

By the Procedural & Redistricting Council and
Representatives Goodlette, Smith and Rubio

1 A bill to be entitled
2 An act relating to elections; creating the
3 "Florida Election Reform Act of 2001"; amending
4 s. 97.021, F.S.; revising certain definitions
5 applicable to the Florida Election Code to
6 remove provisions relating to voting systems
7 that use voting machines or paper ballots and
8 to restrict such definitions to electronic or
9 electromechanical voting systems; amending s.
10 101.015, F.S.; requiring the Division of
11 Elections to review the voting systems
12 certification standards to ensure that new
13 technologies are available and appropriately
14 certified for use; amending s. 101.151, F.S.;
15 providing general specifications for ballots;
16 deleting provisions specific to certain
17 elections and voting systems; requiring the
18 Department of State to adopt rules prescribing
19 uniform primary and general election ballots
20 for each certified voting system; amending s.
21 101.5603, F.S.; revising definitions relating
22 to the Electronic Voting Systems Act to specify
23 touchscreen voting systems as electronic or
24 electromechanical voting systems and to remove
25 provisions relating to voting machines;
26 amending s. 101.5604, F.S.; requiring any
27 electronic or electromechanical voting system
28 used by a county to be a precinct tabulation
29 system; prohibiting at a specified time the use
30 of any voting system that uses an apparatus or
31 device for the piercing of ballots by the

1 voter; amending s. 101.5606, F.S.; providing
2 additional requirements for electronic or
3 electromechanical voting systems; amending s.
4 101.5607, F.S.; conforming a cross reference;
5 amending s. 101.5608, F.S.; providing
6 procedures to be followed after a vote
7 tabulation device rejects a ballot; amending s.
8 101.5612, F.S.; providing standards and
9 requirements for the testing of electronic or
10 electromechanical voting systems; providing
11 recordkeeping requirements; amending s.
12 101.5614, F.S.; removing references to the
13 canvassing of returns at central or regional
14 locations, to conform; revising requirements
15 for the transmission of precinct returns;
16 providing for adoption of security guidelines
17 by rule; creating s. 101.595, F.S.; requiring
18 supervisors of elections and the Department of
19 State to report on voter errors following the
20 general election; amending s. 101.292, F.S.;
21 modifying the definition of "voting equipment,"
22 applicable to purchasing requirements, to
23 remove provisions relating to voting machines;
24 amending s. 102.012, F.S.; providing the time
25 for each election board to arrive at the
26 polling place; removing provisions relating to
27 voting machines; amending s. 104.30, F.S.;
28 prohibiting any unauthorized person from
29 unlawfully possessing any voting system or
30 component thereof; prohibiting any person from
31 tampering or attempting to tamper with or

1 destroying any voting system or equipment with
2 the intention of interfering with the election
3 process or the results thereof; providing
4 penalties; removing references to voting
5 machines, to conform; amending ss. 98.471,
6 100.341, 100.361, 101.21, 101.24, 101.34,
7 101.341, 101.43, 101.49, 101.58, 101.71,
8 101.75, 103.101, 138.05, and 582.18, F.S.;
9 removing provisions relating to voting systems
10 that use voting machines or paper ballots and
11 revising references to conform to changes made
12 by the act; repealing ss. 100.071, 101.141,
13 101.181, 101.191, 101.251, and 101.5609, F.S.,
14 relating to the specifications and form of
15 ballots, to conform; repealing ss. 101.011,
16 101.27, 101.28, 101.29, 101.32, 101.33, 101.35,
17 101.36, 101.37, 101.38, 101.39, 101.40,
18 101.445, 101.45, 101.46, 101.47, 101.54,
19 101.55, and 101.56, F.S., relating to voting
20 systems that use voting machines or paper
21 ballots, to conform; amending s. 97.021, F.S.;
22 providing definitions; creating s. 101.048,
23 F.S.; providing procedures for voting and
24 counting provisional ballots; amending s.
25 101.045, F.S.; requiring verification of an
26 elector's eligibility if the elector's name is
27 not on the precinct register; amending s.
28 101.5614, F.S.; providing for the return of
29 provisional ballots to the supervisor of
30 elections; providing for the canvass of
31 provisional ballots; clarifying the standard

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

1 contested elections; removing certain authority
2 of circuit judges to fashion orders relating to
3 contests; creating s. 97.0555, F.S.; providing
4 for registration of certain military and
5 overseas persons; requiring the Department of
6 State to adopt rules specifying eligibility;
7 creating s. 101.6951, F.S.; providing for a
8 state write-in absentee ballot for overseas
9 voters; creating s. 101.6952, F.S.; providing
10 for absentee ballots for overseas voters,
11 including advance ballots; creating s. 101.697,
12 F.S.; providing for absentee ballot requests
13 and voting via electronic transmission by
14 overseas voters under certain circumstances;
15 creating s. 101.698, F.S.; authorizing the
16 Elections Canvassing Commission to adopt
17 emergency rules during crises to facilitate
18 absentee voting; amending s. 101.62, F.S.;
19 modifying information on absentee ballot
20 requests; amending s. 101.64, F.S.; modifying
21 absentee ballot certificates; amending s.
22 101.65, F.S.; modifying instructions to absent
23 electors; amending s. 101.657, F.S., relating
24 to voting absentee ballots; conforming
25 provisions; amending s. 101.68, F.S.; modifying
26 information that must be included on an
27 absentee ballot; authorizing the processing of
28 absentee ballots through tabulations for a
29 specified period before the election;
30 prohibiting the release of the results of a
31 canvassing or processing of absentee ballots

1 prior to the closing of the polls; providing a
2 penalty; amending s. 104.047, F.S.; deleting a
3 prohibition against persons witnessing more
4 than five ballots in an election and a
5 prohibition against returning more than two
6 ballots in an election, and the penalties
7 therefor; repealing ss. 101.647 and 101.685,
8 F.S., relating to returning absentee ballots
9 and absentee ballot coordinators; amending s.
10 98.255, F.S.; providing for voter education;
11 amending s. 101.031, F.S.; providing for a
12 Voter's Bill of Rights and Responsibilities;
13 providing responsibilities of supervisors of
14 elections; amending s. 101.131, F.S.;
15 eliminating a requirement to call out names of
16 voters; amending s. 97.073, F.S.; revising
17 procedures to be followed when a voter
18 registration application is incomplete;
19 creating s. 102.014, F.S.; providing for
20 pollworker recruitment and training; repealing
21 s. 102.012(8) and (9), relating to pollworker
22 training, to conform; amending s. 102.021,
23 F.S.; to correct a cross-reference; providing
24 for a study of the elections process in
25 multiple time zones; creating s. 98.0977, F.S.;
26 providing for development of a statewide voter
27 registration database; providing for update of
28 information in the database; requiring
29 quarterly progress reports to the Legislature
30 until fully implemented; providing for an
31 operational date; creating s. 98.0979, F.S.;

1 providing that voter registration information
2 is public except for information made
3 confidential by law; providing requirements for
4 securing copies of any voter registration
5 information; repealing s. 98.0975, F.S.,
6 relating to the central voter file maintained
7 by the Division of Elections; providing for
8 distribution of funds appropriated for voter
9 education; providing for the appropriation from
10 the General Appropriations Act to be used to
11 implement the provisions of the act; providing
12 severability; providing effective dates.

13

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

15

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

18

19 Section 2. Effective September 2, 2002, subsections
20 (2), (35), and (36) of section 97.021, Florida Statutes, as
21 amended by this act, are amended to read:

22

23 97.021 Definitions.--For the purposes of this code,
24 except where the context clearly indicates otherwise, the
25 term:

26

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

29

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

31

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

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

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

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

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

26 Section 3. Effective September 2, 2002, section
27 98.471, Florida Statutes, is amended to read:

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

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

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

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

30 Section 5. Effective September 2, 2002, subsection (3)
31 of section 100.361, Florida Statutes, is amended to read:

1 100.361 Municipal recall.--
2 (3) BALLOTS.--The ballots at the recall election shall
3 conform to the following: With respect to each person whose
4 removal is sought, the question shall be submitted: "Shall
5 be removed from the office of by recall?"
6 Immediately following each question there shall be printed on
7 the ballots the two propositions in the order here set forth:
8 "...(name of person)... should be removed from office."
9 "...(name of person)... should not be removed from
10 office."

11
12 ~~Immediately to the right of each of the propositions shall be~~
13 ~~placed a square on which the electors, by making a crossmark~~
14 ~~(X), may vote either of the propositions. Voting machines or~~
15 ~~electronic or electromechanical equipment may be used.~~

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

19 101.015 Standards for voting systems.--

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

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

1 101.151 Specifications for ballots ~~general election~~
2 ~~ballot.--In counties in which voting machines are not used,~~
3 ~~and in other counties for use as absentee ballots not designed~~
4 ~~for tabulation by an electronic or electromechanical voting~~
5 ~~system, the general election ballot shall conform to the~~
6 ~~following specifications:~~

7 (1) Paper ballots ~~The ballot~~ shall be printed on paper
8 of such thickness that the printing cannot be distinguished
9 from the back.

10 (2) ~~Across the top of the ballot shall be printed~~
11 ~~"Official Ballot, General Election," beneath which shall be~~
12 ~~printed the county, the precinct number, and the date of the~~
13 ~~election. The precinct number, however, shall not be required~~
14 ~~for absentee ballots. Above the caption of the ballot shall~~
15 ~~be two stubs with a perforated line between the stubs and~~
16 ~~between the lower stub and the top of the ballot. The top~~
17 ~~stub shall be stub No. 1 and shall have printed thereon,~~
18 ~~"General Election, Official Ballot," and then shall appear the~~
19 ~~name of the county, the precinct number, and the date of the~~
20 ~~election. On the left side shall be a blank line under which~~
21 ~~shall be printed "Signature of Voter." On the right side~~
22 ~~shall be "Initials of Issuing Official," above which there~~
23 ~~shall be a blank line. The second stub shall be the same,~~
24 ~~except there shall not be a space for signature of the~~
25 ~~elector. Both stubs No. 1 and No. 2 on ballots for each~~
26 ~~precinct shall be prenumbered consecutively, beginning with~~
27 ~~"No. 1." However, a second stub shall not be required for~~
28 ~~absentee ballots.~~

29 (2)(3)(a) ~~Beneath the caption and preceding the names~~
30 ~~of candidates shall be the following words: "To vote for a~~
31 ~~candidate whose name is printed on the ballot, place a cross~~

1 ~~(X) mark in the blank space at the right of the name of the~~
2 ~~candidate for whom you desire to vote. To vote for a write-in~~
3 ~~candidate, write the name of the candidate in the blank space~~
4 ~~provided for that purpose.~~ The ballot shall have headings
5 under which shall appear the names of the offices and names of
6 duly nominated candidates for the respective offices in the
7 following order: the heading "~~Electors for~~ President and Vice
8 President" and thereunder the names of the candidates for
9 President and Vice President of the United States nominated by
10 the political party that ~~which~~ received the highest vote for
11 Governor in the last general election of the Governor in this
12 state, ~~above which shall appear the name of said party.~~ Then
13 shall appear the names of other candidates for President and
14 Vice President of the United States who have been properly
15 nominated. Votes cast for write-in candidates for President
16 and Vice President shall be counted as votes cast for the
17 presidential electors supporting such candidates. Then shall
18 follow the heading "Congressional" and thereunder the offices
19 of United States Senator and Representative in Congress; then
20 the heading "State" and thereunder the offices of Governor and
21 Lieutenant Governor, Secretary of State, Attorney General,
22 Comptroller, Treasurer, Commissioner of Education,
23 Commissioner of Agriculture, state attorney, and public
24 defender, together with the names of the candidates for each
25 office and the title of the office which they seek; then the
26 heading "Legislative" and thereunder the offices of state
27 senator and state representative; then the heading "County"
28 and thereunder clerk of the circuit court, clerk of the county
29 court (when authorized by law), sheriff, property appraiser,
30 tax collector, district superintendent of schools, and
31 supervisor of elections. Thereafter follows: members of the

1 board of county commissioners, and such other county and
2 district offices as are involved in the general election, in
3 the order fixed by the Department of State, followed, in the
4 year of their election, by "Party Offices," and thereunder the
5 offices of state and county party executive committee members.
6 ~~When a write-in candidate has qualified for any office, a~~
7 ~~subheading "Write-in Candidate for ...(name of office)..."~~
8 ~~shall be provided followed by a blank space in which to write~~
9 ~~the name of the candidate.~~In addition to the names printed on
10 the ballot, a blank space shall be provided under each heading
11 for an office for which a write-in candidate has qualified.

