

By Representative Crow

1                                   A bill to be entitled  
2           An act relating to elections; amending s.  
3           97.021, F.S.; defining the term "alternative  
4           formats" for purposes of the Florida Election  
5           Code; creating s. 97.026, F.S.; requiring that  
6           certain forms used under the code be made  
7           available in alternative formats; requiring the  
8           Secretary of State to make such forms available  
9           via the Internet if possible; creating s.  
10          97.1035, F.S.; requiring certain elections  
11          staff to have and be trained in the use of a  
12          TTY/TDD device; requiring the supervisors of  
13          elections to certify such training to the  
14          Secretary of State; amending s. 98.065, F.S.;  
15          requiring that the maintenance of voter  
16          registration records be nondiscriminatory with  
17          respect to persons having a disability;  
18          creating s. 98.122, F.S.; requiring candidates,  
19          political parties, and political committees to  
20          use closed captioning and descriptive narrative  
21          in all television broadcasts; requiring the  
22          Department of State to adopt rules establishing  
23          penalties for noncompliance; amending ss.  
24          100.361 and 100.371, F.S.; requiring that a  
25          recall petition, a constitutional amendment  
26          proposed by initiative, and other papers and  
27          forms be available in alternative formats;  
28          amending s. 101.001, F.S.; requiring that  
29          entrances, polling areas, paths of travel, and  
30          exits be accessible to persons having a  
31          disability; amending s. 101.017, F.S.;

1 requiring that the Bureau of Voting Systems  
2 Certification cooperate and consult with the  
3 Disability Advisory Council; creating s.  
4 101.018, F.S.; creating the Disability Advisory  
5 Council within the Department of State;  
6 providing for membership of the council;  
7 specifying duties of the council; providing for  
8 terms of office; providing that council members  
9 are entitled to reimbursement for per diem and  
10 travel expenses; providing for meetings of the  
11 council; amending s. 101.031, F.S.; providing  
12 that a voter has the right to vote on a voting  
13 system that is accessible to all voters,  
14 regardless of disability; repealing s.  
15 101.051(4) and (5), F.S., relating to an oath  
16 required from an elector requesting assistance  
17 in voting; amending ss. 97.061 and 101.655,  
18 F.S.; removing references to the oath, to  
19 conform; repealing s. 104.031, F.S., relating  
20 to the crime of false declaration to secure  
21 assistance in preparing ballot, to conform;  
22 amending s. 101.51, F.S.; abolishing  
23 limitations on the length of time a voter is  
24 allowed to occupy a voting booth or  
25 compartment; creating s. 101.56062, F.S.;  
26 providing standards for accessible voting  
27 systems; prohibiting the use of state or  
28 federal funds for a voting system or system  
29 components that do not meet the accessibility  
30 standards; requiring that a county or  
31 municipality purchase or lease equipment to

1           comply with accessibility requirements;  
2           providing legislative intent with respect to  
3           meeting or exceeding minimum federal  
4           requirements for voting systems and  
5           accessibility of polling places; creating s.  
6           101.662, F.S.; requiring the Department of  
7           State to adopt procedures to allow absentee  
8           ballots in alternative formats; amending s.  
9           101.71, F.S.; authorizing supervisors of  
10          elections to move a polling place that does not  
11          comply with requirements for accessibility;  
12          amending s. 101.715, F.S.; requiring that all  
13          polling places be accessible by persons having  
14          a disability; providing for standards that are  
15          required at each polling place; requiring the  
16          supervisors of elections to survey polling  
17          places; providing that a resident has standing  
18          to sue the board of county commissioners to  
19          require that a polling place comply with  
20          accessibility requirements; requiring the  
21          Department of State to adopt rules imposing  
22          penalties on counties that fail to correct  
23          deficiencies in accessibility; providing for  
24          exemptions; amending s. 102.014, F.S.;  
25          requiring the Department of State to develop a  
26          training program for poll workers concerning  
27          voters having a disability; providing  
28          requirements for the program; requiring  
29          supervisors of elections to certify completion  
30          of the program by poll workers; amending s.  
31          104.20, F.S., relating to penalties imposed

1           against an elector for remaining in a voting  
2           booth longer than the specified time;  
3           conforming provisions to changes made by the  
4           act; amending s. 125.01, F.S., relating to  
5           powers of the governing body of a county;  
6           conforming a cross reference to changes made by  
7           the act; providing effective dates.

8

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

10

11           Section 1. Subsections (2) through (36) of section  
12   97.021, Florida Statutes, are renumbered as subsections (3)  
13   through (37), respectively, and a new subsection (2) is added  
14   to that section, to read:

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

18           (2) "Alternative formats" has the meaning ascribed in  
19   the Americans with Disabilities Act of 1990, Pub. L. No.  
20   101-336, 42 U.S.C. ss. 12101 et seq., including specifically  
21   the technical-assistance manuals promulgated thereunder, as  
22   amended.

