

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; amending s.  
 21 106.35, F.S.; providing that certain  
 22 contributions may not be used as qualifying  
 23 matching contributions; repealing s. 98.0975,  
 24 F.S., relating to list maintenance of the  
 25 central voter file; amending s. 98.255, F.S.;  
 26 providing for nonpartisan voter education;  
 27 requiring the supervisors of elections to  
 28 report to the Division of Elections on  
 29 voter-education programs; requiring the  
 30 division to report to the Legislature on the  
 31 effectiveness of voter-education programs;

1 creating s. 102.014, F.S.; providing for  
2 pollworker recruitment and training; repealing  
3 s. 102.012 (8) and (9), F.S., relating to  
4 pollworker training; amending s. 101.031, F.S.;  
5 providing for a Voter's Bill of Rights and  
6 Responsibilities; providing responsibilities of  
7 supervisors of elections; providing  
8 severability; providing effective dates.  
9

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

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

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

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

24 (21) "Primary election" means an election held  
25 preceding the general election for the purpose of nominating a  
26 party nominee to be voted for in the general election to fill  
27 a national, state, county, or district office. The ~~first~~  
28 primary election is a nomination or elimination election; ~~the~~  
29 ~~second primary is a nominating election only.~~  
30  
31

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

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

7           (b) There is an indication on the precinct register  
8 that the voter has requested an absentee ballot and there is  
9 no indication whether the voter has returned the absentee  
10 ballot.

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

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

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

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

29           10.1008 Applicability.--This joint resolution applies  
30 with respect to the qualification, nomination, and election of  
31

1 members of the Legislature in the primary ~~primaries~~ and  
2 general elections ~~election~~ to be held in 1992 and thereafter.

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

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

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

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

20 97.071 Registration identification card.--

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 99.095 Alternative method of qualifying.--

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

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

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

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

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

1 filing fees, which amount the Department of State shall  
2 deposit in the General Revenue Fund of the state.

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

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

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

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

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

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

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

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

7 100.111 Filling vacancy.--

8 (1)

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

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

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

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

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

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

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

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

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

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



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

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

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

29 100.141 Notice of special election to fill any vacancy  
30 in office or nomination.--

31

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

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

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

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

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

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

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

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

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

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

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

16           101.62 Request for absentee ballots.--

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

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

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

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

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

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

31

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

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

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

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

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

16 102.012 Inspectors and clerks to conduct elections.--

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

31

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

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

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

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

31 (4)

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

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

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

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

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

13 103.091 Political parties.--

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



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

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

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

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

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

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

6 105.041 Form of ballot.--

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

17 (2) LISTING OF CANDIDATES.--

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

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

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

31

1           105.051 Determination of election or retention to  
2 office.--

3           (1) ELECTION.--In circuits and counties holding  
4 elections:

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

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

29           106.07 Reports; certification and filing.--

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

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

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

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

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

31 106.08 Contributions; limitations on.--

1           (1)(a) Except for political parties, no person,  
2 political committee, or committee of continuous existence may,  
3 in any election, make contributions in excess of \$1,000~~\$500~~  
4 to any candidate for election to or retention in office or to  
5 any political committee supporting or opposing one or more  
6 candidates. Candidates for the offices of Governor and  
7 Lieutenant Governor on the same ticket are considered a single  
8 candidate for the purpose of this section.

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

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

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

31

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

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

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

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

27           98.0977 Statewide voter registration database.--

28           (1) The department shall develop a statewide voter  
29 registration database, which shall contain voter registration  
30 information from every supervisor of elections in this state  
31 and shall be accessible through an Internet web site.

1 Accordingly, the department may contract for the analysis,  
2 design, development, operation, and maintenance of a  
3 statewide, on-line voter registration database and associated  
4 Internet web site. The database system adopted must provide  
5 functionality for ensuring that the database is updated on a  
6 daily basis to determine if a registered voter is ineligible  
7 to vote for any of the following reasons, including, but not  
8 limited to:

9 (a) The voter is deceased;

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

12 (c) The voter has been adjudicated mentally  
13 incompetent and his or her mental capacity with respect to  
14 voting has not been restored.