12 With respect to write-in candidates, if two or more candidates
13 are seeking election to one office, only one blank space shall
14 be provided.

15 (b) ~~Immediately following the name of each office on~~
16 ~~the ballot shall be printed, "Vote for One."~~ When more than
17 one candidate is nominated for office, the candidates for such
18 office shall qualify and run in a group or district, and the
19 group or district number shall be printed beneath the name of
20 the office. Each nominee of a political party chosen in the
21 primary elections shall appear on the general election ballot
22 in the same numbered group or district as on the primary
23 election ballots.~~The name of the office shall be printed over~~
24 ~~each numbered group or district and each numbered group or~~
25 ~~district shall be clearly separated from the next numbered~~
26 ~~group or district, the same as in the case of single offices.~~
27 ~~Following the group or district number shall be printed the~~
28 ~~words, "Vote for One," and the names of the candidates in the~~
29 ~~respective groups or districts shall be arranged thereunder.~~

30
31

1 (c) If in any election all the offices as set forth in
2 paragraph (a) are not involved, those offices to be filled
3 shall be arranged on the ballot in the order named.

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

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

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

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

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

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

1 vote for the joint candidacies for President and Vice
2 President and so that the offices of Governor and Lieutenant
3 Governor are joined in a single voting space to allow each
4 elector to cast a single vote for the joint candidacies for
5 Governor and Lieutenant Governor.

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

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

15 1. Clear and unambiguous ballot instructions and
16 directions;

17 2. Individual race layout; and

18 3. Overall ballot layout.

19 (b) The department rules shall graphically depict
20 sample uniform primary and general election ballot forms for
21 each certified voting system.

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

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

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

3 Section 8. Effective September 2, 2002, section
4 101.21, Florida Statutes, is amended to read:

5 101.21 Official ballots; number; printing; payment.--

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

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

20 Section 9. Effective September 2, 2002, section
21 101.24, Florida Statutes, is amended to read:

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

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

7 Section 10. Effective September 2, 2002, section
8 101.292, Florida Statutes, is amended to read:

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

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

16 (2) "Voting equipment" means ~~new or used voting~~
17 ~~machines and materials, parts, or other equipment necessary~~
18 ~~for the maintenance or improvement of voting machines, the~~
19 ~~individual or combined retail value of which is in excess of~~
20 ~~the threshold amount for CATEGORY TWO purchases provided in s.~~
21 ~~287.017. The term "voting equipment" also includes~~ electronic
22 or electromechanical voting systems, voting devices, and
23 automatic tabulating equipment as defined in s. 101.5603, as
24 well as materials, parts, or other equipment necessary for the
25 operation and maintenance of such systems and devices, the
26 individual or combined retail value of which is in excess of
27 the threshold amount for CATEGORY TWO purchases provided in s.
28 287.017.

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

31

1 Section 11. Effective September 2, 2002, section
2 101.34, Florida Statutes, is amended to read:
3 101.34 Custody of voting system machines.--The
4 supervisor of elections shall be the custodian of the voting
5 system machines in the county ~~using them~~, and he or she shall
6 appoint deputies necessary to prepare and supervise the voting
7 system machines prior to and during elections. The
8 compensation for such deputies shall be paid by the supervisor
9 of elections.

10 Section 12. Effective September 2, 2002, section
11 101.341, Florida Statutes, is amended to read:

12 101.341 Prohibited activities by voting system machine
13 custodians and deputy custodians.--

14 (1) No voting system machine custodian or deputy
15 custodian or other employee of the supervisor of elections,
16 which employee's duties are primarily involved with the
17 preparation, maintenance, or repair of voting equipment, may
18 ~~shall~~ accept employment or any form of consideration from any
19 person or business entity involved in the purchase, repair, or
20 sale of voting equipment unless such employment has the prior
21 written approval of the supervisor of elections of the county
22 by which such person is employed.

23 (2) Any person violating the provisions of this
24 section is guilty of a misdemeanor of the first degree,
25 punishable as provided by s. 775.082 or s. 775.083. Such
26 person shall also be subject to immediate discharge from his
27 or her position.

28 Section 13. Effective September 2, 2002, section
29 101.43, Florida Statutes, is amended to read:

30 101.43 Substitute ballot.--When ~~voting machines are~~
31 ~~used and~~ the required official ballots for a precinct are not

1 delivered in time to be used on election day, or after
2 delivery, are lost, destroyed or stolen, the clerk or other
3 officials whose duty it is to provide ballots for use at such
4 election, in lieu of the official ballots, shall have
5 substitute ballots prepared, conforming as nearly as possible
6 to the official ballots, and the board of election shall
7 substitute these ballots to be used in the same manner as the
8 official ballots would have been used at the election.

9 Section 14. Effective September 2, 2002, section
10 101.49, Florida Statutes, is amended to read:

11 101.49 Procedure of election officers where signatures
12 differ.--

13 (1) Whenever any clerk or inspector, upon a just
14 comparison of the signatures ~~signature~~, doubts ~~shall doubt~~
15 that the signature handwriting ~~affixed to a signature~~
16 ~~identification slip~~ of any elector who presents himself or
17 herself at the polls to vote is the same as the signature of
18 the elector affixed in the registration book, the clerk or
19 inspector shall deliver to the person an affidavit which shall
20 be in substantially the following form:

21

22 STATE OF FLORIDA,

23 COUNTY OF

24 I do solemnly swear (or affirm) that my name is;
25 that I am years old; that I was born in the State of
26; that I am registered to vote, and at the time I
27 registered I resided on Street, in the municipality of
28, County of, State of Florida; that I am a qualified
29 voter of the county and state aforesaid and have not voted in
30 this election.

31

...(Signature of voter)...

1 substance which will enable the ballot to be tabulated by
2 means of automatic tabulating equipment.

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

7 Section 16. Effective September 2, 2002, section
8 101.5604, Florida Statutes, is amended to read:

9 101.5604 Adoption of system; procurement of equipment;
10 commercial tabulations.--The board of county commissioners of
11 any county, at any regular meeting or a special meeting called
12 for the purpose, may, upon consultation with the supervisor of
13 elections, adopt, purchase or otherwise procure, and provide
14 for the use of any electronic or electromechanical voting
15 system approved by the Department of State in all or a portion
16 of the election precincts of that county. Thereafter the
17 electronic or electromechanical voting system may be used for
18 voting at all elections for public and party offices and on
19 all measures and for receiving, registering, and counting the
20 votes thereof in such election precincts as the governing body
21 directs. A county must use an electronic or electromechanical
22 precinct tabulation voting system.~~Any such board may contract~~
23 ~~for the tabulation of votes at a location within the county~~
24 ~~when there is no suitable tabulating equipment available which~~
25 ~~is owned by the county.~~

26 Section 17. Effective September 2, 2002, a voting
27 system that uses an apparatus or device for the piercing of
28 ballots by the voter may not be used in this state.

29 Section 18. Effective September 2, 2002, section
30 101.5606, Florida Statutes, is amended to read:

31

1 101.5606 Requirements for approval of systems.--No
2 electronic or electromechanical voting system shall be
3 approved by the Department of State unless it is so
4 constructed that:

5 (1) It permits and requires voting in secrecy.

6 (2) It permits each elector to vote at any election
7 for all persons and offices for whom and for which the elector
8 is lawfully entitled to vote, and no others; to vote for as
9 many persons for an office as the elector is entitled to vote
10 for; and to vote for or against any question upon which the
11 elector is entitled to vote.

12 (3) The automatic tabulating equipment shall be set to
13 reject a ballot and provide the elector an opportunity to
14 correct the ballot where the number of votes for an office or
15 measure exceeds the number which the voter is entitled to cast
16 or when the tabulating equipment reads the ballot with no
17 votes cast.

18 ~~(4)~~(3) For rejected ballots that voters choose to
19 cast, the automatic tabulating equipment will be set to accept
20 the ballot and reject all votes for any office or measure when
21 the number of votes therefor exceeds the number which the
22 voter is entitled to cast or when the voter is not entitled to
23 cast a vote for the office or measure.

24 ~~(5)~~(4) It is capable of correctly counting votes.

25 ~~(6)~~(5) It permits each voter at a primary election to
26 vote only for the candidates seeking nomination by the
27 political party in which such voter is registered, for any
28 candidate for nonpartisan office, and for any question upon
29 which the voter is entitled to vote.

30 ~~(7)~~(6) At presidential elections it permits each
31 elector, by one operation, to vote for all presidential

1 electors of a party or for all presidential electors of
2 candidates for President and Vice President with no party
3 affiliation.

4 (8)~~(7)~~ It provides a method for write-in voting.

5 (9)~~(8)~~ It is capable of accumulating a count of the
6 specific number of ballots tallied for a precinct,
7 accumulating total votes by candidate for each office, and
8 accumulating total votes for and against each question and
9 issue of the ballots tallied for a precinct.

10 (10)~~(9)~~ It is capable of tallying votes from ballots
11 of different political parties from the same precinct, in the
12 case of a primary election.

13 (11)~~(10)~~ It is capable of automatically producing
14 precinct totals in printed, marked, or punched form, or a
15 combination thereof.

16 (12)~~(11)~~ If it is of a type which registers votes
17 electronically, it will permit each voter to change his or her
18 vote for any candidate or upon any question appearing on the
19 official ballot up to the time that the voter takes the final
20 step to register his or her vote and to have the vote
21 computed.

22 (13)~~(12)~~ It is capable of providing records from which
23 the operation of the voting system may be audited.

24 (14) It uses a precinct-count tabulation system.

25 (15) It does not use an apparatus or device for the
26 piercing of ballots by the voter.

27 Section 19. Paragraph (b) of subsection (1) of section
28 101.5607, Florida Statutes, is amended to read:

29 101.5607 Department of State to maintain voting system
30 information; prepare software.--

31 (1)

1 (b) Within 24 hours after the completion of any logic
2 and accuracy test conducted pursuant to s. 101.5612~~(1)~~, the
3 supervisor of elections shall send by certified mail to the
4 Department of State a copy of the tabulation program which was
5 used in the logic and accuracy testing.