23           Section 2. Effective September 2, 2002, subsections  
24   (2), (35), and (36) of section 97.021, Florida Statutes, as  
25   amended by section 2 of chapter 2001-40, Laws of Florida, are  
26   renumbered as subsections (3), (36), and (37), respectively,  
27   to read:

28           97.021 Definitions.--For the purposes of this code,  
29   except where the context clearly indicates otherwise, the  
30   term:

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1           ~~(3)~~~~(2)~~ "Ballot" or "official ballot" when used in  
2 reference to:

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

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

15           ~~(36)~~~~(35)~~ "Voting booth" or "booth" means that booth or  
16 enclosure wherein an elector casts his or her ballot for  
17 tabulation by an electronic or electromechanical device.

18           ~~(37)~~~~(36)~~ "Voting system" means a method of casting and  
19 processing votes that functions wholly or partly by use of  
20 electromechanical or electronic apparatus or by use of paper  
21 ballots and includes, but is not limited to, the procedures  
22 for casting and processing votes and the programs, operating  
23 manuals, tabulating cards, printouts, and other software  
24 necessary for the system's operation.

25           Section 3. Section 97.026, Florida Statutes, is  
26 created to read:

27           97.026 Forms to be available in alternative formats  
28 and via Internet.--All forms required to be used under  
29 chapters 97-106, including absentee ballots, must be made  
30 available, upon request, in alternative formats. If possible,  
31 such forms must be made available by the Department of State

1 via the Internet. Sections that contain such forms include,  
2 but are not limited to, ss. 97.052, 97.053, 97.057, 97.058,  
3 97.0583, 97.061, 97.071, 97.073, 97.1031, 98.055, 98.075,  
4 99.021, 100.361, 100.371, 101.045, 101.171, 101.20, 101.6103,  
5 101.62, 101.64, 101.65, 101.657, 105.031, 106.023, and  
6 106.087.

7 Section 4. Subsection (3) of section 97.061, Florida  
8 Statutes, is amended to read:

9 97.061 Special registration for electors requiring  
10 assistance.--

11 (3) Upon registering any person pursuant to this  
12 section, the supervisor must make a notation on the  
13 registration books or records which are delivered to the polls  
14 on election day that such person is eligible for assistance in  
15 voting, and the supervisor may issue such person a special  
16 registration identification card or make some notation on the  
17 regular registration identification card that such person is  
18 eligible for assistance in voting. Such person shall be  
19 entitled to receive the assistance of two election officials  
20 or some other person of his or her own choice, other than the  
21 person's employer, the agent of the person's employer, or an  
22 officer or agent of the person's union, ~~without the necessity~~  
23 ~~of executing the "Declaration to Secure Assistance" prescribed~~  
24 ~~in s. 101.051.~~ Such person shall notify the supervisor of any  
25 change in his or her condition which makes it unnecessary for  
26 him or her to receive assistance in voting.

27 Section 5. Section 97.1035, Florida Statutes, is  
28 created to read:

29 97.1035 Certification of TTY/TDD device by supervisors  
30 of elections; training of staff.--Each supervisor of elections  
31 shall, at least annually, certify to the Secretary of State

1 that all branches of the supervisor's office have a  
2 functioning TTY/TDD device so that persons who are  
3 hearing-impaired can communicate with the supervisor's office,  
4 and shall certify that all members of the supervisor's staff  
5 whose duties include communicating with the public are trained  
6 to use the TTY/TDD device.

7 Section 6. Subsection (1) of section 98.065, Florida  
8 Statutes, is amended to read:

9 98.065 Registration list maintenance programs.--

10 (1) The supervisor must conduct a general registration  
11 list maintenance program to protect the integrity of the  
12 electoral process by ensuring the maintenance of accurate and  
13 current voter registration records. The program must be  
14 uniform, nondiscriminatory, and in compliance with the Voting  
15 Rights Act of 1965. As used in this subsection, the term  
16 "nondiscriminatory" applies to and includes persons with  
17 disabilities.

18 Section 7. Section 98.122, Florida Statutes, is  
19 created to read:

20 98.122 Use of closed captioning and descriptive  
21 narrative in all television broadcasts.--Each candidate,  
22 political party, and political committee must use closed  
23 captioning and descriptive narrative in all television  
24 broadcasts on behalf of, or sponsored by, a candidate,  
25 political party, or political committee, or file a written  
26 statement with the Division of Elections of the Department of  
27 State setting forth the reasons for not doing so. The  
28 Department of State shall adopt rules to establish and enforce  
29 penalties for failing to file such a statement. The Department  
30 of State may adopt rules in accordance with s. 120.54  
31 necessary to administer this section.