15  
16 The database shall also allow for duplicate voter  
17 registrations to be identified.

18 (2) In administering the database, each supervisor of  
19 elections shall compare registration information provided by a  
20 voter with information held by the Department of Law  
21 Enforcement, the Board of Executive Clemency, and the Office  
22 of Vital Statistics. If the supervisor of elections finds  
23 information that suggests that a voter is ineligible to  
24 register to vote, the supervisor of elections shall notify the  
25 voter by certified United States mail. The notification shall  
26 contain a statement as to the reason for the voter's potential  
27 ineligibility to register to vote and shall request  
28 information from the voter on forms provided by the supervisor  
29 of elections in order to make a final determination on the  
30 voter's eligibility. After reviewing the information  
31 requested by the supervisor of elections and provided by the

1 voter, if the supervisor of elections determines that the  
2 voter is not eligible to vote under the laws of this state,  
3 the supervisor of elections shall notify the voter by  
4 certified United States mail that he or she has been found  
5 ineligible to register to vote in this state, shall state the  
6 reason for the ineligibility, and shall inform the voter that  
7 he or she will be removed from the voter registration rolls.

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

18 (4) The Division of Elections shall provide written  
19 quarterly progress reports on each phase of development of the  
20 voter registration database to the President of the Senate and  
21 the Speaker of the House of Representatives beginning July 1,  
22 2001, and continuing until the database is fully implemented.

23 (5) The duties of the supervisors of elections under  
24 this section shall be considered part of their regular  
25 registration list maintenance duties under this chapter, and  
26 any supervisor of elections who willfully refuses or willfully  
27 neglects to perform his or her duties under this section shall  
28 be in violation of s. 104.051(2).

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



1           (2) Funding for the analysis, design, development,  
2 operation, and maintenance of the statewide voter registration  
3 database pursuant to s. 98.0977(1), Florida Statutes, shall be  
4 as provided for in the 2001-2002 General Appropriations Act.

5           Section 33. Section 98.0979, Florida Statutes, is  
6 created to read:

7           98.0979 Statewide voter registration database open to  
8 inspection; copies.--

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

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

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

23           (2) The information provided by the division or  
24 supervisor of elections pursuant to this section shall be  
25 furnished only to:

26           (a) Municipalities;

27           (b) Other governmental agencies;

28           (c) Political candidates, for the purpose of  
29 furthering their candidacies;

30  
31

1           (d) Registered political committees, certified  
2 committees of continuous existence, and political parties or  
3 officials thereof, for political purposes only; and

4           (e) Incumbent officeholders, for the purpose of  
5 reporting to their constituents.

6           (3) Such information shall not be used for commercial  
7 purposes. No person to whom a list of registered voters is  
8 made available pursuant to this section, and no person who  
9 acquires such a list, shall use any information contained  
10 therein for purposes which are not related to elections,  
11 political or governmental activities, voter registration, or  
12 law enforcement.

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

17  
18           I hereby swear (or affirm) that I am a person  
19 authorized by s. 98.0979, Florida Statutes, to acquire  
20 information on the registered voters of Florida; that the  
21 information acquired will be used only for the purposes  
22 prescribed in that section and for no other purpose; and that  
23 I will not permit the use or copying of such information by  
24 persons not authorized by the Election Code of the State of  
25 Florida.

26  
27                           ...(Signature of person acquiring list)...

28  
29           Sworn and subscribed before me this .... day of .....,  
30 ...(year)....

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

1 Section 34. Section 101.048, Florida Statutes, is  
2 created to read:

3 101.048 Provisional ballots.--

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

13 (2)(a) The county canvassing board shall examine each  
14 provisional ballot to determine if the person voting that  
15 ballot was entitled to vote in the election and that the  
16 person had not already cast a ballot in the election.