6 Section 20. Paragraph (b) of subsection (2) of section
7 101.5608, Florida Statutes, is amended to read:

8 101.5608 Voting by electronic or electromechanical
9 method; procedures.--

10 (2) When an electronic or electromechanical voting
11 system utilizes a ballot card or paper ballot, the following
12 procedures shall be followed:

13 (b) Any voter who spoils his or her ballot or makes an
14 error may return the ballot to the election official and
15 secure another ballot, except that in no case shall a voter be
16 furnished more than three ballots. If the vote tabulation
17 device has rejected a ballot, the ballot shall be considered
18 spoiled and a new ballot shall be provided to the voter,
19 unless the voter chooses to cast the rejected ballot. The
20 election official, without examining the original ballot,
21 shall state the possible reasons for the rejection and direct
22 the voter to the instruction model provided at the precinct
23 pursuant to s. 101.5611. A spoiled ballot shall be preserved,
24 without examination, in an envelope provided for that purpose.
25 The stub shall be removed from the ballot and placed in an
26 envelope.

27 Section 21. Section 101.5612, Florida Statutes, is
28 amended to read:

29 101.5612 Testing of tabulating equipment.--

30 (1) All electronic or electromechanical voting systems
31 shall be thoroughly tested at the conclusion of maintenance

1 and programming. Tests shall be sufficient to determine that
2 the voting system is properly programmed, the election is
3 correctly defined on the voting system, and all of the voting
4 system input, output, and communication devices are working
5 properly.

6 (2)~~(1)~~ On any day not more than 10 days prior to the
7 election day, the supervisor of elections shall have the
8 automatic tabulating equipment publicly tested to ascertain
9 that the equipment will correctly count the votes cast for all
10 offices and on all measures. Public notice of the time and
11 place of the test shall be given at least 48 hours prior
12 thereto by publication once in one or more newspapers of
13 general circulation in the county or, if there is no newspaper
14 of general circulation in the county, by posting such notice
15 in at least four conspicuous places in the county. The
16 supervisor or the municipal elections official may, at the
17 time of qualifying, give written notice of the time and
18 location of such public ~~the~~ preelection test to each candidate
19 qualifying with that office and obtain a signed receipt that
20 such notice has been given. The Department of State shall
21 give written notice to each statewide candidate at the time of
22 qualifying, or immediately at the end of qualifying, that the
23 voting equipment will be tested and advise each such candidate
24 to contact the county supervisor of elections as to the time
25 and location of the public preelection test ~~pretest~~. The
26 supervisor or the municipal elections official shall, at least
27 15 days prior to an election, send written notice by certified
28 mail to the county party chair of each political party and to
29 all candidates for other than statewide office whose names
30 appear on the ballot in the county and who did not receive
31 written notification from the supervisor or municipal

1 elections official at the time of qualifying, stating the time
2 and location of the public preelection test of the automatic
3 tabulating equipment. The canvassing board shall convene, and
4 each member of the canvassing board shall certify to the
5 accuracy of the test. For the test, the canvassing board may
6 designate one member to represent it. The test shall be open
7 to representatives of the political parties, the press, and
8 the public. Each political party may designate one person
9 with expertise in the computer field who shall be allowed in
10 the central counting room when all tests are being conducted
11 and when the official votes are being counted. Such designee
12 shall not interfere with the normal operation of the
13 canvassing board.

14 (3) For electronic or electromechanical voting systems
15 configured to tabulate absentee ballots at a central or
16 regional site, the public testing shall be conducted by
17 processing a preaudited group of ballots so produced as to
18 record a predetermined number of valid votes for each
19 candidate and on each measure and to include one or more
20 ballots for each office which have activated voting positions
21 in excess of the number allowed by law in order to test the
22 ability of the automatic tabulating equipment to reject such
23 votes. If any error is detected, the cause therefor shall be
24 corrected and an errorless count shall be made before the
25 automatic tabulating equipment is approved. The test shall be
26 repeated and errorless results achieved immediately before the
27 start of the official count of the ballots and again after the
28 completion of the official count. The programs and ballots
29 used for testing shall be sealed and retained under the
30 custody of the county canvassing board.

31

1 (4)(a)1. For electronic or electromechanical voting
2 systems configured to include electronic or electromechanical
3 tabulation devices which are distributed to the precincts, all
4 or a sample of the devices to be used in the election shall be
5 publicly tested. If a sample is to be tested, the sample
6 shall consist of a random selection of at least 5 percent or
7 10 of the devices, whichever is greater. The test shall be
8 conducted by processing a group of ballots, causing the device
9 to output results for the ballots processed, and comparing the
10 output of results to the results expected for the ballots
11 processed. The group of ballots shall be produced so as to
12 record a predetermined number of valid votes for each
13 candidate and on each measure and to include for each office
14 one or more ballots which have activated voting positions in
15 excess of the number allowed by law in order to test the
16 ability of the tabulating device to reject such votes.

17 2. If any tested tabulating device is found to have an
18 error in tabulation, it shall be deemed unsatisfactory. For
19 each device deemed unsatisfactory, the canvassing board shall
20 take steps to determine the cause of the error, shall attempt
21 to identify and test other devices that could reasonably be
22 expected to have the same error, and shall test a number of
23 additional devices sufficient to determine that all devices
24 are satisfactory. Upon deeming any device unsatisfactory, the
25 canvassing board may require all devices to be tested or may
26 declare that all devices are unsatisfactory.

27 3. If the operation or output of any tested tabulation
28 device, such as spelling or the order of candidates on a
29 report, is in error, such problem shall be reported to the
30 canvassing board. The canvassing board shall then determine
31

1 if the reported problem warrants its deeming the device
2 unsatisfactory.

3 (b) At the completion of testing under this
4 subsection, the canvassing board or its representative, the
5 representatives of the political parties, and the candidates
6 or their representatives who attended the test shall witness
7 the resetting of each device that passed to a preelection
8 state of readiness and the sealing of each device that passed
9 in such a manner as to secure its state of readiness until the
10 opening of the polls.

11 (c) The canvassing board or its representative shall
12 execute a written statement setting forth the tabulation
13 devices tested, the results of the testing, the protective
14 counter numbers, if applicable, of each tabulation device, the
15 number of the seal securing each tabulation device at the
16 conclusion of testing, any problems reported to the board as a
17 result of the testing, and whether each device tested is
18 satisfactory or unsatisfactory.

19 (d) Any tabulating device deemed unsatisfactory shall
20 be reprogrammed, repaired, or replaced and shall be made
21 available for retesting. Such device must be determined by
22 the canvassing board or its representative to be satisfactory
23 before it may be used in any election. The canvassing board
24 or its representative shall announce at the close of the first
25 testing the date, place, and time that any unsatisfactory
26 device will be retested or may, at the option of the board,
27 notify by telephone each person who was present at the first
28 testing as to the date, place, and time that the retesting
29 will occur.

30 (e) Records must be kept of all preelection testing of
31 electronic or electromechanical tabulation devices used in any

1 election. Such records are to be present and available for
2 inspection and reference during public preelection testing by
3 any person in attendance during such testing. The need of the
4 canvassing board for access to such records during the testing
5 shall take precedence over the need of other attendees to
6 access such records so that the work of the canvassing board
7 will not be delayed or hindered. Records of testing must
8 include, for each device, the name of each person who tested
9 the device and the date, place, time, and results of each
10 test. Records of testing shall be retained as part of the
11 official records of the election in which any device was used.

12 ~~(2) The test shall be conducted by processing a~~
13 ~~preaudited group of ballots so produced as to record a~~
14 ~~predetermined number of valid votes for each candidate and on~~
15 ~~each measure and shall include for each office one or more~~
16 ~~ballots which have votes in excess of the number allowed by~~
17 ~~law in order to test the ability of the automatic tabulating~~
18 ~~equipment to reject such votes. If any error is detected, the~~
19 ~~cause therefor shall be ascertained and corrected and an~~
20 ~~errorless count shall be made before the automatic tabulating~~
21 ~~equipment is approved. The test shall be repeated immediately~~
22 ~~before the start of the official count of the ballots in the~~
23 ~~same manner as set forth above. After the completion of the~~
24 ~~count, the test shall be repeated. The programs and ballots~~
25 ~~used shall be sealed and retained under the custody of the~~
26 ~~county canvassing board.~~

27 Section 22. Effective September 2, 2002, subsections
28 (1), (2), (3), and (7) of section 101.5614, Florida Statutes,
29 as amended by this act, are amended to read:

30 101.5614 Canvass of returns.--

31

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

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

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

1 ~~political party. The election board shall certify that the~~
2 ~~ballots were placed in such container or containers and each~~
3 ~~container was sealed in its presence and under its~~
4 ~~supervision, and it shall further certify to the number of~~
5 ~~ballots of each type placed in the container or containers.~~

6 (2)(b) ~~If ballots are to be counted at the precincts,~~
7 ~~such ballots shall be counted pursuant to rules adopted by The~~
8 ~~Department of State, which rules shall, in accordance with s.~~
9 101.015, adopt rules that provide safeguards which conform as
10 nearly as practicable to the safeguards provided in the
11 procedures for the counting of votes at a precinct and at a
12 central or regional location.

13 ~~(3)(a) All proceedings at the central or regional~~
14 ~~counting location or other designated location shall be under~~
15 ~~the direction of the county canvassing board and shall be open~~
16 ~~to the public, but no person except a person employed and~~
17 ~~authorized for the purpose shall touch any ballot or ballot~~
18 ~~container, any item of automatic tabulating equipment, or any~~
19 ~~return prior to its release. If the ballots are tabulated at~~
20 ~~regional locations, one member of the canvassing board or a~~
21 ~~person designated by the board to represent it shall be~~
22 ~~present at each location during the testing of the counting~~
23 ~~equipment and the tabulation of the ballots.~~

24 (3)(b) The results of ~~If~~ ballots are tabulated at
25 precinct regional ~~locations, the results of such election may~~
26 ~~be transmitted via dedicated teleprocessing lines to the main~~
27 ~~computer system for the purpose of compilation of complete~~
28 ~~returns. The security guidelines for transmission of returns~~
29 ~~by dedicated teleprocessing lines shall conform to rules~~
30 ~~adopted by the Department of State pursuant to s. 101.015.~~

31

1 (7) Absentee ballots may be counted by automatic
2 tabulating equipment if they have been ~~punched or~~ marked in a
3 manner which will enable them to be properly counted by such
4 equipment.
5 Section 23. Effective September 2, 2002, section
6 101.58, Florida Statutes, is amended to read:
7 101.58 Supervising and observing registration and
8 election processes.--The Department of State may, at any time
9 it deems fit; upon the petition of 5 percent of the registered
10 electors; or upon the petition of any candidate, county
11 executive committee chair, state committeeman or
12 committeewoman, or state executive committee chair, appoint
13 one or more deputies whose duties shall be to observe and
14 examine the registration and election processes and the
15 condition, custody, and operation of voting systems and
16 equipment ~~machines~~ in any county or municipality. The deputy
17 shall have access to all registration books and records as
18 well as any other records or procedures relating to the voting
19 process. The deputy may supervise preparation of the voting
20 equipment ~~election machines~~ and procedures for election, and
21 it shall be unlawful for any person to obstruct the deputy in
22 the performance of his or her duty. The deputy shall file with
23 the Department of State a report of his or her findings and
24 observations of the registration and election processes in the
25 county or municipality, and a copy of the report shall also be
26 filed with the clerk of the circuit court of said county. The
27 compensation of such deputies shall be fixed by the Department
28 of State; and costs incurred under this section shall be paid
29 from the annual operating appropriation made to the Department
30 of State.
31

1 Section 24. Section 101.595, Florida Statutes, is
2 created to read:

3 101.595 Analysis and reports of voter error.--

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

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

15 (a) An identification of problems with the ballot
16 design or instructions which may have contributed to voter
17 confusion.

