florida
23 Statutes, is amended to read:

24 102.111 Elections Canvassing Commission.--

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

1 ~~Canvassing Commission.~~ The Elections Canvassing Commission
2 shall, as soon as the official results are compiled from all
3 counties, certify the returns of the election and determine
4 and declare who has been elected for each office. In the event
5 that the Governor is recused, or any other member of the
6 commission cannot serve, the Governor shall fill the vacancy
7 following the same procedure for appointment to the
8 commission. If no other Cabinet members are available to
9 serve, the Governor shall choose a registered voter to replace
10 the member any member of the Elections Canvassing Commission
11 is unavailable to certify the returns of any election, such
12 member shall be replaced by a substitute member of the Cabinet
13 as determined by the Director of the Division of Elections. If
14 the county returns are not received by the Department of State
15 by 5 p.m. of the seventh day following an election, all
16 missing counties shall be ignored, and the results shown by
17 the returns on file shall be certified.

18 Section 40. Section 102.112, Florida Statutes, is
19 amended to read:

20 102.112 Deadline for submission of county returns to
21 the Department of State; ~~penalties.~~--

22 (1) The county canvassing board or a majority thereof
23 shall file the county returns for the election of a federal or
24 state officer with the Department of State immediately after
25 certification of the election results.

26 (2) Returns must be filed by 5 p.m. on the 7th day
27 following the ~~first~~ primary election and by 5 p.m. on the 11th
28 day following the ~~and~~ general election ~~and by 3 p.m. on the~~
29 ~~3rd day following the second primary.~~

30 (3) If the returns are not received by the department
31 by the time specified, such returns shall ~~may~~ be ignored and

1 the results on file at that time shall ~~may~~ be certified by the
2 department.

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

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

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

15 Section 41. Subsection (4) of section 102.141, Florida
16 Statutes, is amended to read:

17 102.141 County canvassing board; duties.--

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

1 percent or less of the votes cast for such office request in
2 writing that a recount not be made. Each canvassing board
3 responsible for conducting a machine recount shall recount the
4 ballots with the vote tabulation system. On optical scan
5 machines, a machine recount shall mean actually processing
6 each ballot through the vote tabulation system ~~examine the~~
7 ~~counters on the machines or the tabulation of the ballots cast~~
8 ~~in each precinct in which the office or issue appeared on the~~
9 ~~ballot and determine whether the returns correctly reflect the~~
10 ~~votes cast. If there is a discrepancy between the returns and~~
11 ~~the counters of the machines or the tabulation of the ballots~~
12 ~~cast, the counters of such machines or the tabulation of the~~
13 ~~ballots cast shall be presumed correct and such votes shall be~~
14 ~~canvassed accordingly.~~

15 (b) If, after conducting a machine recount under
16 paragraph (a), the returns for any office reflect that a
17 candidate was defeated or eliminated by one-quarter of a
18 percent or less of the votes cast for such office, that a
19 candidate for retention to a judicial office was retained or
20 not retained by one-quarter of a percent or less of the votes
21 cast on the question of retention, or that a measure appearing
22 on the ballot was approved or rejected by one-quarter of a
23 percent or less of the votes cast on such measure, each county
24 canvassing board responsible for certifying the results of the
25 vote on such race or measure shall order a manual recount of
26 the votes cast with respect to such office or measure that
27 were not counted by an otherwise properly functioning vote
28 tabulation system. Manual recounts shall be conducted by the
29 county canvassing boards using the procedures described in s.
30 102.166. Upon completion of its manual recount, each county
31

1 canvassing board shall certify the returns for the applicable
2 office or measure.

3 Section 42. Section 102.166, Florida Statutes, is
4 amended to read:

5 102.166 Protest of election returns; procedure.--

6 (1)(a) Any candidate for nomination or election to a
7 federal, state, or multicounty district office, or any elector
8 qualified to vote in the election related to such candidacy,
9 shall have the right to protest the returns of the election as
10 being erroneous by filing with the Elections Canvassing
11 Commission appropriate canvassing board a sworn, written
12 protest.

