

By the Committee on Ethics and Elections; and Senators Sanderson, Sebesta, Posey, Lawson, Dyer and Smith

313-205B-02

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.011, F.S.; designating chapters 97-106,
4 F.S., as the "Florida Election Code"; amending
5 s. 97.021, F.S.; revising definitions;
6 transferring, renumbering, and amending s.
7 97.012, F.S.; revising duties of the Secretary
8 of State with respect to his or her duties as
9 chief election officer of the state;
10 transferring, renumbering, and amending s.
11 98.015, F.S.; revising duties of the supervisor
12 of elections; requiring the supervisor to be
13 the custodian of the voting system of the
14 county; transferring, renumbering, and amending
15 s. 98.255, F.S.; requiring the Division of
16 Elections to adopt rules for voter education;
17 repealing ss. 97.025, 97.032, F.S., relating to
18 distribution of the Florida Election Code and a
19 short title; transferring, renumbering, and
20 amending s. 97.105, F.S.; requiring the
21 supervisor to maintain a registration list of
22 voters; requiring the supervisor to deliver the
23 records required for a municipal election;
24 transferring, renumbering, and amending s.
25 97.041, F.S., relating to the qualifications to
26 register or vote; transferring and renumbering
27 s. 97.051, F.S., relating to the oath upon
28 registering; transferring, renumbering, and
29 amending s. 97.052, F.S.; requiring the
30 Division of Elections to prescribe a statewide
31 voter registration application; providing for a

1 voter information card; transferring,
2 renumbering, and amending s. 97.053, F.S.;
3 revising requirements for voter registration
4 applications to conform to changes made by the
5 act; transferring, renumbering, and amending
6 ss. 97.057, 97.058, F.S., relating to voter
7 registration by the Department of Highway
8 Safety and Motor Vehicles and voter
9 registration agencies; conforming provisions to
10 changes made by the act; transferring,
11 renumbering, and amending s. 97.0585, F.S.,
12 relating to confidentiality of registration
13 information; conforming provisions to changes
14 made by the act; transferring, renumbering, and
15 amending s. 97.0583, F.S.; clarifying
16 provisions governing voter registration at
17 educational institutions; transferring,
18 renumbering, and amending s. 97.061, F.S.;
19 providing requirements for the supervisor with
20 respect to voters requiring assistance;
21 creating s. 98.033, F.S.; requiring the
22 supervisor to assign a voter to the precinct in
23 which the voter has legal residence;
24 transferring, renumbering, and amending s.
25 97.071, F.S.; providing requirements for the
26 voter information card; transferring,
27 renumbering, and amending s. 97.1031, F.S.;
28 revising requirements for a voter in changing
29 his or her residence within the same county,
30 name, or political party affiliation;
31 transferring, renumbering, and amending s.

1 97.073, F.S.; providing for disposition of
2 voter registration applications; amending ss.
3 98.045, 98.055, 98.065, 98.075, F.S.; providing
4 requirements for the supervisor in maintaining
5 the registration list; requiring the Division
6 of Elections to prescribe forms; amending s.
7 98.081, F.S.; providing requirements for
8 removing a voter's name from or restoring a
9 voter's name to the registration list; amending
10 s. 98.093, F.S.; providing for the removal of
11 names from the registration list upon
12 notification by certain officials that a person
13 is deceased, convicted of a felony, or
14 adjudicated mentally incapacitated with respect
15 to voting; amending s. 98.0977, F.S., relating
16 to the statewide voter registration database;
17 conforming provisions to changes made by the
18 act; transferring, renumbering, and amending s.
19 97.055, F.S.; providing requirements for
20 closing registration for an election;
21 transferring, renumbering, and amending s.
22 97.0555, F.S.; providing for late registration;
23 amending s. 98.212, F.S.; requiring supervisors
24 to furnish additional information to the
25 Division of Elections with respect to the
26 number of voters in the county; amending s.
27 98.461, F.S.; revising requirements for
28 supervisors in storing registration forms;
29 deleting provisions authorizing the use of
30 computer printouts in lieu of the registration
31 books; transferring, renumbering, and amending