18 (b) An identification of voting system design
19 problems.

20 (c) Recommendations for correcting any problems
21 identified.

22 (3) The Department of State shall submit the report to
23 the Governor, the President of the Senate, and the Speaker of
24 the House of Representatives by January 31 of each year
25 following a general election.

26 Section 25. Effective September 2, 2002, subsection
27 (2) of section 101.71, Florida Statutes, is amended to read:

28 101.71 Polling place.--

29 (2) Notwithstanding the provisions of subsection (1),
30 whenever the supervisor of elections of any county determines
31 that the accommodations for holding any election at a polling

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

26 Section 26. Subsection (1) of section 101.75, Florida
27 Statutes, is amended to read:

28 101.75 Municipal elections; change of dates for
29 cause.--

30 (1) In any municipality, when the date of the
31 municipal election falls on the same date as any statewide or

1 county election and the voting devices of the voting system
2 used in the county machines are not available for both
3 elections, the municipality may provide that the municipal
4 election may be held within 30 days prior to or subsequent to
5 the statewide or county election.

6 Section 27. Effective September 2, 2002, subsections
7 (4) and (7) of section 102.012, Florida Statutes, are amended
8 to read:

9 102.012 Inspectors and clerks to conduct elections.--

10 (4)(a) The election board of each precinct shall
11 attend the polling place by 6 a.m. of the day of the election
12 and shall arrange the furniture, stationery, and voting
13 equipment.

14 (b) An election board shall conduct the voting,
15 beginning and closing at the time set forth in s. 100.011. If
16 more than one board has been appointed, the second board
17 shall, upon the closing of the polls, come on duty and count
18 the votes cast. In such case, the first board shall turn over
19 to the second board all closed ballot boxes, registration
20 books, and other records of the election at the time the
21 boards change. The second board shall continue counting until
22 the count is complete or until 7 a.m. the next morning, and,
23 if the count is not completed at that time, the first board
24 that conducted the election shall again report for duty and
25 complete the count. The second board shall turn over to the
26 first board all ballots counted, all ballots not counted, and
27 all registration books and other records and shall advise the
28 first board as to what has transpired in tabulating the
29 results of the election.

30 ~~(7) For any precinct using voting machines, there~~
31 ~~shall be one election board appointed, plus an additional~~

1 ~~inspector for each machine in excess of one; however, the~~
2 ~~supervisor of elections may appoint a greater number of~~
3 ~~additional inspectors than required by this subsection.~~

4 Section 28. Subsections (8) and (9) of section
5 103.101, Florida Statutes, are amended to read:

6 103.101 Presidential preference primary.--

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

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

12
13 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~

14 ~~PRIMARY BALLOT~~

15
16 ~~No. Party~~

17 ~~....COUNTY, FLORIDA~~

18
19 ~~Precinct No.~~

20
21 ~~...(Date)...~~

22
23 ~~...(Signature of Voter)...~~

~~...(Initials of Issuing~~

24 ~~Official)...~~

25
26 ~~Stub No. 1~~

27
28 ~~OFFICIAL PRESIDENTIAL PREFERENCE~~

29 ~~PRIMARY BALLOT~~

30
31 ~~No. Party~~

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

Section 29. Section 104.30, Florida Statutes, is amended to read:

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

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

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

Section 30. Effective September 2, 2002, section 138.05, Florida Statutes, is amended to read:

138.05 Form of ballot.--The clerk of the circuit court of any county in this state, when the names of the towns, villages, and cities required in s. 138.04 have been furnished him or her, shall have printed, at the expense of the county, a suitable ballot to be used in the ~~said~~ election, the ~~said~~ ballot to contain, in alphabetical order, the names of all such towns, villages, and cities, and no other places shall be printed on the ~~said~~ ballots; ~~provided, that in counties where the use of voting machines is now or may hereafter be authorized by law, the requirements of this section shall, insofar as practicable, be adapted to the use of said voting machines.~~

1 Section 31. Paragraph (c) of subsection (1) of section
2 582.18, Florida Statutes, is amended to read:

3 582.18 Election of supervisors of each district.--

4 (1)

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

19 Section 32. Sections 100.071, 101.141, 101.181,
20 101.191, 101.251, and 101.5609, Florida Statutes, are
21 repealed.

22 Section 33. Effective September 2, 2002, sections
23 101.011, 101.27, 101.28, 101.29, 101.32, 101.33, 101.35,
24 101.36, 101.37, 101.38, 101.39, 101.40, 101.445, 101.45,
25 101.46, 101.47, 101.54, 101.55, and 101.56, Florida Statutes,
26 are repealed.

27 Section 34. Section 97.021, Florida Statutes, is
28 amended to read:

29 97.021 Definitions.--For the purposes of this code,
30 except where the context clearly indicates otherwise, the
31 term:

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

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

5 ~~(b) Is an inspector, a poll worker, a deputy voting~~
6 ~~machine custodian, a deputy sheriff, a supervisor of~~
7 ~~elections, or a deputy supervisor who is assigned to a~~
8 ~~different precinct than that in which he or she is registered~~
9 ~~to vote.~~

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

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

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

20 ~~(f) Has changed his or her residency to another state~~
21 ~~and is ineligible under the laws of that state to vote in the~~
22 ~~general election; however, this pertains only to presidential~~
23 ~~ballots.~~

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

26 (a) "Voting machines," except when reference is made
27 to write-in ballots, means that portion of the printed strips
28 of cardboard, paper, or other material that is within the
29 ballot frames containing the names of candidates, or a
30 statement of a proposed constitutional amendment or other
31

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

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

8 (c) "Electronic or electromechanical devices" means a
9 ballot which is voted by the process of punching or marking
10 with a marking device for tabulation by automatic tabulating
11 equipment or data processing equipment.

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

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

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

18 (c) Any person who receives contributions or makes
19 expenditures, or gives his or her consent for any other person
20 to receive contributions or make expenditures, with a view to
21 bringing about his or her nomination or election to, or
22 retention in, public office.

23 (d) Any person who appoints a treasurer and designates
24 a primary depository.

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

27

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

30

31

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

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

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

7 (7) "Election" means any primary election, special
8 primary election, special election, general election, or
9 presidential preference primary election.

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

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

23 (10) "Elector" is synonymous with the word "voter" or
24 "qualified elector or voter," except where the word is used to
25 describe presidential electors.

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

31

1 (12) "Lists of registered electors" means copies of
2 printed lists of registered electors, computer tapes or disks,
3 or any other device used by the supervisor of elections to
4 maintain voter records.

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

9 (a) Employed as an officer or crew member of a vessel
10 documented under the laws of the United States, a vessel owned
11 by the United States, or a vessel of foreign-flag registry
12 under charter to or control of the United States; or

13 (b) Enrolled with the United States for employment or
14 training for employment, or maintained by the United States
15 for emergency relief service, as an officer or crew member of
16 such vessel.

17 ~~(14)~~(13) "Minor political party" is any group as
18 defined in this subsection which on January 1 preceding a
19 primary election does not have registered as members 5 percent
20 of the total registered electors of the state. Any group of
21 citizens organized for the general purposes of electing to
22 office qualified persons and determining public issues under
23 the democratic processes of the United States may become a
24 minor political party of this state by filing with the
25 department a certificate showing the name of the organization,
26 the names of its current officers, including the members of
27 its executive committee, and a copy of its constitution or
28 bylaws. It shall be the duty of the minor political party to
29 notify the department of any changes in the filing certificate
30 within 5 days of such changes.

31

1 ~~(15)(14)~~ "Newspaper of general circulation" means a
2 newspaper printed in the language most commonly spoken in the
3 area within which it circulates and which is readily available
4 for purchase by all inhabitants in the area of circulation,
5 but does not include a newspaper intended primarily for
6 members of a particular professional or occupational group, a
7 newspaper the primary function of which is to carry legal
8 notices, or a newspaper that is given away primarily to
9 distribute advertising.

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

12 ~~(17)(16)~~ "Nonpartisan office" means an office for
13 which a candidate is prohibited from campaigning or qualifying
14 for election or retention in office based on party
15 affiliation.

16 ~~(18)(17)~~ "Office that serves persons with
17 disabilities" means any state office that takes applications
18 either in person or over the telephone from persons with
19 disabilities for any program, service, or benefit primarily
20 related to their disabilities.

21 ~~(19)~~ "Overseas voter" means:

22 ~~(a)~~ Members of the uniformed services while in the
23 active service who are permanent residents of the state and
24 are temporarily residing outside the territorial limits of the
25 United States and the District of Columbia;

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

30 ~~(c)~~ Other citizens of the United States who are
31 permanent residents of the state and are temporarily residing

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

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

5 (20) "Overvote" means that the elector marks or
6 designates more names than there are persons to be elected to
7 an office or designates more than one answer to a ballot
8 question, and the tabulator records no vote for the office or
9 question.

10 (21)~~(18)~~ "Persons with disabilities" means individuals
11 who have a physical or mental impairment that substantially
12 limits one or more major life activities.

13 (22)~~(19)~~ "Polling place" is the building which
14 contains the polling room where ballots are cast.

15 (23)~~(20)~~ "Polling room" means the actual room in which
16 ballots are cast.

17 (24)~~(21)~~ "Primary election" means an election held
18 preceding the general election for the purpose of nominating a
19 party nominee to be voted for in the general election to fill
20 a national, state, county, or district office. The first
21 primary is a nomination or elimination election; the second
22 primary is a nominating election only.

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

26 (a) The voter's name does not appear on the precinct
27 register and verification of the voter's eligibility cannot be
28 determined; or

29 (b) There is an indication on the precinct register
30 that the voter has requested an absentee ballot and there is
31

1 no indication whether the voter has returned the absentee
2 ballot.

3 (26)~~(22)~~ "Public assistance" means assistance provided
4 through the food stamp program; the Medicaid program; the
5 Special Supplemental Food Program for Women, Infants, and
6 Children; and the WAGES Program.

7 (27)~~(23)~~ "Public office" means any federal, state,
8 county, municipal, school, or other district office or
9 position which is filled by vote of the electors.

10 (28)~~(24)~~ "Qualifying educational institution" means
11 any public or private educational institution receiving state
12 financial assistance which has, as its primary mission, the
13 provision of education or training to students who are at
14 least 18 years of age, provided such institution has more than
15 200 students enrolled in classes with the institution and
16 provided that the recognized student government organization
17 has requested this designation in writing and has filed the
18 request with the office of the supervisor of elections in the
19 county in which the institution is located.

20 (29)~~(25)~~ "Special election" is a special election
21 called for the purpose of voting on a party nominee to fill a
22 vacancy in the national, state, county, or district office.

23 (30)~~(26)~~ "Special primary election" is a special
24 nomination election designated by the Governor, called for the
25 purpose of nominating a party nominee to be voted on in a
26 general or special election.

27 (31)~~(27)~~ "Supervisor" means the supervisor of
28 elections.

29 (32) "Undervote" means that the elector does not
30 properly designate any choice for an office or ballot

31

1 question, and the tabulator records no vote for the office or
2 question.

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

7 (34)~~(28)~~ "Voter registration agency" means any office
8 that provides public assistance, any office that serves
9 persons with disabilities, any center for independent living,
10 or any public library.

11 (35)~~(29)~~ "Voting booth" or "booth" means that booth or
12 enclosure wherein an elector casts his or her ballot, be it a
13 paper ballot, a voting machine ballot, or a ballot cast for
14 tabulation by an electronic or electromechanical device.