17 (b)1. If it is determined that the person was  
18 registered and entitled to vote, the canvassing board shall  
19 compare the signature on the provisional ballot envelope with  
20 the signature on the voter's registration and, if it matches,  
21 shall count the ballot.

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

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

30  
31 STATE OF FLORIDA

1 COUNTY OF ....

2

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

9

...(Signature of Voter)...

10

...(Current Address)...

11

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

14

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

15

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

19

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

24

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

26

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

28

(2)(a) An elector who moves from the precinct within  
the county in which the elector is registered may be permitted  
to vote in the precinct to which he or she has moved his or

31

1 her legal residence, provided such elector completes an  
2 affirmation in substantially the following form:

3  
4 Change of Legal Residence of Registered  
5 Voter  
6

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

19  
20 ...(Signature of voter whose address of legal residence has  
21 changed)...

22  
23 (b) An elector whose name changes because of marriage  
24 or other legal process may be permitted to vote, provided such  
25 elector completes an affirmation in substantially the  
26 following form:

27  
28 Change of Name of Registered  
29 Voter  
30  
31

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

6 Name.....

7 Address.....

8 Municipality.....

9 County.....

10 Florida, Zip.....

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

12 Name.....

13 Address.....

14 Municipality.....

15 County.....

16 Florida, Zip.....

17 and I further swear (or affirm) that I am otherwise legally  
18 registered and entitled to vote.

19

20                     ...(Signature of voter whose name has changed)...

21

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

1 indicate the change in address of legal residence or name of  
2 such elector.

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

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

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

29 Section 36. Subsections (1), (2), and (8) of section  
30 101.5614, Florida Statutes, are amended, and subsection (9) is  
31 added to said section, to read:

1           101.5614 Canvass of returns.--

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

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

25           (2)(a) If the ballots are to be tallied at a central  
26 location or at no more than three regional locations, the  
27 election board shall place all ballots that have been cast and  
28 the unused, void, provisional, and defective ballots in the  
29 container or containers provided for this purpose, which shall  
30 be sealed and delivered forthwith to the central or regional  
31 counting location or other designated location by two



1 inspectors who shall not, whenever possible, be of the same  
 2 political party. The election board shall certify that the  
 3 ballots were placed in such container or containers and each  
 4 container was sealed in its presence and under its  
 5 supervision, and it shall further certify to the number of  
 6 ballots of each type placed in the container or containers.

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

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

22 (9) Any supervisor of elections, deputy supervisor of  
 23 elections, canvassing board member, election board member, or  
 24 election employee who releases the results of any election  
 25 prior to the closing of the polls on election day commits a  
 26 felony of the third degree, punishable as provided in s.  
 27 775.082, s. 775.083, or s. 775.084.

28 Section 37. Paragraph (a) of subsection (2) of section  
 29 101.68, Florida Statutes, is amended to read:

30 101.68 Canvassing of absentee ballot.--  
 31

1           (2)(a) The county canvassing board may begin the  
2 canvassing of absentee ballots at 7 a.m. on the fourth day  
3 before the election, but not later than noon on the day  
4 following the election. In addition, for any county using  
5 electronic tabulating equipment, the processing of absentee  
6 ballots through such tabulating equipment may begin at 7 a.m.  
7 on the fourth day before the election ~~upon the opening of the~~  
8 ~~polls on election day~~. However, notwithstanding any such  
9 authorization to begin canvassing or otherwise processing  
10 absentee ballots early, no result ~~or tabulation of absentee~~  
11 ~~ballots~~ shall be released ~~made~~ until after the closing ~~close~~  
12 of the polls on election day. Any supervisor of elections,  
13 deputy supervisor of elections, canvassing board member,  
14 election board member, or election employee who releases the  
15 results of a canvassing or processing of absentee ballots  
16 prior to the closing of the polls on election day commits a  
17 felony of the third degree, punishable as provided in s.  
18 775.082, s. 775.083, or s. 775.084.