1 ss. 98.095, 98.0979, F.S.; providing for
2 certain registration records to be open to
3 inspection; transferring, renumbering, and
4 amending s. 97.023, F.S.; providing for a
5 complaint of a violation of certain elections
6 laws to be filed with the Division of
7 Elections; repealing ss. 98.097, 98.101,
8 98.181, 98.231, 98.451, 98.471, 98.481, 98.491,
9 F.S., relating to central voter files,
10 registration specifications, indexes and
11 records, registration information and
12 processing, use of precinct registers,
13 challenge to electors, and alternative
14 procedures; amending s. 99.012, F.S.; providing
15 a short title; requiring that a resignation
16 submitted for purposes of qualifying for
17 another office be submitted in writing;
18 requiring that a copy of such resignation be
19 submitted to the Division of Elections;
20 amending s. 99.021, F.S.; revising the form of
21 the candidate's oath to qualify for election;
22 revising requirements for certification to the
23 supervisor that a person qualifies for an
24 office; amending s. 99.061, F.S.; revising
25 requirements for qualifying for election to
26 federal, state, county, or district office;
27 requiring the supervisor to submit names of
28 qualifying candidates to the Division of
29 Elections; amending s. 99.063, F.S.; requiring
30 a candidate for Governor to designate a
31 Lieutenant Governor in writing to the Division

1 of Elections; amending s. 99.092, F.S.;

2 providing for the distribution of proceeds of

3 the filing fees paid by persons seeking to

4 qualify for election to a federal, state, or

5 multicounty district office; amending s.

6 99.093, F.S.; providing for the deposit of

7 election assessments for municipal candidates;

8 amending s. 99.095, F.S.; providing procedures

9 for a person to qualify as a candidate for

10 office by means of a petition process in lieu

11 of paying the qualifying fee and party

12 assessment; providing requirements for

13 obtaining signatures and submitting the

14 petition; providing procedures for determining

15 whether the required number of signatures has

16 been obtained; amending s. 99.0955, F.S.;

17 revising requirements for qualifying as a

18 candidate with no party affiliation; conforming

19 provisions to changes made by the act; amending

20 ss. 99.096, 99.0965, F.S.; revising

21 requirements for a minor political party with

22 respect to placing names on the ballot in the

23 general election; amending s. 99.09651, F.S.;

24 revising procedures for determining the

25 population of the district for purposes of the

26 petition process during a year of

27 apportionment; amending s. 99.097, F.S.;

28 revising requirements for verifying signatures

29 on petitions; requiring the Division of

30 Elections to adopt rules governing the method

31 of petition verification; revising procedures

1 for contesting the results of a verification;
2 repealing ss. 99.081, 99.091, 99.103, 99.121,
3 F.S., relating to the election of United States
4 Senators and Representatives, the disposition
5 of filing fees, and certification of
6 candidates; amending s. 100.031, F.S.;
7 specifying that the general election is for the
8 purpose of choosing a successor to certain
9 elective offices; transferring, renumbering,
10 and amending s. 100.021, F.S.; providing for
11 the Division of Elections to prepare and
12 publish the notice of offices to be filled in
13 the general election; deleting provisions
14 providing for notice to the sheriff and the
15 posting of copies in conspicuous places;
16 amending s. 100.041, F.S., relating to terms of
17 office; conforming provisions to changes made
18 by the act; amending ss. 100.061, 100.091,
19 F.S., relating to the first and second primary
20 elections; clarifying provisions with respect
21 to ballots; transferring, renumbering, and
22 amending s. 100.096, F.S.; requiring certain
23 municipal and district elections to be held in
24 conjunction with the first and second primary;
25 transferring, renumbering, and amending s.
26 101.021, F.S.; clarifying certain restrictions
27 with respect to primary elections;
28 transferring, renumbering, and amending s.
29 101.151, F.S., relating to specifications for
30 ballots; revising requirements for arranging
31 surnames on the ballot for the primary and