1           Section 8. Paragraphs (a) and (d) of subsection (1) of  
2 section 100.361, Florida Statutes, are amended to read:

3           100.361 Municipal recall.--

4           (1) RECALL PETITION.--Any member of the governing body  
5 of a municipality or charter county, hereinafter referred to  
6 in this section as "municipality," may be removed from office  
7 by the electors of the municipality. When the official  
8 represents a district and is elected only by electors residing  
9 in that district, only electors from that district are  
10 eligible to sign the petition to recall that official and are  
11 entitled to vote in the recall election. When the official  
12 represents a district and is elected at-large by the electors  
13 of the municipality, all electors of the municipality are  
14 eligible to sign the petition to recall that official and are  
15 entitled to vote in the recall election. Where used in this  
16 section, the term "district" shall be construed to mean the  
17 area or region of a municipality from which a member of the  
18 governing body is elected by the electors from such area or  
19 region. Members may be removed from office by the following  
20 procedure:

21           (a) A petition shall be prepared naming the person  
22 sought to be recalled and containing a statement of grounds  
23 for recall in not more than 200 words limited solely to the  
24 grounds specified in paragraph (b). If more than one member  
25 of the governing body is sought to be recalled, whether such  
26 member is elected by the electors of a district or by the  
27 electors of the municipality at-large, a separate recall  
28 petition shall be prepared for each member sought to be  
29 recalled. Upon request, a petition must be provided in  
30 alternative formats.

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1           1. In a municipality or district of fewer than 500  
2 electors, the petition shall be signed by at least 50 electors  
3 or by 10 percent of the total number of registered electors of  
4 the municipality or district as of the preceding municipal  
5 election, whichever is greater.

6           2. In a municipality or district of 500 or more but  
7 fewer than 2,000 registered electors, the petition shall be  
8 signed by at least 100 electors or by 10 percent of the total  
9 number of registered electors of the municipality or district  
10 as of the preceding municipal election, whichever is greater.

11           3. In a municipality or district of 2,000 or more but  
12 fewer than 5,000 registered electors, the petition shall be  
13 signed by at least 250 electors or by 10 percent of the total  
14 number of registered electors of the municipality or district  
15 as of the preceding municipal election, whichever is greater.

16           4. In a municipality or district of 5,000 or more but  
17 fewer than 10,000 registered electors, the petition shall be  
18 signed by at least 500 electors or by 10 percent of the total  
19 number of registered electors of the municipality or district  
20 as of the preceding municipal election, whichever is greater.

21           5. In a municipality or district of 10,000 or more but  
22 fewer than 25,000 registered electors, the petition shall be  
23 signed by at least 1,000 electors or by 10 percent of the  
24 total number of registered electors of the municipality or  
25 district as of the preceding municipal election, whichever is  
26 greater.

27           6. In a municipality or district of 25,000 or more  
28 registered electors, the petition shall be signed by at least  
29 1,000 electors or by 5 percent of the total number of  
30 registered electors of the municipality or district as of the  
31 preceding municipal election, whichever is greater.

1  
2 Electors of the municipality or district making charges  
3 contained in the statement of grounds for recall and those  
4 signing the recall petition shall be designated as the  
5 "committee." A specific person shall be designated in the  
6 petition as chair of the committee to act for the committee.  
7 Electors of the municipality or district are eligible to sign  
8 the petition. Signatures and oaths of witnesses shall be  
9 executed as provided in paragraph (c). All signatures shall  
10 be obtained within a period of 30 days, and the petition shall  
11 be filed within 30 days after the date the first signature is  
12 obtained on the petition.

13 (d) The petition shall be filed with the auditor or  
14 clerk of the municipality or charter county, or his or her  
15 equivalent, hereinafter referred to as clerk, by the person  
16 designated as chair of the committee, and, when the petition  
17 is filed, the clerk shall submit such petition to the county  
18 supervisor of elections who shall, within a period of not more  
19 than 30 days after the petition is filed with the supervisor,  
20 determine whether the petition contains the required valid  
21 signatures. The petition cannot be amended after it is filed  
22 with the clerk. The supervisor shall be paid by the persons  
23 or committee seeking verification the sum of 10 cents for each  
24 name checked. Upon filing with the clerk, the petition and all  
25 subsequent papers or forms required or permitted to be filed  
26 with the clerk in connection with this section must, upon  
27 request, be made available in alternative formats.

28 Section 9. Subsection (3) of section 100.371, Florida  
29 Statutes, is amended to read:

30 100.371 Initiatives; procedure for placement on  
31 ballot.--

1           (3) The sponsor of an initiative amendment shall,  
2 prior to obtaining any signatures, register as a political  
3 committee pursuant to s. 106.03 and submit the text of the  
4 proposed amendment to the Secretary of State, with the form on  
5 which the signatures will be affixed, and shall obtain the  
6 approval of the Secretary of State of such form. The  
7 Secretary of State shall adopt ~~promulgate~~ rules pursuant to s.  
8 120.54 prescribing the style and requirements of such form.  
9 Upon filing with the Secretary of State, the text of the  
10 proposed amendment and all forms filed in connection with this  
11 section must, upon request, be made available in alternative  
12 formats.