15 (36)~~(30)~~ "Voting system" means a method of casting and
16 processing votes that functions wholly or partly by use of
17 mechanical, electromechanical, or electronic apparatus or by
18 use of paper ballots and includes, but is not limited to, the
19 procedures for casting and processing votes and the programs,
20 operating manuals, tabulating cards, printouts, and other
21 software necessary for the system's operation.

22 Section 35. Section 101.048, Florida Statutes, is
23 created to read:

24 101.048 Provisional ballots.--

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

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

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

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

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

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

22
23 STATE OF FLORIDA

24 COUNTY OF

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

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

10

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

13

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

18

19 Change of Name of Registered
20 Voter

21

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

27 Name.....
28 Address.....
29 Municipality.....
30 County.....
31 Florida, Zip.....

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

9
10 ...(Signature of voter whose name has changed)...

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

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

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

1 change of address of legal residence required by this section.
2 Upon receipt of such request for an absentee ballot from an
3 elector who has changed his or her address of legal residence,
4 the supervisor shall provide the elector with the proper
5 ballot for the precinct in which the elector then has his or
6 her legal residence.

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

19 Section 37. Subsections (1), (2), (5), (6), and (8) of
20 section 101.5614, Florida Statutes, are amended, and
21 subsection (9) is added to said section, to read:

22 101.5614 Canvass of returns.--

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

1 is a difference, this fact shall be reported in writing to the
2 county canvassing board with the reasons therefor if known.
3 The total number of voted ballots shall be entered on the
4 forms provided. The proceedings of the election board at the
5 precinct after the polls have closed shall be open to the
6 public; however, no person except a member of the election
7 board shall touch any ballot or ballot container or interfere
8 with or obstruct the orderly count of the ballots.

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

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

28 (b) If ballots are to be counted at the precincts,
29 such ballots shall be counted pursuant to rules adopted by the
30 Department of State, which rules shall provide safeguards
31 which conform as nearly as practicable to the safeguards

1 provided in the procedures for the counting of votes at a
2 central location.

3 (5) If any ballot card of the type for which the
4 offices and measures are not printed directly on the card is
5 damaged or defective so that it cannot properly be counted by
6 the automatic tabulating equipment, a true duplicate copy
7 shall be made of the damaged ballot card in the presence of
8 witnesses and substituted for the damaged ballot. Likewise, a
9 duplicate ballot card shall be made of a defective ballot
10 which shall not include the invalid votes. All duplicate
11 ballot cards shall be clearly labeled "duplicate," bear a
12 serial number which shall be recorded on the damaged or
13 defective ballot card, and be counted in lieu of the damaged
14 or defective ballot. If any ballot card of the type for which
15 offices and measures are printed directly on the card is
16 damaged or defective so that it cannot properly be counted by
17 the automatic tabulating equipment, a true duplicate copy may
18 be made of the damaged ballot card in the presence of
19 witnesses and in the manner set forth above, or the valid
20 votes on the damaged ballot card may be manually counted at
21 the counting center by the canvassing board, whichever
22 procedure is best suited to the system used. If any paper
23 ballot is damaged or defective so that it cannot be counted
24 properly by the automatic tabulating equipment, the ballot
25 shall be counted manually at the counting center by the
26 canvassing board. The totals for all such ballots or ballot
27 cards counted manually shall be added to the totals for the
28 several precincts or election districts. No vote shall be
29 declared invalid or void if there is a clear indication on the
30 ballot that the voter has made a definite choice ~~of the intent~~
31 ~~of the voter~~ as determined by the canvassing board. After

1 duplicating a ballot, the defective ballot shall be placed in
2 an envelope provided for that purpose, and the duplicate
3 ballot shall be tallied with the other ballots for that
4 precinct.

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

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 certification by the canvassing board. Upon
18 completion of the count, the returns shall be open to the
19 public. A copy of the returns may be posted at the central
20 counting place or at the office of the supervisor of elections
21 in lieu of the posting of returns at individual 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 38. Section 101.69, Florida Statutes, is
29 amended to read:

30 101.69 Voting in person; return of absentee
31 ballot.--The provisions of this code shall not be construed to

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

13 Section 39. Section 102.111, Florida Statutes, is
14 amended to read:

15 102.111 Elections Canvassing Commission.--

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

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

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

12 Section 40. Section 102.112, Florida Statutes, is
13 amended to read:

14 102.112 Deadline for submission of county returns to
15 the Department of State; ~~penalties.~~--

16 (1) The county canvassing board or a majority thereof
17 shall file the county returns for the election of a federal or
18 state officer with the Department of State immediately after
19 certification of the election results.

20 (2) Returns must be filed by 5 p.m. on the 7th day
21 following the first primary election, ~~and general election and~~
22 by 3 p.m. on the 3rd day following the second primary
23 election, and by 5 p.m. on the 11th day following the general
24 election.

25 (3) If the returns are not received by the department
26 by the time specified, such returns shall ~~may~~ be ignored and
27 the results on file at that time shall ~~may~~ be certified by the
28 department.

29 (4) If the returns are not received by the department
30 due to an emergency, as defined in s. 101.732, the Elections
31

1 Canvassing Commission shall determine the deadline by which
2 the returns must be received.

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

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

11 Section 41. Present subsections (5) and (6) of section
12 102.141, Florida Statutes, are renumbered as subsections (7)
13 and (8), respectively, present subsection (4) is amended and
14 renumbered as subsection (6), subsections (2) and (3) are
15 amended, and new subsections (4) and (5) are added to said
16 section, to read:

17 102.141 County canvassing board; duties.--

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

1 the board shall proceed to publicly canvass the vote given
2 each candidate, nominee, constitutional amendment, or other
3 measure submitted to the electorate of the county, as shown by
4 the returns then on file in the office of the supervisor of
5 elections and the office of the county court judge.

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

29 (4) The canvassing board shall submit unofficial
30 returns to the Department of State for each federal,
31 statewide, state, or multicounty office or ballot measure no

1 later than noon on the day after any primary, general,
2 special, or other election.

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

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

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

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

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

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

1 ~~counters of the precinct tabulators of such machines or the~~
2 ~~tabulation of the ballots cast~~ shall be presumed correct and
3 such votes shall be canvassed accordingly.

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

19 Section 42. Section 102.166, Florida Statutes, is
20 amended to read:

21 102.166 Manual recounts ~~Protest of election returns~~
22 ~~procedure.--~~

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

1 for certifying the results of the vote on such race or measure
2 shall order a manual recount of the overvotes and undervotes
3 cast in the entire geographic jurisdiction of such office or
4 ballot measure.

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

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

27 (c) Upon receipt of a proper and timely request, the
28 Elections Canvassing Commission or county canvassing board
29 shall immediately order a manual recount of overvotes and
30 undervotes in all affected jurisdictions.

31

1 (3)(a) Any hardware or software used to identify and
2 sort overvotes and undervotes for a given race or ballot
3 measure must be certified by the Department of State as part
4 of the voting system pursuant to s. 101.015. Any such hardware
5 or software must be capable of simultaneously counting votes.
6 For certified voting systems, the department shall certify
7 such hardware or software by July 1, 2002. If the department
8 is unable to certify such hardware or software for a certified
9 voting system by July 1, 2002, the department shall adopt
10 rules prescribing procedures for identifying and sorting such
11 overvotes and undervotes. The department's rules may provide
12 for the temporary use of hardware or software whose sole
13 function is identifying and sorting overvotes and undervotes.

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

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

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

25 ~~(2) Such protest shall be filed with the canvassing~~
26 ~~board prior to the time the canvassing board certifies the~~
27 ~~results for the office being protested or within 5 days after~~
28 ~~midnight of the date the election is held, whichever occurs~~
29 ~~later.~~

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

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

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

9 ~~(c) When electronic or electromechanical equipment is~~
10 ~~used, the canvassing board shall examine precinct records and~~
11 ~~election returns. If there is a clerical error, such error~~
12 ~~shall be corrected by the county canvassing board. If there is~~
13 ~~a discrepancy which could affect the outcome of an election,~~
14 ~~the canvassing board may recount the ballots on the automatic~~
15 ~~tabulating equipment.~~

16 ~~(4)(a) Any candidate whose name appeared on the~~
17 ~~ballot, any political committee that supports or opposes an~~
18 ~~issue which appeared on the ballot, or any political party~~
19 ~~whose candidates' names appeared on the ballot may file a~~
20 ~~written request with the county canvassing board for a manual~~
21 ~~recount. The written request shall contain a statement of the~~
22 ~~reason the manual recount is being requested.~~

23 ~~(b) Such request must be filed with the canvassing~~
24 ~~board prior to the time the canvassing board certifies the~~
25 ~~results for the office being protested or within 72 hours~~
26 ~~after midnight of the date the election was held, whichever~~
27 ~~occurs later.~~

28 ~~(c) The county canvassing board may authorize a manual~~
29 ~~recount. If a manual recount is authorized, the county~~
30 ~~canvassing board shall make a reasonable effort to notify each~~
31

1 ~~candidate whose race is being recounted of the time and place~~
2 ~~of such recount.~~

3 ~~(d) The manual recount must include at least three~~
4 ~~precincts and at least 1 percent of the total votes cast for~~
5 ~~such candidate or issue. In the event there are less than~~
6 ~~three precincts involved in the election, all precincts shall~~
7 ~~be counted. The person who requested the recount shall choose~~
8 ~~three precincts to be recounted, and, if other precincts are~~
9 ~~recounted, the county canvassing board shall select the~~
10 ~~additional precincts.~~

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

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

16 ~~(b) Request the Department of State to verify the~~
17 ~~tabulation software; or~~

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

19 (4)(6) Any manual recount shall be open to the public.

20 (5)(a) A vote for a candidate or ballot measure shall
21 be counted if there is a clear indication on the ballot that
22 the voter has made a definite choice.

23 (b) The Department of State shall adopt specific rules
24 for each certified voting system prescribing what constitutes
25 a "clear indication on the ballot that the voter has made a
26 definite choice." The rules may not:

27 1. Exclusively provide that the voter must properly
28 mark or designate his or her choice on the ballot; or,

29 2. Contain a catch-all provision that fails to
30 identify specific standards, such as "any other mark or
31

1 indication clearly indicating that the voter has made a
2 definite choice."

3 ~~(6)(7)~~ Procedures for a manual recount are as follows:

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

10 (b) If a counting team is unable to determine whether
11 the ballot contains a clear indication that the voter has made
12 a definite choice ~~a voter's intent in casting a ballot~~, the
13 ballot shall be presented to the county canvassing board for a
14 determination ~~it to determine the voter's intent~~.

15 (c) The Department of State shall adopt detailed rules
16 prescribing additional recount procedures for each certified
17 voting system which shall be uniform to the extent
18 practicable. The rules shall address, at a minimum, the
19 following areas:

- 20 1. Security of ballots during the recount process;
- 21 2. Time and place of recounts;
- 22 3. Public observance of recounts;
- 23 4. Objections to ballot determinations;
- 24 5. Record of recount proceedings; and
- 25 6. Procedures relating to candidate and petitioner
26 representatives.

27 ~~(8) If the county canvassing board determines the need~~
28 ~~to verify the tabulation software, the county canvassing board~~
29 ~~shall request in writing that the Department of State verify~~
30 ~~the software.~~

31

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

3 ~~(a) Compare the software used to tabulate the votes~~
4 ~~with the software filed with the Department of State pursuant~~
5 ~~to s. 101.5607; and~~

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

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

9 Section 43. Section 102.167, Florida Statutes, is
10 repealed.

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

13 102.168 Contest of election.--

14 (1) Except as provided in s. 102.171, the
15 certification of election or nomination of any person to
16 office, or of the result on any question submitted by
17 referendum, may be contested in the circuit court by any
18 unsuccessful candidate for such office or nomination thereto
19 or by any elector qualified to vote in the election related to
20 such candidacy, or by any taxpayer, respectively.