19           Section 38. Section 101.69, Florida Statutes, is  
20 amended to read:

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

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

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

6 102.111 Elections Canvassing Commission.--

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

31

1 Section 40. Section 102.112, Florida Statutes, is  
2 amended to read:

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

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

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

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

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

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

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

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

31 102.141 County canvassing board; duties.--

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

29           (b) If, after conducting a machine recount under  
30 paragraph (a), the returns for any office reflect that a  
31 candidate was defeated or eliminated by one-quarter of a

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

16 Section 42. Section 102.166, Florida Statutes, is  
 17 amended to read:

18 102.166 Protest of election returns; procedure.--

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

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

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

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

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

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

23           ~~(d)1.(4)(a)~~ Upon completion of a machine recount  
24 ordered by the Elections Canvassing Commission pursuant to  
25 paragraph (c), any candidate for federal, state, or  
26 multicounty district office whose name appeared on the ballot  
27 or any political committee that supports or opposes a  
28 statewide or multicounty an issue that ~~which~~ appeared on the  
29 ballot, ~~or any political party whose candidates' names~~  
30 ~~appeared on the ballot~~ may file a written request with the  
31 Elections Canvassing Commission ~~county canvassing board~~ for a

1 manual recount of the votes cast with respect to such office  
2 or measure that were not counted by an otherwise properly  
3 functioning vote tabulation system. The written request shall  
4 contain a statement of the reason the manual recount is being  
5 requested.

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

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

28 ~~(d)~~ ~~The manual recount must include at least three~~  
29 ~~precincts and at least 1 percent of the total votes cast for~~  
30 ~~such candidate or issue. In the event there are less than~~  
31 ~~three precincts involved in the election, all precincts shall~~



1 ~~be counted. The person who requested the recount shall choose~~  
2 ~~three precincts to be recounted, and, if other precincts are~~  
3 ~~recounted, the county canvassing board shall select the~~  
4 ~~additional precincts.~~

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

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

10 ~~(b) Request the Department of State to verify the~~  
11 ~~tabulation software; or~~

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

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

20 (b) Such protest shall be filed with the county  
21 canvassing board prior to the time the canvassing board  
22 certifies the results for the office being protested or within  
23 72 hours after the closing of the polls in that election,  
24 whichever occurs later.

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

27 1. When paper ballots are used, examine the tabulation  
28 of the paper ballots cast.

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

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

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

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

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

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

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

5 ~~(3)(6)~~ Any manual recount shall be open to the public.

6 ~~(4)(7)~~ Procedures for a manual recount are as follows:

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

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

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

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

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

1 (b) Check the election parameters.

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

4 Section 43. Section 102.167, Florida Statutes, is  
5 amended to read:

6 102.167 Form of protest of election returns.--

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

9

10 PROTEST OF ELECTION RETURNS TO THE  
11 ELECTIONS CANVASSING COMMISSION

12

13 ....., Florida  
14 ....., ...(year)...

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

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

23 .....  
24 .....  
25 .....  
26 .....  
27 .....

28

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

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

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

PROTEST OF ELECTION RETURNS TO  
CANVASSING BOARD

...., Florida

...., ...(year)...

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

I hereby protest the canvass of such returns by the .... Canvassing Board, and request that said returns be investigated, examined, checked, and corrected by said Canvassing Board. The basis for this protest is .....

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

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

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

1           102.168 Contest of election.--

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

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

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

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

29           (b) Ineligibility of the successful candidate for the  
30 nomination or office in dispute.

31

1 (c) Receipt of a number of illegal votes or rejection  
2 of a number of legal votes sufficient to change or place in  
3 doubt the result of the election.