13 (b)~~(2)~~ Such protest shall be filed with the Elections
14 Canvassing Commission ~~canvassing board~~ prior to the time the
15 Elections Canvassing Commission ~~canvassing board~~ certifies the
16 results for the office being protested or within 72 hours 5
17 days after the closing of the polls in that election ~~midnight~~
18 ~~of the date the election is held, whichever occurs later.~~

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

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

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

29 (c) Upon receipt of a sworn, written protest, the
30 Elections Canvassing Commission shall direct each county
31 canvassing board within the geographic jurisdiction of the

1 office or ballot measure to ~~When electronic or~~
2 ~~electromechanical equipment is used, the canvassing board~~
3 ~~shall~~ examine precinct records and election returns. If there
4 is a clerical error, such error shall be corrected by the
5 county canvassing board. If there is a discrepancy that ~~which~~
6 could affect the outcome of an election, the Elections
7 Canvassing Commission may direct each county canvassing board
8 to may recount the ballots on the automatic tabulating
9 equipment.

10 (d)1.(4)(a) Upon completion of a machine recount
11 ordered by the Elections Canvassing Commission pursuant to
12 paragraph (c), any candidate for federal, state, or
13 multicounty district office whose name appeared on the ballot
14 or any political committee that supports or opposes a
15 statewide or multicounty an issue that ~~which~~ appeared on the
16 ballot, ~~or any political party whose candidates' names~~
17 ~~appeared on the ballot~~ may file a written request with the
18 Elections Canvassing Commission ~~county canvassing board~~ for a
19 manual recount of the votes cast with respect to such office
20 or measure that were not counted by an otherwise properly
21 functioning vote tabulation system. The written request shall
22 contain a statement of the reason the manual recount is being
23 requested.

24 2.(b) Such request must be filed with the Elections
25 Canvassing Commission ~~canvassing board~~ ~~prior to the time the~~
26 ~~canvassing board certifies the results for the office being~~
27 ~~protested or~~ within 72 hours after completion of the machine
28 recount ordered by the Elections Canvassing Commission
29 pursuant to paragraph (c) ~~midnight of the date the election~~
30 ~~was held, whichever occurs later.~~

31

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

16 ~~(d) The manual recount must include at least three~~
17 ~~precincts and at least 1 percent of the total votes cast for~~
18 ~~such candidate or issue. In the event there are less than~~
19 ~~three precincts involved in the election, all precincts shall~~
20 ~~be counted. The person who requested the recount shall choose~~
21 ~~three precincts to be recounted, and, if other precincts are~~
22 ~~recounted, the county canvassing board shall select the~~
23 ~~additional precincts.~~

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

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

29 ~~(b) Request the Department of State to verify the~~
30 ~~tabulation software; or~~

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

1 (2)(a) Any candidate for nomination or election to a
2 county office, municipal office, or district office not
3 covered by paragraph (1)(a), or any elector qualified to vote
4 in the election related to such candidacy, shall have the
5 right to protest the returns of the election as being
6 erroneous by filing with the appropriate county canvassing
7 board a sworn, written protest.

8 (b) Such protest shall be filed with the county
9 canvassing board prior to the time the canvassing board
10 certifies the results for the office being protested or within
11 72 hours after the closing of the polls in that election,
12 whichever occurs later.

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

15 1. When paper ballots are used, examine the tabulation
16 of the paper ballots cast.

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

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

29 (d)1. Upon completion of a machine recount ordered by
30 a county canvassing board pursuant to subparagraph (c)3., any
31 candidate not covered by paragraph (1)(d) whose name appeared

1 on the ballot or any political committee that supports or
2 opposes an issue not covered by paragraph (1)(d) which
3 appeared on the ballot may file a written request with the
4 county canvassing board for a manual recount of the votes cast
5 with respect to such office or measure that were not counted
6 by an otherwise properly functioning vote tabulation system.
7 The written request shall contain a statement of the reason
8 the manual recount is being requested.

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

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

24 ~~(3)(6)~~ Any manual recount shall be open to the public.

25 ~~(4)(7)~~ Procedures for a manual recount are as follows:

26 (a) The county canvassing board shall appoint as many
27 counting teams of at least two electors as is necessary to
28 manually recount the ballots. A counting team must have, when
29 possible, members of at least two political parties. A
30 candidate involved in the race shall not be a member of the
31 counting team.