21 (2) Such contestant shall file a complaint, together
22 with the fees prescribed in chapter 28, with the clerk of the
23 circuit court within 10 days after midnight of the date the
24 last county canvassing board empowered to canvass the returns
25 certifies the results of the election being contested ~~or~~
26 ~~within 5 days after midnight of the date the last county~~
27 ~~canvassing board empowered to canvass the returns certifies~~
28 ~~the results of that particular election following a protest~~
29 ~~pursuant to s. 102.166(1), whichever occurs later.~~

30 (3) The complaint shall set forth the grounds on which
31 the contestant intends to establish his or her right to such

1 office or set aside the result of the election on a submitted
2 referendum. The grounds for contesting an election under this
3 section are:

4 (a) Misconduct, fraud, or corruption on the part of
5 any election official or any member of the canvassing board
6 sufficient to change or place in doubt the result of the
7 election.

8 (b) Ineligibility of the successful candidate for the
9 nomination or office in dispute.

10 (c) Receipt of a number of illegal votes or rejection
11 of a number of legal votes sufficient to change or place in
12 doubt the result of the election.

13 (d) Proof that any elector, election official, or
14 canvassing board member was given or offered a bribe or reward
15 in money, property, or any other thing of value for the
16 purpose of procuring the successful candidate's nomination or
17 election or determining the result on any question submitted
18 by referendum.

19 ~~(e) Any other cause or allegation which, if sustained,~~
20 ~~would show that a person other than the successful candidate~~
21 ~~was the person duly nominated or elected to the office in~~
22 ~~question or that the outcome of the election on a question~~
23 ~~submitted by referendum was contrary to the result declared by~~
24 ~~the canvassing board or election board.~~

25 (4) The canvassing board or Elections Canvassing
26 Commission ~~election board~~ shall be the proper party defendant,
27 and the successful candidate shall be an indispensable party
28 to any action brought to contest the election or nomination of
29 a candidate.

30 (5) A statement of the grounds of contest may not be
31 rejected, nor the proceedings dismissed, by the court for any

1 want of form if the grounds of contest provided in the
2 statement are sufficient to clearly inform the defendant of
3 the particular proceeding or cause for which the nomination or
4 election is contested.

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

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

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

30 Section 45. Section 97.0555, Florida Statutes, is
31 created to read:

1 97.0555 Late registration.--An individual or
2 accompanying family member who has been discharged or
3 separated from the uniformed services or Merchant Marine, or
4 from employment outside the territorial limits of the United
5 States, after the book closing for an election pursuant to s.
6 97.055, and who is otherwise qualified, may register to vote
7 in such election until 5 p.m. on the Friday before that
8 election. Such persons must produce sufficient documentation
9 showing evidence of qualifying for late registration pursuant
10 to this section. The Department of State shall adopt rules
11 specifying documentation that is sufficient to determine
12 eligibility.

13 Section 46. Section 101.6951, Florida Statutes, is
14 created to read:

15 101.6951 State write-in ballot.--

16 (1) An overseas voter may request, not earlier than
17 180 days before a general election, a state write-in absentee
18 ballot from the supervisor of elections in the county of
19 registration. In order to receive a state write-in ballot, the
20 voter shall state that due to military or other contingencies
21 that preclude normal mail delivery, the voter cannot vote an
22 absentee ballot during the normal absentee voting period.
23 State write-in absentee ballots shall be made available to
24 voters 90 to 180 days prior to a general election. The
25 Department of State shall prescribe by rule the form of the
26 state write-in ballot.

27 (2) In completing the ballot, the overseas voter may
28 designate his or her choice by writing in the name of the
29 candidate or by writing in the name of a political party, in
30 which case the ballot must be counted for the candidate of
31

1 that political party, if there is such a party candidate on
2 the ballot.

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

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

11 Section 47. Section 101.6952, Florida Statutes, is
12 created to read:

13 101.6952 Absentee ballots for overseas voters.--

14 (1) Not fewer than 35 days prior to the first primary
15 and not fewer than 45 days prior to the second primary and the
16 general election, the supervisor of elections shall mail an
17 absentee ballot to each overseas voter who has made a request
18 for an absentee ballot.

19 (2) If the regular absentee ballots for the second
20 primary or general election are not available for mailing by
21 the times prescribed in subsection (1), the supervisor of
22 elections shall mail an advance ballot.

23 (a) The advance ballot for the second primary must be
24 the same as the first primary ballot as to the names of
25 candidates, except that for any offices where there are only
26 two candidates, those offices and all political party
27 executive committee offices shall be omitted.

28 (b) Except as provided in section 99.063(4), Florida
29 Statutes, the advance absentee ballot for the general election
30 shall include the same information as the general election
31 ballot, except that in the case of candidates of political

1 parties when nominations were not made in the first primary,
2 the names of the candidates placing first and second in the
3 first primary election must be printed on the advance absentee
4 ballot.

5 (c) The advance absentee ballot shall be a different
6 color for each election and also a different color from the
7 absentee ballots for the first primary, second primary, and
8 general election.

9 (d) The supervisor shall enclose with the advance
10 ballot an explanation stating that the absentee ballot for the
11 election will be mailed as soon as it is printed; and, if both
12 the advance absentee ballot and the absentee ballot for the
13 election are returned in time to be counted, only the absentee
14 ballot will be counted.

15 (e) In the event that the Elections Canvassing
16 Commission is unable to certify the results of an election for
17 a state office in time to comply with the provisions of the
18 subsection, the Department of State is authorized to prescribe
19 rules for a ballot to be sent to overseas voters.

20 (3) If an overseas voter's request for an absentee
21 ballot includes an e-mail address, the supervisor of elections
22 shall inform the voter of the names of candidates who will be
23 on the ballots via electronic transmission. The supervisor of
24 elections shall e-mail to the voter the list of candidates for
25 the first primary not later than 30 days before the first
26 primary; the list of candidates for the second primary not
27 later than eight days after the first primary, and the list of
28 candidates for the general election not later than four days
29 after the second primary.

30 (4) For absentee ballots received from overseas
31 voters, there is a presumption that the envelope was mailed on

1 the date stated and witnessed on the outside of the return
2 envelope, regardless of the absence of a postmark on the
3 mailed envelope or the existence of a postmark date that is
4 later than the date of the election.

5 Section 48. Section 101.697, Florida Statutes, is
6 created to read:

7 101.697 Electronic transmission of election
8 materials.--The Department of State shall adopt rules to
9 authorize a supervisor of elections to accept a request for an
10 absentee ballot and a voted absentee ballot by facsimile
11 machine or other electronic means from overseas voters. The
12 rules must provide that in order to accept a voted ballot, the
13 verification of the voter must be established, the security of
14 the transmission must be established, and each ballot received
15 must be recorded.

16 Section 49. Section 101.698, Florida Statutes, is
17 created to read:

18 101.698 Absentee voting in emergency situations.--If a
19 national or local emergency or other situation arises which
20 makes substantial compliance with the provisions of state or
21 federal law relating to the methods of voting for overseas
22 voters impossible or unreasonable, such as an armed conflict
23 involving United States Armed Forces or mobilization of those
24 forces, including state National Guard and reserve components,
25 the Elections Canvassing Commission may adopt by emergency
26 rules, such special procedures or requirements necessary to
27 facilitate absentee voting by those persons directly affected
28 who are otherwise eligible to vote in the election.

29 Section 50. Paragraph (b) of subsection (1) and
30 subsections (4), (5), (6), and (7) of section 101.62, Florida
31 Statutes, are amended to read:

1 101.62 Request for absentee ballots.--
2 (1)
3 (b) The supervisor may accept a written or telephonic
4 request for an absentee ballot from the elector, or, if
5 directly instructed by the elector, a member of the elector's
6 immediate family, or the elector's legal guardian. For
7 purposes of this section, the term "immediate family" has the
8 same meaning as specified in paragraph (4)(b). The person
9 making the request must disclose:
10 1. The name of the elector for whom the ballot is
11 requested;
12 2. The elector's address;
13 ~~3. The last four digits of the elector's social~~
14 ~~security number;~~
15 3.4. The ~~registration number on the~~ elector's date of
16 birth ~~registration identification card;~~
17 ~~4.5.~~ The requester's name;
18 ~~5.6.~~ The requester's address;
19 ~~6.7.~~ The requester's ~~social security number and, if~~
20 ~~available,~~ driver's license number, if available;
21 ~~7.8.~~ The requester's relationship to the elector; and
22 ~~8.9.~~ The requester's signature (written requests
23 only).
24 ~~(4)(a) To each absent qualified elector overseas who~~
25 ~~has requested an absentee ballot, the supervisor of elections~~
26 ~~shall, not fewer than 35 days before the first primary~~
27 ~~election, mail an absentee ballot. Not fewer than 45 days~~
28 ~~before the second primary and general election, the supervisor~~
29 ~~of elections shall mail an advance absentee ballot to those~~
30 ~~persons requesting ballots for such elections. The advance~~
31 ~~absentee ballot for the second primary shall be the same as~~

1 ~~the first primary absentee ballot as to the names of~~
2 ~~candidates, except that for any offices where there are only~~
3 ~~two candidates, those offices and all political party~~
4 ~~executive committee offices shall be omitted. Except as~~
5 ~~provided in s. 99.063(4), the advance absentee ballot for the~~
6 ~~general election shall be as specified in s. 101.151, except~~
7 ~~that in the case of candidates of political parties where~~
8 ~~nominations were not made in the first primary, the names of~~
9 ~~the candidates placing first and second in the first primary~~
10 ~~election shall be printed on the advance absentee ballot. The~~
11 ~~advance absentee ballot or advance absentee ballot information~~
12 ~~booklet shall be of a different color for each election and~~
13 ~~also a different color from the absentee ballots for the first~~
14 ~~primary, second primary, and general election. The supervisor~~
15 ~~shall mail an advance absentee ballot for the second primary~~
16 ~~and general election to each qualified absent elector for whom~~
17 ~~a request is received until the absentee ballots are printed.~~
18 ~~The supervisor shall enclose with the advance second primary~~
19 ~~absentee ballot and advance general election absentee ballot~~
20 ~~an explanation stating that the absentee ballot for the~~
21 ~~election will be mailed as soon as it is printed; and, if both~~
22 ~~the advance absentee ballot and the absentee ballot for the~~
23 ~~election are returned in time to be counted, only the absentee~~
24 ~~ballot will be counted.~~

25 ~~(b)~~ As soon as the remainder of the absentee ballots
26 are printed, the supervisor shall provide an absentee ballot
27 to each elector by whom a request for that ballot has been
28 made by one of the following means:

29 (a)~~1.~~ By nonforwardable, return-if-undeliverable mail
30 to the elector's current mailing address on file with the
31 supervisor, unless the elector specifies in the request that:

1 ~~1.a.~~ The elector is absent from the county and does
2 not plan to return before the day of the election;
3 ~~2.b.~~ The elector is temporarily unable to occupy the
4 residence because of hurricane, tornado, flood, fire, or other
5 emergency or natural disaster; or
6 ~~3.c.~~ The elector is in a hospital, assisted-living
7 facility, nursing home, short-term medical or rehabilitation
8 facility, or correctional facility,
9
10 in which case the supervisor shall mail the ballot by
11 nonforwardable, return-if-undeliverable mail to any other
12 address the elector specifies in the request.
13 ~~(b)2.~~ By forwardable mail to voters who are entitled
14 to vote by absentee ballot under the Uniformed and Overseas
15 Citizens Voting Act.
16 ~~(c)3.~~ By personal delivery to the elector, upon
17 presentation of the identification required in s. 101.657.
18 ~~(d)4.~~ By delivery to a designee on election day or up
19 to 4 days prior to the day of an election. Any elector may
20 designate in writing a person to pick up the ballot for the
21 elector; however, the person designated may not pick up more
22 than two absentee ballots per election, other than the
23 designee's own ballot, except that additional ballots may be
24 picked up for members of the designee's immediate family. For
25 purposes of this section, "immediate family" means the
26 designee's spouse or the parent, child, grandparent, or
27 sibling of the designee or of the designee's spouse. The
28 designee shall provide to the supervisor the written
29 authorization by the elector and a picture identification of
30 the designee and must complete an affidavit. The designee
31 shall state in the affidavit that the designee is authorized

1 by the elector to pick up that ballot and shall indicate if
2 the elector is a member of the designee's immediate family
3 and, if so, the relationship. The department shall prescribe
4 the form of the affidavit. If the supervisor is satisfied that
5 the designee is authorized to pick up the ballot and that the
6 signature of the elector on the written authorization matches
7 the signature of the elector on file, the supervisor shall
8 give the ballot to that designee for delivery to the elector.