1 general elections; requiring the Division of
2 Elections to adopt rules prescribing a uniform
3 ballot for each certified voting system;
4 transferring, renumbering, and amending s.
5 101.252, F.S.; clarifying provisions governing
6 the names of candidates printed on primary
7 ballots; transferring, renumbering, and
8 amending s. 100.051, F.S.; requiring the
9 Division of Elections to certify to the
10 supervisors the major party candidates
11 nominated to office; providing requirements for
12 the supervisor in printing the general election
13 ballot; transferring, renumbering, and amending
14 s. 101.254, F.S.; providing requirements for
15 grouping candidates on the ballot;
16 transferring, renumbering, and amending s.
17 101.253, F.S.; revising requirements for a
18 candidate to withdraw from an election;
19 providing requirements for changing a ballot;
20 transferring, renumbering, and amending s.
21 101.43, F.S.; revising requirements for
22 preparing substitute ballots; transferring,
23 renumbering, and amending s. 101.20, F.S.;
24 authorizing the supervisor to mail a sample
25 ballot to each voter in lieu of publication;
26 amending s. 100.101, F.S.; clarifying
27 provisions governing the holding of special
28 elections and special primary elections;
29 amending s. 100.111, F.S.; requiring the
30 Secretary of State to set certain dates for
31 candidates to qualify and file reports for

1 certain elections; revising requirements for
2 designating a nominee following a vacancy in
3 nomination; amending s. 100.141, F.S.;
4 specifying duties of the Division of Elections
5 with respect to holding a special primary or
6 special election; amending s. 100.161, F.S.,
7 relating to the temporary appointment of a
8 United States Senator; clarifying duties of the
9 Governor; amending s. 100.191, F.S.; providing
10 for application of laws to special elections
11 and special primary elections; transferring,
12 renumbering, and amending s. 100.371, F.S.,
13 relating to constitutional amendments proposed
14 by initiative; providing for the Division of
15 Elections to approve the text of the proposed
16 amendment and the petition format; requiring
17 the division to adopt rules; transferring,
18 renumbering, and amending s. 101.161, F.S.,
19 relating to ballot referenda; deleting obsolete
20 provisions; transferring, renumbering, and
21 amending ss. 101.171, 101.2515, F.S.; providing
22 duties of the Division of Elections with
23 respect to constitutional amendments and
24 translating ballot language; amending ss.
25 100.201, 100.211, 100.221, 100.261, F.S.,
26 relating to bond referenda; clarifying
27 provisions governing bond referenda;
28 transferring, renumbering, and amending s.
29 100.341, F.S.; requiring that the principal and
30 maximum interest rate be printed on the ballot
31 for a bond referendum; amending s. 100.271,

1 F.S.; providing duties of the canvassing board
2 with respect to the returns of a bond
3 referendum; amending ss. 100.281, 100.291,
4 F.S., relating to the results of a bond
5 referendum; clarifying provisions providing for
6 approval and certification of results; amending
7 ss. 100.301, 100.311, F.S.; providing for
8 application of laws governing bond referenda;
9 amending s. 100.321, 100.331, F.S.; clarifying
10 provisions governing a determination of the
11 legality of a bond referendum and a limitation
12 on holding referenda following the defeat of a
13 bond issue; amending s. 100.342, F.S.; revising
14 requirements for election officials with
15 respect to providing notice of an election or
16 referendum; amending s. 100.351, F.S.;
17 requiring certification of the results of a
18 referendum to the Division of Elections;
19 amending s. 100.3605, F.S., relating to the
20 conduct of municipal elections; conforming
21 provisions to changes made by the act; amending
22 s. 100.361, F.S.; providing certain limitations
23 on filing a recall petition for a member of the
24 governing body of a municipality or charter
25 county; providing requirements for the petition
26 and statement of grounds for recall; providing
27 for the person sought to be recalled to file a
28 statement of defense; providing ballot
29 statements; providing for filling vacancies and
30 holding special elections; transferring,
31 renumbering, and amending s. 100.151, F.S.,

1 relating to special elections; clarifying
2 limitations on the calling of such elections;
3 creating s. 100.391, F.S.; providing for
4 payment of election expenses; defining the term
5 "election expenses"; requiring the Division of
6 Elections to verify certain expenses;
7 authorizing the supervisor to impose an
8 interest penalty upon certain entities if
9 payment for election expenses is not made
10 within a specified period; repealing ss.
11 100.081, 100.102, F.S., relating to the conduct
12 of primary elections and reimbursement for
13 certain special elections; transferring,
14 renumbering, and amending s. 101.015, F.S.;
15 requiring the Division of Elections to adopt
16 minimum standards for voting systems; requiring
17 the division to review county security
18 procedures and notify the supervisor of the
19 results; authorizing the division to revoke
20 approval of a voting system; authorizing the
21 division to approve a provisionally approved
22 system; deleting obsolete provisions;
23 transferring, renumbering, and amending ss.
24 101.5606, 101.5605, F.S.; providing
25 requirements for the Division of Elections with
26 respect to its approval of voting systems;
27 transferring, renumbering, and amending s.
28 101.56042, F.S., relating to punch-card
29 systems; deleting an obsolete date;
30 transferring, renumbering, and amending s.
31 101.5607, F.S.; requiring that the supervisor