1 (b) If a counting team is unable to determine a
2 voter's intent in casting a ballot, using the standards for
3 determining voter intent developed and published by the
4 Division of Elections, the ballot shall be presented to the
5 county canvassing board for it to determine the voter's
6 intent. If the county canvassing board is unable to determine
7 a voter's intent in casting a ballot using the standards for
8 determining voter intent developed and published by the
9 Division of Elections, the ballot shall not be counted in the
10 official canvass.

11 ~~(5)(8)~~ If the county canvassing board determines the
12 need to verify the tabulation software, the county canvassing
13 board shall request in writing that the Department of State
14 verify the software.

15 ~~(6)(9)~~ When the Department of State verifies such
16 software, the department shall:

17 (a) Compare the software used to tabulate the votes
18 with the software filed with the Department of State pursuant
19 to s. 101.5607; and

20 (b) Check the election parameters.

21 ~~(7)(10)~~ The Department of State shall respond to the
22 county canvassing board within 3 working days.

23 Section 43. Section 102.167, Florida Statutes, is
24 amended to read:

25 102.167 Form of protest of election returns.--

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

28
29 PROTEST OF ELECTION RETURNS TO THE
30 ELECTIONS CANVASSING COMMISSION
31

1, Florida
2, ... (year)...
3 As provided in Section 102.166(1), Florida Statutes, I,
4 of County, Florida, believe the election returns
5 from in the election ... (year) ... are erroneous.
6 I hereby protest the canvass of such returns by the
7 Elections Canvassing Commission, and request that said returns
8 be investigated, examined, checked, and corrected by the
9 Elections Canvassing Commission. The basis for this protest
10 is
11
12
13
14
15

16
17 Under penalties of perjury, I swear (or affirm) that I have
18 read the foregoing and that the facts alleged are true, to the
19 best of my knowledge and belief.

20
21 ...(Signature of person protesting election returns)...

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

24
25 PROTEST OF ELECTION RETURNS TO
26 CANVASSING BOARD
27

28, Florida
29, ... (year)...

30 As provided in Section 102.166(2)~~(1)~~, Florida Statutes,
31 I, of County, Florida, believe the election returns

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

1 from Precinct No. in the election ...(year)... are
2 erroneous.

3 I hereby protest the canvass of such returns by the
4 Canvassing Board, and request that said returns be
5 investigated, examined, checked, and corrected by said
6 Canvassing Board. The basis for this protest is
7
8
9
10
11

12
13 Under penalties of perjury, I swear (or affirm) that I have
14 read the foregoing and that the facts alleged are true, to the
15 best of my knowledge and belief.

16
17 ...(Signature of person protesting election returns)...

18 Section 44. Section 102.168, Florida Statutes, is
19 amended to read:

20 102.168 Contest of election.--

21 (1) Except as provided in s. 102.171, the
22 certification of election or nomination of any person to
23 ~~office, or of the result on any question submitted by~~
24 ~~referendum,~~ may be contested in the circuit court by any
25 unsuccessful candidate for such office or nomination thereto
26 and the result on any question submitted by referendum may be
27 contested in the circuit court ~~or by any elector qualified to~~
28 ~~vote in the election related to such candidacy, or by any~~
29 ~~taxpayer, respectively.~~

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

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

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

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

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

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

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

28 ~~(e) Any other cause or allegation which, if sustained,~~
29 ~~would show that a person other than the successful candidate~~
30 ~~was the person duly nominated or elected to the office in~~
31 ~~question or that the outcome of the election on a question~~

1 ~~submitted by referendum was contrary to the result declared by~~
2 ~~the canvassing board or election board.~~

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

8 (5) A statement of the grounds of contest may not be
9 rejected, nor the proceedings dismissed, by the court for any
10 want of form if the grounds of contest provided in the
11 statement are sufficient to clearly inform the defendant of
12 the particular proceeding or cause for which the nomination or
13 election is contested.

14 (6) A copy of the complaint shall be served upon the
15 defendant and any other person named therein in the same
16 manner as in other civil cases under the laws of this state.
17 Within 10 days after the complaint has been served, the
18 defendant must file an answer admitting or denying the
19 allegations on which the contestant relies or stating that the
20 defendant has no knowledge or information concerning the
21 allegations, which shall be deemed a denial of the
22 allegations, and must state any other defenses, in law or
23 fact, on which the defendant relies. If an answer is not filed
24 within the time prescribed, the defendant may not be granted a
25 hearing in court to assert any claim or objection that is
26 required by this subsection to be stated in an answer.