9 ~~(5) In the event that the Elections Canvassing~~
10 ~~Commission is unable to certify the results of an election for~~
11 ~~a state office in time to comply with subsection (4), the~~
12 ~~Department of State is authorized to prescribe rules for a~~
13 ~~ballot to be sent to absent electors overseas.~~

14 (5)(6) Nothing other than the materials necessary to
15 vote absentee shall be mailed or delivered with any absentee
16 ballot.

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

19 ~~1. Members of the Armed Forces while in the active~~
20 ~~service who are permanent residents of the state and are~~
21 ~~temporarily residing outside the territorial limits of the~~
22 ~~United States and the District of Columbia;~~

23 ~~2. Members of the Merchant Marine of the United States~~
24 ~~who are permanent residents of the state and are temporarily~~
25 ~~residing outside the territorial limits of the United States~~
26 ~~and the District of Columbia; and~~

27 ~~3. Other citizens of the United States who are~~
28 ~~permanent residents of the state and are temporarily residing~~
29 ~~outside the territorial limits of the United States and the~~
30 ~~District of Columbia,~~

31

1 ~~who are qualified and registered as provided by law.~~

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

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

11 Section 51. Section 101.64, Florida Statutes, is
12 amended to read:

13 101.64 Delivery of absentee ballots; envelopes;
14 form.--

15 (1) The supervisor shall enclose with each absentee
16 ballot two envelopes: a secrecy envelope, into which the
17 absent elector shall enclose his or her marked ballot; and a
18 mailing envelope, into which the absent elector shall then
19 place the secrecy envelope, which shall be addressed to the
20 supervisor and also bear on the back side a certificate in
21 substantially the following form:

22

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

25 VOTER'S CERTIFICATE

26 I, , do solemnly swear or affirm that I am a
27 qualified and registered voter of County, Florida and
28 that I have not and will not vote more than one ballot in this
29 election. I understand that if I commit or attempt to commit
30 any fraud in connection with voting, vote a fraudulent ballot,
31 or vote more than once in an election, I can be convicted of a

1 felony of the third degree and fined up to \$5,000 and/or
2 imprisoned for up to 5 years. I also understand that failure
3 to sign this certificate and have my signature properly
4 witnessed will invalidate my ballot. ~~I am entitled to vote an~~
5 ~~absentee ballot for one of the following reasons:~~
6
7 1. ~~I am unable without another's assistance to attend~~
8 ~~the polls.~~
9 2. ~~I may not be in the precinct of my residence during~~
10 ~~the hours the polls are open for voting on election day.~~
11 3. ~~I am an inspector, a poll worker, a deputy voting~~
12 ~~machine custodian, a deputy sheriff, a supervisor of~~
13 ~~elections, or a deputy supervisor who is assigned to a~~
14 ~~different precinct than that in which I am registered.~~
15 4. ~~On account of the tenets of my religion, I cannot~~
16 ~~attend the polls on the day of the general, special, or~~
17 ~~primary election.~~
18 5. ~~I have changed my permanent residency to another~~
19 ~~county in Florida within the time period during which the~~
20 ~~registration books are closed for the election. I understand~~
21 ~~that I am allowed to vote only for national and statewide~~
22 ~~offices and on statewide issues.~~
23 6. ~~I have changed my permanent residency to another~~
24 ~~state and am unable under the laws of such state to vote in~~
25 ~~the general election. I understand that I am allowed to vote~~
26 ~~only for President and Vice President.~~
27 7. ~~I am unable to attend the polls on election day and~~
28 ~~am voting this ballot in person at the office of, and under~~
29 ~~the supervision of, the county supervisor of elections.~~
30
31

1 do so because of blindness, disability, or inability to read
2 or write.

3 3. Place your marked ballot in the enclosed secrecy
4 envelope.

5 4. Insert the secrecy envelope into the enclosed
6 mailing envelope which is addressed to the supervisor.

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

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

14 a. ~~One witness, who is a registered voter in the~~
15 ~~state, must affix his or her signature, printed name, address,~~
16 ~~voter identification number, and county of registration on the~~
17 ~~voter's certificate. Each witness is limited to witnessing~~
18 ~~five ballots per election unless certified as an absentee~~
19 ~~ballot coordinator. A candidate may not serve as an attesting~~
20 ~~witness.~~

21 b. ~~Any notary or other officer entitled to administer~~
22 ~~oaths or any Florida supervisor of elections or deputy~~
23 ~~supervisor of elections, other than a candidate, may serve as~~
24 ~~an attesting witness.~~

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

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

1 9.7. Mail, deliver, or have delivered the completed
2 mailing envelope. Be sure there is sufficient postage if
3 mailed.

4 10.8. FELONY NOTICE. It is a felony under Florida law
5 to accept any gift, payment, or gratuity in exchange for your
6 vote for a candidate. It is also a felony under Florida law to
7 vote in an election using a false identity or false address,
8 or under any other circumstances making your ballot false or
9 fraudulent.

10 Section 53. Section 101.657, Florida Statutes, is
11 amended to read:

12 101.657 Voting absentee ballots in person.--

13 (1) ~~Notwithstanding s. 97.021(1),~~ Any qualified and
14 registered elector ~~who is unable to attend the polls on~~
15 ~~election day~~ may pick up and vote an absentee ballot in person
16 at the office of, and under the supervision of, the supervisor
17 of elections. Before receiving the ballot, the elector must
18 present a Florida driver's license, a Florida identification
19 card issued under s. 322.051, or another form of picture
20 identification approved by the Department of State. If the
21 elector fails to furnish the required identification, or if
22 the supervisor is in doubt as to the identity of the elector,
23 the supervisor must follow the procedure prescribed in s.
24 101.49.

25 (2)(a) As an alternative to the provisions of ss.
26 101.64, ~~101.647,~~ and 101.65, the supervisor of elections may
27 allow an elector to cast an absentee ballot in the main or
28 branch office of the supervisor by depositing the voted ballot
29 in a voting device used by the supervisor to collect or
30 tabulate ballots. The results or tabulation may not be made
31 before the close of the polls on election day.

1 **(b)**~~(3)~~ The elector must provide picture identification
2 and must complete an In-Office Voter Certificate in
3 substantially the following form:

4
5 IN-OFFICE VOTER CERTIFICATE
6

7 I,, am a qualified elector in this election and
8 registered voter of County, Florida. I do solemnly swear
9 or affirm that I am the person so listed on the voter
10 registration rolls of County and that I reside at the
11 listed address. I understand that if I commit or attempt to
12 commit fraud in connection with voting, vote a fraudulent
13 ballot, or vote more than once in an election I could be
14 convicted of a felony of the third degree and both fined up to
15 \$5,000 and imprisoned for up to 5 years. I understand that my
16 failure to sign this certificate and have my signature
17 witnessed invalidates my ballot. ~~I am entitled to vote an~~
18 ~~absentee ballot because I am unable to attend the polls on~~
19 ~~election day.~~

20
21
22 ... (Voter's Signature) ...

23
24 ... (Address) ...

25
26 ... (City/State) ...

27
28 ... (Name of Witness) ...

29
30 ... (Signature of Witness) ...

31

1 ...(Type of identification provided)...

2

3 (c)~~(4)~~ Any elector may challenge an elector seeking to
4 cast an absentee ballot under the provisions of s. 101.111.
5 Any challenged ballot must be placed in a regular absentee
6 ballot envelope. The canvassing board shall review the ballot
7 and decide the validity of the ballot by majority vote.

8 (d)~~(5)~~ The canvass of returns for ballots cast under
9 this subsection ~~section~~ shall be substantially the same as
10 votes cast by electors in precincts, as provided in s.
11 101.5614.

12 Section 54. Paragraphs (a) and (c) of subsection (2)
13 of section 101.68, Florida Statutes, are amended to read:

14 101.68 Canvassing of absentee ballot.--

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

1 felony of the third degree, punishable as provided in s.
2 775.082, s. 775.083, or s. 775.084.

3 (c)1. The canvassing board shall, if the supervisor
4 has not already done so, compare the signature of the elector
5 on the voter's certificate with the signature of the elector
6 in the registration books to see that the elector is duly
7 registered in the county and to determine the legality of that
8 absentee ballot. An absentee ballot shall be considered
9 illegal if it does not include the signature ~~and the last four~~
10 ~~digits of the social security number~~ of the elector, as shown
11 by the registration records, and the signature and address of
12 an attesting witness.~~either:~~

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

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

18
19 However, an absentee ballot shall not be considered illegal if
20 the signature of the elector or attesting witness does not
21 cross the seal of the mailing envelope ~~or if the person~~
22 ~~witnessing the ballot is in violation of s. 104.047(3).~~ If the
23 canvassing board determines that any ballot is illegal, a
24 member of the board shall, without opening the envelope, mark
25 across the face of the envelope: "rejected as illegal." The
26 envelope and the ballot contained therein shall be preserved
27 in the manner that official ballots voted are preserved.

28 2. If any elector or candidate present believes that
29 an absentee ballot is illegal due to a defect apparent on the
30 voter's certificate, he or she may, at any time before the
31 ballot is removed from the envelope, file with the canvassing

1 board a protest against the canvass of that ballot, specifying
2 the precinct, the ballot, and the reason he or she believes
3 the ballot to be illegal. A challenge based upon a defect in
4 the voter's certificate may not be accepted after the ballot
5 has been removed from the mailing envelope.

6 Section 55. Section 104.047, Florida Statutes, is
7 amended to read:

8 104.047 Absentee ballots and voting; violations.--

9 (1) Any person who provides or offers to provide, and
10 any person who accepts, a pecuniary or other benefit in
11 exchange for distributing, ordering, requesting, collecting,
12 delivering, or otherwise physically possessing absentee
13 ballots, except as provided in ss. 101.6105-101.694, is guilty
14 of a felony of the third degree, punishable as provided in s.
15 775.082, s. 775.083, or s. 775.084.