13           Section 10. Subsection (1) of section 101.001, Florida  
14 Statutes, is amended to read:

15           101.001 Precincts and polling places; boundaries.--

16           (1) The board of county commissioners in each county,  
17 upon recommendation and approval of the supervisor, shall  
18 alter or create precincts for voting in the county. Each  
19 precinct shall be numbered and, as nearly as practicable,  
20 composed of contiguous and compact areas. The supervisor shall  
21 designate a polling place at a suitable location within each  
22 precinct. The precinct shall not be changed thereafter except  
23 with the consent of the supervisor and a majority of the  
24 members of the board of county commissioners. The board of  
25 county commissioners and the supervisor may have precinct  
26 boundaries conform to municipal boundaries in accordance with  
27 the provisions of s. 101.002, but, in any event, the  
28 registration books shall be maintained in such a manner that  
29 there may be determined therefrom the total number of electors  
30 in each municipality. All entrances, polling areas, paths of  
31 travel, and exits from each polling place, regardless of the

1 age or function of the building, must be accessible in  
2 accordance with the provisions of ss. 553.501-553.513.

3 Section 11. Section 101.017, Florida Statutes, is  
4 amended to read:

5 101.017 Bureau of Voting Systems Certification.--There  
6 is created a Bureau of Voting Systems Certification within the  
7 Division of Elections of the Department of State which shall  
8 provide technical support to the supervisors of elections and  
9 which is responsible for voting system standards and  
10 certification. The bureau shall cooperate and consult with the  
11 Disability Advisory Council as provided in s. 101.018.The  
12 positions necessary for the bureau to accomplish its duties  
13 shall be established through the budgetary process.

14 Section 12. Section 101.018, Florida Statutes, is  
15 created to read:

16 101.018 Disability Advisory Council.--There is created  
17 the Disability Advisory Council within the Department of  
18 State. The Secretary of State shall appoint the members of the  
19 Disability Advisory Council, which shall consist of nine  
20 persons, all of whom must be knowledgeable in the area of  
21 voting accessibility for persons having a disability, and a  
22 majority of whom must be persons having a disability. The  
23 membership must include a representative who is  
24 hearing-impaired, a representative who is blind, a  
25 representative who has developmental disabilities, and a  
26 representative who has physical disabilities.

27 (1) The council shall:

28 (a) Advise and consult with the Bureau of Voting  
29 Systems Certification of the Division of Elections concerning  
30 the implementation of accessibility standards for voting  
31

- 1 systems and polling places, as such standards currently exist  
2 or as subsequently adopted.
- 3 (b) Test the accessibility of new voting systems,  
4 voting system components, and modules.
- 5 (c) Advise the Division of Elections on methods and  
6 means to increase election participation by persons having a  
7 disability.
- 8 (d) Develop an accessibility survey for use by all  
9 supervisors of elections to determine compliance with the  
10 accessibility standards for polling places.
- 11 (e) Recommend to the Secretary of State standards for  
12 exemptions from the application of the accessibility standards  
13 for polling places provided in s. 101.715.
- 14 (f) Recommend to the Secretary of State penalties to  
15 be imposed by the Department of State for noncompliance with  
16 the accessibility standards for polling places provided in s.  
17 101.715.
- 18 (g) Study and report to the Secretary of State, on an  
19 ongoing basis, concerning voting via use of the Internet.
- 20 (h) Study and report to the Secretary of State on  
21 voting using telephones or telephone components, including  
22 TTY/TDD. It is the intent of the Legislature that the  
23 inclusion of this study as a function of the Disability  
24 Advisory Council not prevent or delay the certification of any  
25 voting system that uses telephones or telephone components  
26 that are otherwise certifiable before the study.
- 27 (i) Study and report to the Secretary of State on  
28 whether the 5 pounds of force required to operate or activate  
29 the controls on any voting system, as required in s.  
30 101.56062, is low enough for persons who have limited strength  
31 in their hands or fingers, including the elderly.

1       (j) Compare the accessibility standards set forth in  
2 ss. 101.56062 and 101.715 with the voluntary Voting Systems  
3 Standards adopted by the Federal Elections Commission, and  
4 report to the Secretary of State on the results of the  
5 comparison.

6       (k) Study and report to the Secretary of State, on an  
7 ongoing basis, concerning the accessibility of absentee  
8 ballots to voters having a disability. It is the intent of the  
9 Legislature that all means of voting in this state, including  
10 voting by absentee ballot, be fully accessible to voters  
11 having a disability.

12       (l) Perform any additional functions deemed  
13 appropriate by the Secretary of State relating to voting  
14 accessibility by persons having a disability.

15       (2) The terms for the first three council members  
16 appointed after the effective date of this section shall be  
17 for 4 years, the terms for the next three council members  
18 appointed shall be for 3 years, and the terms for the next  
19 three members shall be for 2 years. Thereafter, all council  
20 member appointments shall be for terms of 4 years. A council  
21 member may not serve more than two 4-year terms after the  
22 effective date of this section. Any member of the council may  
23 be replaced by the Secretary of State after three unexcused  
24 absences.

25       (3) Members of the council shall serve without  
26 compensation but are entitled to reimbursement for per diem  
27 and travel expenses as provided by s. 112.061.

28       (4) The council shall meet at least four times per  
29 year, at a time and place to be determined by the council, but  
30 may meet more often when the council considers it necessary to  
31 do so.