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

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

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

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

27 (6) A copy of the complaint shall be served upon the  
28 defendant and any other person named therein in the same  
29 manner as in other civil cases under the laws of this state.  
30 Within 10 days after the complaint has been served, the  
31 defendant must file an answer admitting or denying the

1 allegations on which the contestant relies or stating that the  
 2 defendant has no knowledge or information concerning the  
 3 allegations, which shall be deemed a denial of the  
 4 allegations, and must state any other defenses, in law or  
 5 fact, on which the defendant relies. If an answer is not filed  
 6 within the time prescribed, the defendant may not be granted a  
 7 hearing in court to assert any claim or objection that is  
 8 required by this subsection to be stated in an answer.

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

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

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

23 99.096 Minor party candidates; names on ballot.--

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



1 alternative method under subsection (3), if otherwise  
2 qualified for the office sought.

3 Section 46. Section 106.31, Florida Statutes, is  
4 amended to read:

5 106.31 Legislative intent.--The Legislature finds that  
6 the costs of running an effective campaign for statewide  
7 office have reached a level which tends to discourage persons  
8 from becoming candidates and to limit the persons who run for  
9 such office to those who are independently wealthy, who are  
10 supported by political committees representing special  
11 interests which are able to generate substantial campaign  
12 contributions, or who must appeal to special interest groups  
13 for campaign contributions. The Legislature further finds  
14 that campaign contributions generated by such political  
15 committees are having a disproportionate impact vis-a-vis  
16 contributions from unaffiliated individuals, which leads to  
17 the misperception of government officials unduly influenced by  
18 those special interests to the detriment of the public  
19 interest. Furthermore, it is the intent of the Legislature  
20 that the purpose of public campaign financing is to make  
21 candidates more responsive to the voters of the State of  
22 Florida and as insulated as possible from special interest  
23 groups. The Legislature intends ss. 106.30-106.36 to  
24 alleviate these factors, dispel the misperception, and  
25 encourage qualified persons to seek statewide elective office  
26 who would not, or could not otherwise do so and to protect the  
27 effective competition by a candidate who uses public funding.

28 Section 47. Section 106.33, Florida Statutes, is  
29 amended to read:

30 106.33 Election campaign financing; eligibility.--Each  
31 candidate for the office of Governor or member of the Cabinet

1 who desires to receive contributions from the Election  
2 Campaign Financing Trust Fund shall, upon qualifying for  
3 office, file a request for such contributions with the filing  
4 officer on forms provided by the Division of Elections. If a  
5 candidate requesting contributions from the fund desires to  
6 have such funds distributed by electronic fund transfers, the  
7 request shall include information necessary to implement that  
8 procedure. For the purposes of ss. 106.30-106.36, candidates  
9 for Governor and Lieutenant Governor on the same ticket shall  
10 be considered as a single candidate. To be eligible to  
11 receive contributions from the fund, a candidate may ~~shall~~ not  
12 be an unopposed candidate as defined in s. 106.011(15) and  
13 must ~~shall~~:

14 (1) Agree to abide by the expenditure limits provided  
15 in s. 106.34.

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

17 1.(a) One hundred fifty thousand dollars for a  
18 candidate for Governor.

19 2.(b) One hundred thousand dollars for a candidate for  
20 Cabinet office.

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

23 1. Loans or contributions from the candidate's  
24 personal funds;

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

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

31

1 (3) Limit loans or contributions from the candidate's  
2 personal funds to \$25,000 and contributions from national,  
3 state, and county executive committees of a political party to  
4 \$25,000 in the aggregate, ~~which loans or contributions shall~~  
5 ~~not qualify for meeting the threshold amounts in subsection~~  
6 ~~(2)~~.

7 (4) Submit to a postelection audit of the campaign  
8 account by the division.

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

11 106.35 Distribution of funds.--

12 (2)(a) Each candidate who has been certified to  
13 receive contributions from the Election Campaign Financing  
14 Trust Fund shall be entitled to distribution of funds as  
15 follows:

16 1. For qualifying matching contributions making up all  
17 or any portion of the threshold amounts specified in s.  
18 106.33(2), distribution shall be on a two-to-one basis.