27 (7) Any candidate or, ~~qualified elector, or taxpayer~~
28 presenting such a contest to a circuit judge is entitled to an
29 immediate hearing. However, the court in its discretion may
30 limit the time to be consumed in taking testimony, with a view
31

1 therein to the circumstances of the matter and to the
2 proximity of any succeeding ~~primary or other~~ election.

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

9 Section 45. Subsection (5) is added to section 99.096,
10 Florida Statutes, to read:

11 99.096 Minor party candidates; names on ballot.--

12 (5) Notwithstanding any other provision of this
13 section, a minor political party's entire slate of candidates
14 shall be automatically granted ballot access at the general
15 election that immediately follows a statewide or federal
16 election at which any candidate of the minor political party
17 received at least 1 percent of the votes cast statewide, and
18 shall be exempt from the qualifying fee provisions under
19 subsection (2) and the provisions for qualifying by the
20 alternative method under subsection (3), if otherwise
21 qualified for the office sought.

22 Section 46. Section 106.31, Florida Statutes, is
23 amended to read:

24 106.31 Legislative intent.--The Legislature finds that
25 the costs of running an effective campaign for statewide
26 office have reached a level which tends to discourage persons
27 from becoming candidates and to limit the persons who run for
28 such office to those who are independently wealthy, who are
29 supported by political committees representing special
30 interests which are able to generate substantial campaign
31 contributions, or who must appeal to special interest groups

1 for campaign contributions. The Legislature further finds
2 that campaign contributions generated by such political
3 committees are having a disproportionate impact vis-a-vis
4 contributions from unaffiliated individuals, which leads to
5 the misperception of government officials unduly influenced by
6 those special interests to the detriment of the public
7 interest. Furthermore, it is the intent of the Legislature
8 that the purpose of public campaign financing is to make
9 candidates more responsive to the voters and as insulated as
10 possible from special interest groups. To ensure that
11 candidates are most responsive to the voters, candidates who
12 receive public funds to run a campaign must do so at the total
13 exclusion of all special interest funds. The Legislature
14 intends ss. 106.30-106.36 to alleviate these factors, dispel
15 the misperception, and encourage qualified persons to seek
16 statewide elective office who would not, or could not,
17 otherwise do so, and to protect the effective competition by a
18 candidate who uses public funding. The Legislature further
19 finds that, due to the cost of running statewide campaigns, a
20 reasonable balance must be maintained between these goals and
21 the need to protect other vital programs funded by the State
22 Treasury.

23 Section 47. Section 106.33, Florida Statutes, is
24 amended to read:

25 106.33 Election campaign financing; eligibility.--Each
26 candidate for the office of Governor or member of the Cabinet
27 who desires to receive contributions from the Election
28 Campaign Financing Trust Fund shall, upon qualifying for
29 office, file a request for such contributions with the filing
30 officer on forms provided by the Division of Elections. If a
31 candidate requesting contributions from the fund desires to

1 have such funds distributed by electronic fund transfers, the
2 request shall include information necessary to implement that
3 procedure. For the purposes of ss. 106.30-106.36, candidates
4 for Governor and Lieutenant Governor on the same ticket shall
5 be considered as a single candidate. To be eligible to
6 receive contributions from the fund, a candidate may ~~shall~~ not
7 be an unopposed candidate as defined in s. 106.011(15) and
8 must ~~shall~~:

9 (1) Agree to abide by the expenditure limits provided
10 in s. 106.34.

11 (2)(a) Raise contributions as follows:

12 1. ~~(a)~~ One hundred fifty thousand dollars for a
13 candidate for Governor.

14 2. ~~(b)~~ One hundred thousand dollars for a candidate for
15 Cabinet office.

16 (b) The following may not be used to meet the
17 threshold amounts in paragraph (a):

18 1. Loans or contributions from the candidate's
19 personal funds;

20 2. Contributions from national, state, and county
21 executive committees of a political party; or

22 3. Contributions from individuals who at the time of
23 contributing are not state residents. For purposes of this
24 subparagraph, any person validly registered to vote in this
25 state shall be considered a state resident.