1 Section 13. Subsection (2) of section 101.031, Florida  
2 Statutes, is amended to read:

3 101.031 Instructions for electors.--

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

7  
8 VOTER'S BILL OF RIGHTS  
9

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

11 1. Vote and have his or her vote accurately counted.  
12 2. Cast a vote if he or she is in line when the polls  
13 are closing.

14 3. Ask for and receive assistance in voting.

15 4. Receive up to two replacement ballots if he or she  
16 makes a mistake prior to the ballot being cast.

17 5. An explanation if his or her registration is in  
18 question.

19 6. If his or her registration is in question, cast a  
20 provisional ballot.

21 7. Prove his or her identity by signing an affidavit  
22 if election officials doubt the voter's identity.

23 8. Written instructions to use when voting, and, upon  
24 request, oral instructions in voting from elections officers.

25 9. Vote free from coercion or intimidation by  
26 elections officers or any other person.

27 10. Vote on a voting system that is in working  
28 condition;~~and~~ and that will allow votes to be accurately cast;  
29 and that is accessible to all voters, regardless of ability or  
30 disability, so that all voters may cast a vote that is secret,  
31 independent, and verifiable.

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VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

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

Section 14. Subsections (4) and (5) of section 101.051, Florida Statutes, are repealed.

Section 15. Section 101.51, Florida Statutes, is amended to read:

101.51 Electors to occupy booth alone; ~~time allowed.~~--

(1) When the elector presents himself or herself to vote, the election official shall ascertain whether the elector's name is upon the register of electors, and, if the elector's name appears and no challenge interposes, or, if interposed, be not sustained, one of the election officials stationed at the entrance shall announce the name of the elector and permit him or her to enter the booth or compartment to cast his or her vote, allowing only one elector at a time to pass through to vote. No elector, while casting his or her ballot, may ~~shall~~ occupy a booth or compartment



1 ~~longer than 5 minutes or be allowed to occupy a booth or~~  
2 ~~compartment already occupied or to speak with anyone, except~~  
3 ~~as provided by s. 101.051, while in the polling place.~~

4 ~~(2) If an elector requires longer than 5 minutes, then~~  
5 ~~upon a sufficient reason he or she may be granted a longer~~  
6 ~~period of time by the election officials in charge. After~~  
7 ~~casting his or her vote, the elector shall at once leave the~~  
8 ~~polling room by the exit opening and shall not be permitted to~~  
9 ~~reenter on any pretext whatever. After the elector has voted,~~  
10 ~~or declined or failed to vote within 5 minutes, he or she~~  
11 ~~shall immediately withdraw from the polling place. If the~~  
12 ~~elector refuses to leave after the lapse of 5 minutes, he or~~  
13 ~~she shall be removed by the election officials.~~

14 Section 16. Effective upon this act becoming a law,  
15 section 101.56062, Florida Statutes, is created to read:

16 101.56062 Standards for accessible voting systems.--

17 (1) Notwithstanding anything in this chapter to the  
18 contrary, each voting system selected and used for local,  
19 state, or federal elections must be accessible and usable by  
20 all voters, including voters having a disability. Each system  
21 must comply with the following minimum standards:

22 (a) The voting system must provide a tactile-input or  
23 speech-input device, or both.

24 (b) The voting system must provide a method by which  
25 voters can confirm any tactile or audio input by having the  
26 capability of audio output using synthetic or recorded human  
27 speech that is reasonably phonetically accurate.

28 (c) Any operable controls on the input device which  
29 are needed for voters who are visually impaired must be  
30 discernable tactilely without actuating the keys.

31

1       (d) Any audio and visual access approaches must be  
2 able to work both separately and simultaneously.

3       (e) If a nonaudio access approach is provided, the  
4 system may not require color perception. The system must use  
5 black text or graphics, or both, on white background or white  
6 text or graphics, or both, on black background, unless the  
7 office of the Secretary of State approves other high-contrast  
8 color combinations that do not require color perception.

9       (f) Any voting system that requires any visual  
10 perception must offer the election official who programs the  
11 system, prior to its being sent to the polling place, the  
12 capability to set the font size from a minimum of 14 points to  
13 a maximum of 24 points.

14       (g) The voting system must provide audio information,  
15 including any audio output using synthetic or recorded human  
16 speech or any auditory feedback tones that are important for  
17 the use of the audio approach, through at least one mode, by  
18 handset or headset, in enhanced auditory fashion (increased  
19 amplification), and must provide incremental volume control  
20 with output amplification up to a level of at least 97 dB SPL,  
21 with at least one intermediate step of 89 dB SPL.

22       (h) For transmitted voice signals, the voting system  
23 must provide a gain adjustable up to a minimum of 20 dB with  
24 at least one intermediate step of 12 dB of gain.

25       (i) For the safety of others, if the voting system has  
26 the possibility of exceeding 120 dB SPL, a mechanism must be  
27 included to reset the volume automatically to a safe level  
28 after every use or when the handset is replaced, but not  
29 before. Also, universal precautions in the use and sharing of  
30 headsets should be followed.