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

21 (b) Qualifying matching contributions are those of  
22 \$250 or less from an individual, made after September 1 of the  
23 calendar year prior to the election. Any contribution that is  
24 a loan, is an in-kind contribution, is received from a  
25 political committee or committee of continuous existence, or  
26 is received from an individual who is not a state resident at  
27 the time the contribution is made shall not be considered a  
28 qualifying matching contribution. For purposes of this  
29 paragraph, any person validly registered to vote in this state  
30 shall be considered a state resident. Aggregate contributions  
31 from an individual in excess of \$250 will be matched only up

1 to \$250. A contribution from an individual, if made by check,  
2 must be drawn on the personal bank account of the individual  
3 making the contribution, as opposed to any form of business  
4 account, regardless of whether the business account is for a  
5 corporation, partnership, sole proprietorship, trust, or other  
6 form of business arrangement. For contributions made by check  
7 from a personal joint account, the match shall only be for the  
8 individual who actually signs the check.

9 Section 49. Effective June 1, 2002, section 98.0975,  
10 Florida Statutes, is repealed.

11 Section 50. Section 98.255, Florida Statutes, is  
12 amended to read:

13 (Substantial rewording of section. See  
14 s. 98.255, F.S., for present text.)  
15 98.255 Voter-education programs.--

16 (1) By March 1, 2002, the Department of State shall  
17 adopt rules prescribing minimum standards for nonpartisan  
18 voter education. In developing the rules, the department shall  
19 review current voter-education programs within each county of  
20 the state. The standards shall address, but are not limited  
21 to, the following subjects:

- 22 (a) Voter registration;  
23 (b) Balloting procedures, absentee and polling place;  
24 (c) Voter rights and responsibilities;  
25 (d) Distribution of sample ballots; and  
26 (e) Public service announcements.

27 (2) Each supervisor of elections shall implement the  
28 minimum voter-education standards and shall conduct additional  
29 nonpartisan education efforts as necessary to ensure that  
30 voters have a working knowledge of the voting process.

31

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

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

12           (c) The Department of State shall reexamine the rules  
13 adopted pursuant to subsection (1) and consider the findings  
14 in the report as a basis for adopting modified rules that  
15 incorporate successful voter-education programs and  
16 techniques, as necessary.

17           Section 51. Section 102.014, Florida Statutes, is  
18 created to read:

19           102.014 Pollworker recruitment and training.--

20           (1) The supervisor of elections shall conduct training  
21 for inspectors, clerks, and deputy sheriffs prior to each  
22 primary, general, and special election for the purpose of  
23 instructing such persons in their duties and responsibilities  
24 as election officials. A certificate may be issued by the  
25 supervisor of elections to each person completing such  
26 training. No person shall serve as an inspector, clerk, or  
27 deputy sheriff for an election unless such person has  
28 completed the training as required. A clerk may not work at  
29 the polls unless he or she demonstrates a working knowledge of  
30 the laws and procedures relating to voter registration, voting  
31

1 system operation, balloting and polling place procedures, and  
2 problem-solving and conflict-resolution skills.

3 (2) A person who has attended previous training  
4 conducted within 2 years before the election may be appointed  
5 by the supervisor to fill a vacancy on election day. If no  
6 person with prior training is available to fill such vacancy,  
7 the supervisor of elections may fill such vacancy in  
8 accordance with the provisions of subsection (3) from among  
9 persons who have not received the training required by this  
10 section.