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

20 ~~(3) Any person, other than a notary or other officer~~
21 ~~entitled to administer oaths or an absentee ballot coordinator~~
22 ~~as provided by s. 101.685, who witnesses more than five~~
23 ~~ballots in any single election, is guilty of a misdemeanor of~~
24 ~~the first degree, punishable as provided in s. 775.082 or s.~~
25 ~~775.083.~~

26 (3)~~(4)~~ Any person who marks or designates a choice on
27 the ballot of another person, except as provided in s.
28 101.051, s. 101.655, or s. 101.661, is guilty of a felony of
29 the third degree, punishable as provided in s. 775.082, s.
30 775.083, or s. 775.084.

31

1 ~~(5) Any person who returns more than two absentee~~
2 ~~ballots to the supervisors of elections in violation of s.~~
3 ~~101.647 is guilty of a misdemeanor of the first degree,~~
4 ~~punishable as provided in s. 775.082 or s. 775.083.~~

5 Section 56. Sections 101.647 and 101.685, Florida
6 Statutes, are repealed.

7 Section 57. Section 98.255, Florida Statutes, is
8 amended to read:

9 (Substantial rewording of section. See
10 s. 98.255, F.S., for present text.)
11 98.255 Voter education programs.--

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

- 18 (a) Voter registration;
19 (b) Balloting procedures, absentee and polling place;
20 (c) Voter rights and responsibilities;
21 (d) Distribution of sample ballots; and
22 (e) Public service announcements.

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

27 (3)(a) Each supervisor of elections shall provide to
28 the Department of State a detailed description of the
29 voter-education programs to be implemented under this section.

1 (b) The Department of State shall distribute funds to
2 implement the voter-education programs to each county who has
3 provided a description pursuant to subsection (a).

4 (c) A public report on the effectiveness of
5 voter-education programs implemented shall be prepared by the
6 Department of State and submitted to the Governor, the
7 President of the Senate, and the Speaker of the House of
8 Representatives by January 31, 2003.

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

14 Section 58. From funds appropriated from the General
15 Revenue Fund to the Division of Elections of the Department of
16 State in the 2001-2002 General Appropriations Act, the
17 division shall distribute the sum of \$5,949,375 in fiscal year
18 2001-2002, pursuant to s. 98.255, Florida Statutes, to the
19 counties to fund comprehensive voter education programs
20 provided for in this act. The division shall divide the total
21 amount of funds appropriated by the total number of registered
22 voters in the state for the 2000 general election to establish
23 a funding level per individual voter. Each county shall
24 receive an amount equal to the funding level per individual
25 voter multiplied by the number of registered voters in the
26 county, as certified by the Department of State for the 2000
27 general election. This section shall take effect July 1, 2001.

28 Section 59. Section 101.031, Florida Statutes, is
29 amended to read:

30 101.031 Instructions for electors.--

31

1 (1) The Department of State, or in case of municipal
2 elections the governing body of the municipality, shall print,
3 in large type on cards, instructions for the electors to use
4 in voting. It shall provide not less than two cards for each
5 voting precinct for each election and furnish such cards to
6 each supervisor upon requisition. Each supervisor of
7 elections shall send a sufficient number of these cards to the
8 precincts prior to an election. The election inspectors shall
9 display the cards in the polling places as information for
10 electors. The cards shall contain information about how to
11 vote and such other information as the Department of State may
12 deem necessary. The cards must also include the list of rights
13 and responsibilities afforded to Florida voters, as described
14 in subsection (2).

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

18
19 VOTER'S BILL OF RIGHTS

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

- 21 1. Vote and have his or her vote accurately counted.
22 2. Cast a vote if he or she is in line when the polls
23 are closing.
24 3. Ask for and receive assistance in voting.
25 4. Receive up to two replacement ballots if he or she
26 makes a mistake prior to the ballot being cast.
27 5. An explanation if his or her registration is in
28 question.
29 6. If his or her registration is in question, cast a
30 provisional ballot.
31

1 party, shall give such instructions to such elector, but no
2 officer or person assisting an elector shall in any manner
3 request, suggest, or seek to persuade or induce any elector to
4 vote for or against any particular ticket, candidate,
5 amendment, question, or proposition. After giving the elector
6 instructions and before the elector has voted, the officers or
7 persons assisting the elector shall retire, and such elector
8 shall vote in secret.

9 Section 60. Subsection (1) of section 101.131, Florida
10 Statutes, is amended to read:

11 101.131 Watchers at polls.--

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

25 Section 61. Subsection (1) of section 97.073, Florida
26 Statutes, is amended to read:

27 97.073 Disposition of voter registration applications;
28 cancellation notice.--

29 (1) The supervisor must notify each applicant of the
30 disposition of the applicant's voter registration application.
31 The notice must inform the applicant that the application has

1 | been approved, is incomplete, has been denied, or is a
2 | duplicate of a current registration. A registration
3 | identification card sent to an applicant constitutes notice of
4 | approval of registration. If the application is incomplete,
5 | the supervisor must request that ~~notice must instruct~~ the
6 | applicant supply the missing information in writing and sign a
7 | statement that the additional information is true and correct
8 | ~~to complete another voter registration application, which the~~
9 | ~~supervisor must provide.~~ A notice of denial must inform the
10 | applicant of the reason the application was denied.

11 | Section 62. Effective upon this act becoming a law,
12 | the Division of Elections, in conjunction with the Florida
13 | State Association of Supervisors of Elections, shall, from
14 | existing funds, study the benefits and drawbacks of having
15 | uniform poll opening and closing times throughout the state. A
16 | written report shall be presented to the the President of the
17 | Senate and the Speaker of the House of Representatives no
18 | later than January 1, 2002. This report must include, but is
19 | not limited to a discussion of the circumstances surrounding
20 | the 2000 Presidential election; changing the state to one time
21 | zone; changing polling times to coincide in both time zones;
22 | and having the Central Time Zone not recognize Daylight
23 | Savings Time.

24 | Section 63. Section 102.014, Florida Statutes, is
25 | created to read:

26 | 102.014 Pollworker recruitment and training.--

27 | (1) The supervisor of elections shall conduct training
28 | for inspectors, clerks, and deputy sheriffs prior to each
29 | primary, general, and special election for the purpose of
30 | instructing such persons in their duties and responsibilities
31 | as election officials. A certificate may be issued by the

1 supervisor of elections to each person completing such
2 training. No person shall serve as an inspector, clerk, or
3 deputy sheriff for an election unless such person has
4 completed the training as required. A clerk may not work at
5 the polls unless he or she demonstrates a working knowledge of
6 the laws and procedures relating to voter registration, voting
7 system operation, balloting and polling place procedures, and
8 problem-solving and conflict-resolution skills.

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

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

24 (4) Each supervisor of elections shall be responsible
25 for training inspectors and clerks, subject to the following
26 minimum requirements:

27 (a) 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 during a general election year, at least two hours of which
30 must occur after June 1 of that year.

31

1 (b) No inspector shall work at the polls unless he or
2 she has had a minimum of three hours of training during a
3 general election year, at least one hour of which must occur
4 after June 1 of that year.

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

17 (a) Regulations governing solicitation by individuals
18 and groups at the polling place;

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

21 (c) Proper operation of the voting system;

22 (d) Ballot handling procedures;

23 (e) Procedures governing spoiled ballots;

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

25 (g) Rights of voters at the polls;

26 (h) Procedures for handling emergency situations;

27 (i) Procedures for dealing with irate voters;

28 (j) The handling and processing of provisional
29 ballots; and

30 (k) Security procedures.
31

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

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

8 Section 64. Subsections (8) and (9) of section
9 102.012, Florida Statutes, are repealed.

10 Section 65. Subsection (2) of section 102.021, Florida
11 Statutes, is amended to read:

12 102.021 Compensation of inspectors, clerks, and deputy
13 sheriffs.--

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

18 Section 66. Effective July 1, 2001, section 98.0977,
19 Florida Statutes, is created to read:

20 98.0977 Statewide voter registration database;
21 development and maintenance.--

22 (1) From the funds appropriated for such purpose, the
23 department may contract with the Florida Association of Court
24 Clerks to analyze, design, develop, operate, and maintain a
25 statewide, on-line voter registration database and associated
26 web site, to be fully operational statewide by June 1, 2002.
27 The database shall contain voter registration information from
28 each of the 67 supervisors of elections in this state, and
29 shall be accessible through an Internet web site. The system
30 shall provide functionality for ensuring that the database is
31 updated on a daily basis to determine if a registered voter is

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

3 (a) The voter is deceased;

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

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

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

12 (2) The Department of State shall not contract with
13 any private entity other than the Florida Association of Court
14 Clerks for the operation or maintenance of the statewide voter
15 registration database.

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

1 under the laws of this state, the supervisor of elections
2 shall notify the voter by certified United States mail that he
3 or she has been found ineligible to register to vote in this
4 state, shall state the reason for the ineligibility, and shall
5 inform the voter that he or she will be removed from the voter
6 registration rolls.

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

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

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

28 Section 67. The Department of State may use up to \$2
29 million, from funds provided in the 2001-2002 General
30 Appropriations Act, for the analysis, design, development,
31 operation, and maintenance of the statewide voter registration

1 database as provided in s. 98.0977(1), Florida Statutes. This
2 section shall take effect July 1, 2001.

3 Section 68. Section 98.0979, Florida Statutes, is
4 created to read:

5 98.0979 Statewide voter registration database open to
6 inspection; copies.--

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

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

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

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

24 (a) Municipalities;

25 (b) Other governmental agencies;

26 (c) Political candidates, for the purpose of
27 furthering their candidacies;

28 (d) Registered political committees, certified
29 committees of continuous existence, and political parties or
30 officials thereof, for political purposes only; and

31

1 (e) Incumbent officeholders, for the purpose of
2 reporting to their constituents.

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

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

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

23
24 ...(Signature of person acquiring list)...

25
26 Sworn and subscribed before me this day of,
27 ...(year)....

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

29 Section 69. Effective June 30, 2001, section 98.0975,
30 Florida Statutes, is repealed.

31

1 Section 70. The Division of Elections of the
2 Department of State shall provide a report to the Governor,
3 the President of the Senate, and the Speaker of the House of
4 Representatives by November 15, 2001, detailing the progress
5 that each county required by this act to upgrade a voting
6 system has made toward the implementation of such system. This
7 section shall take effect July 1, 2001.

8 Section 71. Funds appropriated to the Division of
9 Elections of the Department of State in the 2001-2002 General
10 Appropriations Act for Voting Systems Assistance shall be
11 distributed to the counties to implement the provisions of
12 this act in the following manner:

13 (1) Counties having a population of 75,000 or fewer
14 based on the 2000 census shall receive a total of \$7,500 per
15 precinct based on the number of precincts as certified by the
16 Department of State for the 2000 General Election, to be
17 distributed in two equal installments on July 1, 2001, and
18 July 1, 2002.

19 (2) All other counties shall receive a total of \$3,750
20 per precinct based on the number of precincts as certified by
21 the Department of State for the 2000 General Election, to be
22 distributed in two equal installments on July 1, 2001, and
23 July 1, 2002.

24 Section 72. If any provision of this act or the
25 application thereof to any person or circumstance is held
26 invalid, the invalidity shall not affect other provisions or
27 applications of the act which can be given effect without the
28 invalid provision or application, and to this end the
29 provisions of this act are declared severable.

30 Section 73. Except as otherwise provided herein, this
31 act shall take effect January 1, 2002.

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HOUSE SUMMARY

Creates the "Florida Election Reform Act of 2001." See
bill for details.