31

- 1       (j) If sound cues and audible information such as  
2 "beeps" are used, there must be simultaneous corresponding  
3 visual cues and information.
- 4       (k) Any spoken text must also be presented on screen,  
5 except that any auditory confirmation of a voter's selection  
6 may not be printed in text on the screen, unless requested by  
7 the voter.
- 8       (l) All controls and operable mechanisms must be  
9 operable with one hand, including operability with a closed  
10 fist, and operable without tight grasping, pinching, or  
11 twisting of the wrist.
- 12       (m) The force required to operate or activate the  
13 controls must be no greater than 5 pounds of force.
- 14       (n) All voting booths must have voting controls at a  
15 minimum height of 36 inches above the finished floor with a  
16 minimum knee clearance of 27 inches high, and the booth must  
17 be a minimum of 30 inches wide and a minimum of 19 inches  
18 deep.
- 19       (o) Any audio ballot must provide the voter with the  
20 following functionalities:
- 21           1. After the initial instructions that the system  
22 requires election officials to provide to each voter, the  
23 voter should be able to independently operate the voter  
24 interface through the final step of casting a ballot without  
25 assistance.
- 26           2. The voter must be able to determine the races that  
27 he or she is allowed to vote in and to determine which  
28 candidates are available in each race.
- 29           3. The voter must be able to determine how many  
30 candidates may be selected in each race.
- 31

1           4. The voter must be able to have confidence that the  
2 physical or vocal inputs given to the system have selected the  
3 candidates that he or she intended to select.

4           5. The voter must be able to review the candidate  
5 selections that he or she has made.

6           6. Prior to the act of casting the ballot, the voter  
7 must be able to change any selections previously made and  
8 confirm a new selection.

9           7. The system must communicate to the voter the fact  
10 that the voter has failed to vote in a race or has failed to  
11 vote the number of allowable candidates in any race and  
12 require the voter to confirm his or her intent to undervote  
13 before casting the ballot.

14           8. The system must prevent the voter from overvoting  
15 any race.

16           9. The voter must be able to input a candidate's name  
17 in each race that allows a write-in candidate.

18           10. The voter must be able to review his or her  
19 write-in input to the interface, edit that input, and confirm  
20 that the edits meet the voter's intent.

21           11. There must be a clear, identifiable action that  
22 the voter takes to "cast" the ballot. The system must make  
23 clear to the voter how to take this action so that the voter  
24 has minimal risk of taking the action accidentally but, when  
25 the voter intends to cast the ballot, the action can be easily  
26 performed.

27           12. Once the ballot is cast, the system must confirm  
28 to the voter that the action has occurred and that the voter's  
29 process of voting is complete.

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1           13. Once the ballot is cast, the system must preclude  
2 the voter from modifying the ballot cast or voting or casting  
3 another ballot.

4           (2) State or federal funds may not be used by any  
5 county or municipality to purchase voting systems or voting  
6 system components that do not meet the accessibility standards  
7 established by this section.

8           (3) A voting system that was certified before the  
9 effective date of this section is not decertified. However, if  
10 a county or municipality has purchased or leased a voting  
11 system that does not meet the accessibility requirements of  
12 this section, the county or municipality must purchase or  
13 lease additional voting systems or voting-system components to  
14 comply with the accessibility requirements of this section.

15           (4) It is the intent of the Legislature that this  
16 state be eligible for any funds that are available from the  
17 Federal Government to assist states in providing or improving  
18 accessibility of voting systems and polling places for persons  
19 having a disability. Accordingly, all state laws, rules,  
20 standards, and codes governing voting systems and  
21 polling-place accessibility must be maintained to ensure the  
22 state's eligibility to receive federal funds. It is the intent  
23 of the Legislature that all state requirements meet or exceed  
24 the minimum federal requirements for voting systems and  
25 polling-place accessibility.

26           Section 17. Subsection (5) of section 101.655, Florida  
27 Statutes, is amended to read:

28           101.655 Supervised voting by absent electors in  
29 certain facilities.--

30           (5) The supervised voting team shall deliver the  
31 ballots to the respective absent electors, and each member of

1 the team shall jointly supervise the voting of the ballots.  
2 If any elector requests assistance in voting, ~~the oath~~  
3 ~~prescribed in s. 101.051 shall be completed~~ and the elector  
4 may receive the assistance of two members of the supervised  
5 voting team or some other person of the elector's choice to  
6 assist the elector in casting the elector's ballot.

7 Section 18. Section 101.662, Florida Statutes, is  
8 created to read:

9 101.662 Accessibility of absentee ballots.--It is the  
10 intent of the Legislature that voting by absentee ballot be by  
11 methods that are fully accessible to all voters, including  
12 voters having a disability. The Department of State shall  
13 adopt voting systems and procedures, including procedures for  
14 providing absentee ballots, upon request, in alternative  
15 formats that will allow all voters to cast a secret,  
16 independent, and verifiable absentee ballot without the  
17 assistance of another person. Voting by absentee ballot may  
18 not be restricted solely to voting an absentee ballot in  
19 person, as provided in s. 101.657, to comply with this  
20 section.