1 file documentation relating to the voting
2 system with the Division of Elections;
3 authorizing the division to develop software
4 for use with a voting system; transferring,
5 renumbering, and amending s. 101.292, F.S.;
6 redefining the term "voting equipment" to
7 remove an exclusion for equipment valued at
8 less than a specified amount; transferring,
9 renumbering, and amending s. 101.293, F.S.,
10 relating to the purchase of voting equipment;
11 revising certain exceptions to the requirement
12 for competitive bids; transferring,
13 renumbering, and amending s. 101.294, F.S.;
14 deleting certain duties of the Division of
15 Elections with respect to the purchase and sale
16 of voting equipment; transferring, renumbering,
17 and amending s. 101.591, F.S., relating to the
18 audit of a voting system; requiring compliance
19 with rules of the Division of Elections;
20 transferring, renumbering, and amending s.
21 101.5612, F.S.; revising certain procedures for
22 testing voting systems; providing duties of the
23 Division of Elections; transferring,
24 renumbering, and amending ss. 101.001, 101.71,
25 F.S., relating to precincts and polling places;
26 providing duties of the supervisor with respect
27 to drawing precinct maps and providing polling
28 places; transferring, renumbering, and amending
29 s. 101.715, F.S.; requiring supervisors to
30 provide polling places that meet the Americans
31 with Disabilities Act Accessibility Guidelines;

1 providing certain exceptions; transferring,
2 renumbering, and amending s. 102.014, F.S.;
3 requiring the Division of Elections to adopt
4 uniform polling place procedures; transferring,
5 renumbering, and amending s. 102.012, F.S.;
6 revising provisions governing the appointment,
7 qualifications, and duties of election boards;
8 transferring, renumbering, and amending s.
9 102.021, F.S.; clarifying provisions governing
10 the payment to inspectors, clerks, and deputy
11 sheriffs who serve at a precinct; transferring,
12 renumbering, and amending s. 100.011, F.S.;
13 providing for opening and closing polls;
14 deleting provisions governing the payment of
15 election costs; creating s. 101.035, F.S.;
16 providing duties of the election board with
17 respect to opening the polls, conducting
18 elections, maintaining order, and tabulating
19 the results; transferring, renumbering, and
20 amending s. 102.031, F.S.; deleting provisions
21 requiring maintenance of order at the polls;
22 revising certain restrictions on solicitation
23 at a polling place; prescribing duties of the
24 members of the election board; transferring,
25 renumbering, and amending s. 102.091, F.S.;
26 revising circumstances under which special
27 officers may be appointed to investigate
28 alleged violations of the Florida Election
29 Code; transferring, renumbering, and amending
30 s. 102.101, F.S.; prohibiting entrance of the
31 sheriff or other officers at a polling place

1 except upon permission of the clerk;
2 transferring, renumbering, and amending s.
3 101.131, F.S.; clarifying provisions governing
4 the activities of poll watchers; transferring,
5 renumbering, and amending s. 101.58, F.S.;
6 providing duties of the Division of Elections
7 with respect to supervising and observing the
8 registration and election processes;
9 transferring, renumbering, and amending s.
10 101.24, F.S.; providing duties of the election
11 board with respect to handling the ballot box
12 and ballot-transfer container; transferring,
13 renumbering, and amending s. 101.72, F.S.;
14 specifying requirements for voting booths;
15 transferring, renumbering, and amending s.
16 101.041, F.S.; providing for secret voting in
17 all elections; transferring, renumbering, and
18 amending s. 101.045, F.S.; specifying the
19 elections at which a voter may vote; providing
20 for assigning a precinct to a voter who does
21 not have a permanent address; providing for
22 voting by a voter who changes his or her legal
23 residence or moves to another state; deleting
24 provisions specifying certain forms;
25 transferring, renumbering, and amending s.
26 101.657, F.S.; providing procedures for a voter
27 to vote early; providing requirements for
28 tabulating early voted ballots; creating s.
29 101.063, F.S.; providing forms and procedures
30 under which a voter may vote after a change in
31 legal residence or a change of name; creating