26 (3) Limit loans or contributions from the candidate's
27 personal funds to \$25,000 and contributions from national,
28 state, and county executive committees of a political party to
29 \$25,000 in the aggregate, ~~which loans or contributions shall~~
30 ~~not qualify for meeting the threshold amounts in subsection~~
31 ~~(2).~~

1 (4) Agree not to accept contributions from political
2 committees or committees of continuous existence.

3 ~~(5)(4)~~ Submit to a postelection audit of the campaign
4 account by the division.

5 Section 48. Subsection (2) of section 106.35, Florida
6 Statutes, is amended to read:

7 106.35 Distribution of funds.--

8 (2)(a) Each candidate who has been certified to
9 receive contributions from the Election Campaign Financing
10 Trust Fund shall be entitled to distribution of funds, up to
11 the applicable expenditure limit specified in s. 106.34 or the
12 limit of available funds as provided in paragraph (c),
13 whichever is less, as follows:

14 1. For qualifying matching contributions making up all
15 or any portion of the threshold amounts specified in s.
16 106.33(2), distribution shall be on a two-to-one basis.

17 2. For all other qualifying matching contributions,
18 distribution shall be on a one-to-one basis.

19 (b) Qualifying matching contributions are those of
20 \$250 or less from an individual, made after September 1 of the
21 calendar year prior to the election. Any contribution that is
22 a loan, is an in-kind contribution, or is received from an
23 individual who is not a state resident at the time the
24 contribution is made shall not be considered a qualifying
25 matching contribution. For purposes of this paragraph, any
26 person validly registered to vote in this state shall be
27 considered a state resident. Aggregate contributions from an
28 individual in excess of \$250 will be matched only up to \$250.
29 A contribution from an individual, if made by check, must be
30 drawn on the personal bank account of the individual making
31 the contribution, as opposed to any form of business account,

1 regardless of whether the business account is for a
2 corporation, partnership, sole proprietorship, trust, or other
3 form of business arrangement. For contributions made by check
4 from a personal joint account, the match shall only be for the
5 individual who actually signs the check.

6 (c) The total amount of funds available for
7 distribution under ss. 106.30-106.36 shall not exceed \$6
8 million for each general election year and shall be
9 distributed on a first-come, first-served basis, to be used
10 first for the primary election and then, to the extent of any
11 remaining funds, for the general election.

12 Section 49. Section 106.355, Florida Statutes, is
13 amended to read:

14 106.355 Nonparticipating candidate exceeding
15 limits.--Whenever a candidate for the office of Governor or
16 member of the Cabinet who has elected not to participate in
17 election campaign financing under the provisions of ss.
18 106.30-106.36 exceeds the applicable expenditure limit
19 provided in s. 106.34, all opposing candidates participating
20 in such election campaign financing are, notwithstanding the
21 provisions of s. 106.33 or any other provision requiring
22 adherence to such limit, released from such expenditure limit
23 to the extent the nonparticipating candidate exceeded the
24 limit, are still eligible for matching contributions up to
25 such limit, and shall not be required to reimburse any
26 matching funds provided pursuant thereto. In addition, the
27 Department of State shall, within 7 days after a request by a
28 participating candidate, provide such candidate with funds
29 from the Election Campaign Financing Trust Fund equal to the
30 amount by which the nonparticipating candidate exceeded the
31 expenditure limit, not to exceed \$6 million for a candidate

1 for Governor or \$4 million for a candidate for Cabinet office,
2 within the limit of available funds ~~twice the amount of the~~
3 ~~maximum expenditure limits specified in s. 106.34(1)(a) and~~
4 ~~(b)~~, which funds shall not be considered matching funds.

5 Section 50. Effective June 1, 2002, section 98.0975,
6 Florida Statutes, is repealed.

7 Section 51. If any provision of this act or the
8 application thereof to any person or circumstance is held
9 invalid, the invalidity shall not affect other provisions or
10 applications of the act which can be given effect without the
11 invalid provision or application, and to this end the
12 provisions of this act are declared severable.

13 Section 52. Except as otherwise provided herein, this
14 act shall take effect July 1, 2001.

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