21 Section 19. Subsection (2) of section 101.71, Florida  
22 Statutes, is amended to read:

23 101.71 Polling place.--

24 (2) Notwithstanding the provisions of subsection (1),  
25 whenever the supervisor of elections of any county determines  
26 that the accommodations for holding any election at a polling  
27 place designated for any precinct in the county are  
28 unavailable, or are inadequate for the expeditious and  
29 efficient housing and handling of voting and voting  
30 paraphernalia, or do not comply with the requirements of s.  
31 101.715 including voting machines where used, the supervisor

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

22 Section 20. Effective September 2, 2002, subsection  
23 (2) of section 101.71, Florida Statutes, as amended by section  
24 25 of chapter 2001-40, Laws of Florida, is amended to read:

25 101.71 Polling place.--

26 (2) Notwithstanding the provisions of subsection (1),  
27 whenever the supervisor of elections of any county determines  
28 that the accommodations for holding any election at a polling  
29 place designated for any precinct in the county are  
30 unavailable, or are inadequate for the expeditious and  
31 efficient housing and handling of voting and voting

1 paraphernalia, or do not comply with the requirements of s.  
2 101.715,the supervisor shall ~~may provide~~, not less than 30  
3 days prior to the holding of an election, provide for ~~that~~ the  
4 voting place for such precinct to ~~shall~~ be moved to another  
5 site that is ~~which shall be~~ accessible to the public on  
6 election day in said precinct or, if such is not available, to  
7 another site that is ~~which shall be~~ accessible to the public  
8 on election day in a contiguous precinct. If such action of  
9 the supervisor results in the voting place for two or more  
10 precincts being located for the purposes of an election in one  
11 building, the voting places for the several precincts involved  
12 shall be established and maintained separate from each other  
13 in said building. When any supervisor moves any polling place  
14 pursuant to this subsection, the supervisor shall, not more  
15 than 30 days or fewer than 7 days prior to the holding of an  
16 election, give notice of the change of the polling place for  
17 the precinct involved, with clear description of the voting  
18 place to which changed, at least once in a newspaper of  
19 general circulation in said county. A notice of the change of  
20 the polling place involved shall be mailed, at least 14 days  
21 prior to an election, to each registered elector or to each  
22 household in which there is a registered elector.

23 Section 21. Section 101.715, Florida Statutes, is  
24 amended to read:

25 (Substantial rewording of section. See  
26 s. 101.715, F.S., for present text.)

27 101.715 Accessibility of polling places for people  
28 having a disability.--

29 (1) All polling places must be accessible and usable  
30 by persons having a disability.

31



1           (2) Each polling place must have at least one voting  
2 system that meets all of the accessibility standards set forth  
3 in s. 101.56062.

4           (3) Only a polling place that complies with the  
5 Florida Americans With Disabilities Accessibility  
6 Implementation Act, ss. 553.501-553.513, may be used for  
7 federal, state, or local elections.

8           (4) The selection of a polling site must ensure  
9 accessibility with respect to the following accessible  
10 elements, spaces, scope, and technical requirements:  
11 accessible route, space allowance and reach ranges, protruding  
12 objects, ground and floor surfaces, parking and passenger  
13 loading zones, curb ramps, ramps, stairs, elevators, platform  
14 lifts, doors, entrances, path of egress, controls and  
15 operating mechanisms, signage, and all other minimum  
16 requirements.

17           (5) Standards required at each polling place,  
18 regardless of the age or function of the building, include:

19           (a) One or more signed accessible parking spaces for  
20 disabled persons.

21           (b) Signage identifying an accessible path of travel  
22 to the polling place if it differs from the primary route or  
23 entrance.

24           (c) An unobstructed path of travel to the polling  
25 place.

26           (d) Level, firm, stable, and slip-resistant surfaces.

27           (e) An unobstructed area for voting.

28           (f) Sufficient lighting along the accessible path of  
29 travel and within the polling place.

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1       (6) Upon request, all ballots, instructions, and  
2 printed materials at each polling place must also be available  
3 in alternative formats.

4       (7) All methods used to cast a vote must allow a  
5 person having a disability to cast a vote, whether assisted or  
6 unassisted, at the voter's sole discretion, in a secret,  
7 independent, and verifiable manner, during the same times and  
8 under the same conditions available to other voters.

9       (8) Before the general election in 2002, each existing  
10 polling place, and each newly designated polling place prior  
11 to its use, should be surveyed by the supervisor of elections  
12 for the purpose of determining accessibility and using a  
13 survey developed by rule of the Department of State, after  
14 first considering recommendations regarding the survey from  
15 the Disability Advisory Council of the Department of State.

16       (9) At any time at least 60 days after a board of  
17 county commissioners has received the survey performed under  
18 subsection (8), a resident of the county has standing to sue  
19 that board of county commissioners in circuit court to require  
20 that a polling place be discontinued or, failing the selection  
21 of an accessible substitute or the submission of an  
22 application for a building permit to redress the deficiencies  
23 identified in the survey, within 30 days after the filing to  
24 require that county funds be used to correct all deficiencies  
25 to make the polling place completely accessible within a  
26 reasonable time set by the court. However, this subsection  
27 does not authorize a board of county commissioners to  
28 unreasonably delay making polling places accessible for all  
29 voters having a disability.