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

18 (4) Each supervisor of elections shall be responsible  
19 for training inspectors and clerks, subject to the following  
20 minimum requirements:

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

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

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

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

31

1           (5) The Department of State shall create a uniform  
2 polling place procedures manual and adopt the manual by rule.  
3 Each supervisor of elections shall insure that the manual is  
4 available in hard copy or electronic form in every precinct in  
5 the supervisor's jurisdiction on election day. The manual  
6 shall guide inspectors, clerks, and deputy sheriffs in the  
7 proper implementation of election procedures and laws. The  
8 manual shall be indexed by subject, and written in plain,  
9 clear, unambiguous language. The manual shall provide  
10 specific examples of common problems encountered at the polls  
11 on election day, and detail specific procedures for resolving  
12 those problems. The manual shall include, without limitation:

13           (a) Regulations governing solicitation by individuals  
14 and groups at the polling place;

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

17           (c) Proper operation of the voting system;

18           (d) Ballot handling procedures;

19           (e) Procedures governing spoiled ballots;

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

21           (g) Rights of voters at the polls;

22           (h) Procedures for handling emergency situations;

23           (i) Procedures for dealing with irate voters;

24           (j) The handling and processing of provisional  
25 ballots; and

26           (k) Security procedures.

27  
28 The Department of State shall revise the manual as necessary  
29 to address new procedures in law or problems encountered by  
30 voters and pollworkers at the precincts.  
31

1           (6) Supervisors of elections shall work with the  
2 business and local community to develop public-private  
3 programs to ensure the recruitment of skilled inspectors and  
4 clerks.

5           Section 52. Subsections (8) and (9) of section  
6 102.012, Florida Statutes, are repealed.

7           Section 53. Subsection (2) of section 102.021, Florida  
8 Statutes, is amended to read:

9           102.021 Compensation of inspectors, clerks, and deputy  
10 sheriffs.--

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

15           Section 54. Section 101.031, Florida Statutes, is  
16 amended to read:

17           101.031 Instructions for electors.--

18           (1) The Department of State, or in case of municipal  
19 elections the governing body of the municipality, shall print,  
20 in large type on cards, instructions for the electors to use  
21 in voting. It shall provide not less than two cards for each  
22 voting precinct for each election and furnish such cards to  
23 each supervisor upon requisition. Each supervisor of  
24 elections shall send a sufficient number of these cards to the  
25 precincts prior to an election. The election inspectors shall  
26 display the cards in the polling places as information for  
27 electors. The cards shall contain information about how to  
28 vote and such other information as the Department of State may  
29 deem necessary. The cards must also include the list of rights  
30 and responsibilities afforded to Florida voters, as described  
31 in subsection (2).



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

4                           VOTER'S BILL OF RIGHTS

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

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

24                           VOTER RESPONSIBILITIES

25           Each registered voter in this state has the  
26 responsibility to:

- 27          1. Study and know candidates and issues.  
28          2. Keep his or her voter address current.  
29          3. Know his or her precinct and its hours of  
30 operation.  
31          4. Bring proper identification to the polling station.

- 1           5. Know how to operate voting equipment properly.
- 2           6. Treat precinct workers with courtesy.
- 3           7. Respect the privacy of other voters.
- 4           8. Report problems or violations of election law.
- 5           9. Ask questions when confused.
- 6           10. Check his or her completed ballot for accuracy.

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

9           (4)(2) In case any elector, after entering the voting  
10 booth, shall ask for further instructions concerning the  
11 manner of voting, two election officers who are not both  
12 members of the same political party, if present, or, if not,  
13 two election officers who are members of the same political  
14 party, shall give such instructions to such elector, but no  
15 officer or person assisting an elector shall in any manner  
16 request, suggest, or seek to persuade or induce any elector to  
17 vote for or against any particular ticket, candidate,  
18 amendment, question, or proposition. After giving the elector  
19 instructions and before the elector has voted, the officers or  
20 persons assisting the elector shall retire, and such elector  
21 shall vote in secret.

22           Section 55. If any provision of this act or the  
23 application thereof to any person or circumstance is held  
24 invalid, the invalidity shall not affect other provisions or  
25 applications of the act which can be given effect without the  
26 invalid provision or application, and to this end the  
27 provisions of this act are declared severable.

28           Section 56. Except as otherwise provided herein, this  
29 act shall take effect July 1, 2001.

30  
31