30       (10) The Department of State shall adopt rules to  
31 establish penalties to be imposed on counties that fail or

1 refuse to either correct accessibility deficiencies or  
2 designate an alternative polling place within 60 days after  
3 the board of county commissioners receives the survey  
4 performed under subsection (8), which shall be in addition to  
5 those penalties set forth in subsection (9). Such rules must  
6 be adopted after first considering recommendations on such  
7 penalties and exemptions by the Disability Advisory Council of  
8 the Department of State. An exemption from the accessibility  
9 standards set forth in this section may be effective only  
10 during a recognized state of emergency which, for whatever  
11 reason, renders fully accessible polling places temporarily  
12 unavailable. Any exemption should be of an extremely limited  
13 nature, be of very short duration, and does not in any way  
14 excuse or reduce the requirement that all polling places be  
15 fully accessible to all voters. The Secretary of State must  
16 impose all penalties and approve or deny all applications for  
17 exemptions from the accessibility standards set forth in this  
18 section.

19 (11) The Department of State may adopt rules in  
20 accordance with s. 120.54 necessary to administer this  
21 section.

22 Section 22. Subsection (7) is added to section  
23 102.014, Florida Statutes, to read:

24 102.014 Poll worker recruitment and training.--

25 (7) The Department of State shall develop a mandatory,  
26 statewide, and uniform program for training poll workers on  
27 issues of etiquette and sensitivity with respect to voters  
28 having a disability. The program must consist of approximately  
29 1 hour of the required number of hours set forth in paragraph  
30 (4)(a). The program must be conducted locally by each  
31 supervisor of elections, who shall periodically certify to the

1 Department of State whether each poll worker has completed the  
2 program, and must be taught, when possible, by persons having  
3 a disability. The program must include actual demonstrations  
4 of obstacles confronted by disabled persons during the voting  
5 process, including obtaining access to the polling place,  
6 traveling through the polling area, and using the voting  
7 system. The program must include training on a functional  
8 TTY/TDD device.

9           Section 23. Section 104.031, Florida Statutes, is  
10 repealed.

11           Section 24. Section 104.20, Florida Statutes, is  
12 amended to read:

13           104.20 Ballot not to be seen, and other offenses.--Any  
14 elector who, except as provided by law, allows his or her  
15 ballot to be seen by any person; takes or removes, or attempts  
16 to take or remove, any ballot from the polling place before  
17 the close of the polls; places any mark on his or her ballot  
18 by which it may be identified; ~~remains longer than the~~  
19 ~~specified time allowed by law in the booth or compartment~~  
20 ~~after having been notified that his or her time has expired;~~  
21 endeavors to induce any elector to show how he or she voted;  
22 aids or attempts to aid any elector unlawfully; or prints or  
23 procures to be printed, or has in his or her possession, any  
24 copies of any ballot prepared to be voted is guilty of a  
25 misdemeanor of the first degree, punishable as provided in s.  
26 775.082 or s. 775.083.

27           Section 25. Paragraph (y) of subsection (1) of section  
28 125.01, Florida Statutes, is amended to read:

29           125.01 Powers and duties.--

30           (1) The legislative and governing body of a county  
31 shall have the power to carry on county government. To the

1 extent not inconsistent with general or special law, this  
2 power includes, but is not restricted to, the power to:  
3 (y) Place questions or propositions on the ballot at  
4 any primary election, general election, or otherwise called  
5 special election, when agreed to by a majority vote of the  
6 total membership of the legislative and governing body, so as  
7 to obtain an expression of elector sentiment with respect to  
8 matters of substantial concern within the county. No special  
9 election may be called for the purpose of conducting a straw  
10 ballot. Any election costs, as defined in s. 97.021(10)~~(9)~~,  
11 associated with any ballot question or election called  
12 specifically at the request of a district or for the creation  
13 of a district shall be paid by the district either in whole or  
14 in part as the case may warrant.

15 Section 26. Except as otherwise expressly provided in  
16 this act and except for this section, which shall take effect  
17 upon becoming a law, this act shall take effect July 1, 2002.

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LEGISLATIVE SUMMARY

Revises various provisions of the Florida Election Code to require that all polling places be accessible to persons having a disability. Requires that certain forms used under the code be made available in alternative formats and on the Internet. Requires that certain elections staff have and be trained in the use of a TTY/TDD device. Requires the use of closed captioning and descriptive narrative in all television broadcasts by candidates, political parties, and political committees. Creates the Disability Advisory Council within the Department of State. Repeals provisions that limit the length of time a voter may occupy a voting booth. Specifies standards for accessible voting systems. Prohibits the use of state or federal funds for a voting system or system components that do not meet the accessibility standards. Requires the supervisors of elections to survey polling places. Authorizes legal action against a board of county commissioners that fails to comply with accessibility requirements. Requires that the Department of State adopt by rule penalties against counties that fail to correct deficiencies in accessibility. (See bill for details.)