1 s. 101.075, F.S.; specifying requirements for
2 the computer printout used at the polls as a
3 precinct register; creating s. 101.079, F.S.;
4 providing procedures for the clerk or inspector
5 in verifying a voter's signature; providing
6 requirements for the supervisor when a person's
7 name is not on the precinct register;
8 transferring, renumbering, and amending ss.
9 101.048, 101.049, F.S., relating to provisional
10 ballots and procedures when signatures differ;
11 conforming provisions to changes made by the
12 act; amending s. 101.111, F.S.; revising forms
13 and procedures under which a person desiring to
14 vote may be challenged; transferring,
15 renumbering, and amending s. 101.051, F.S.;
16 revising procedures for providing assistance to
17 a voter in casting a ballot; transferring,
18 renumbering, and amending s. 101.031, F.S.;
19 requiring the Division of Elections to provide
20 the Voter's Bill of Rights and Responsibilities
21 to supervisors; deleting requirements for
22 voting cards; revising procedures for
23 instructing a voter in the manner of voting;
24 transferring, renumbering, and amending s.
25 101.5611, F.S.; revising requirements for the
26 instructions provided at the polling place;
27 amending s. 101.51, F.S.; clarifying the
28 procedures for voting and the time allowed;
29 transferring, renumbering, and amending s.
30 101.5608, F.S.; deleting provisions specifying
31 procedures for voting by electronic or

1 electromechanical ballot; providing procedures
2 for a voter who spoils his or her ballot or
3 makes an error; reenacting s. 101.6101, F.S.,
4 relating to the Mail Ballot Election Act;
5 amending ss. 101.6102, 101.6103, F.S., relating
6 to elections held by mail ballot; conforming
7 provisions to changes made by the act;
8 requiring the Division of Elections to approve
9 an election conducted by mail; amending ss.
10 101.6104, 101.6105, F.S., relating to the
11 challenging of votes and absentee voting;
12 conforming provisions to changes made by the
13 act; reenacting s. 101.6106, F.S., relating to
14 application of other election laws; amending s.
15 101.6107, F.S.; requiring the Division of
16 Elections to adopt rules governing the Mail
17 Ballot Election Act; amending s. 101.62, F.S.;
18 revising procedures for the supervisor in
19 providing absentee ballots; requiring the
20 Division of Elections to prescribe the
21 affidavit for delivering an absentee ballot;
22 amending ss. 101.64, 101.65, 101.655, 101.661,
23 F.S., relating to the delivery of absentee
24 ballots, instructions to absentee voters,
25 supervised voting, and the voting of ballots;
26 conforming provisions to changes made by the
27 act; transferring, renumbering, and amending s.
28 101.665, F.S.; providing for administering
29 oaths; amending s. 101.694, F.S.; revising
30 requirements for mailing a ballot after receipt
31 of a federal postcard application;

1 transferring, renumbering, and amending s.
2 100.025, F.S.; clarifying provisions governing
3 notification of elections to citizens residing
4 overseas; amending s. 101.6951, F.S.; requiring
5 the Division of Elections to adopt rules
6 governing the form of the state write-in
7 ballot; amending s. 101.6952, F.S.; providing
8 duties of the supervisor with respect to
9 mailing absentee ballots to overseas voters;
10 requiring that the supervisor mail an advance
11 absentee ballot upon request; requiring the
12 Division of Elections to adopt rules for
13 certain ballots; requiring that the supervisor
14 notify the elector when there is insufficient
15 time for the return of the ballot; amending s.
16 101.697, F.S.; requiring the Division of
17 Elections to adopt rules for electronically
18 transmitting election materials; reenacting s.
19 101.698, F.S., relating to absentee voting in
20 emergency situations; transferring,
21 renumbering, and amending s. 101.69, F.S.;
22 clarifying that an absentee ballot may be voted
23 in person; transferring, renumbering, and
24 amending s. 101.67, F.S.; revising requirements
25 for the supervisor in safekeeping mailed
26 ballots; transferring, renumbering, and
27 amending s. 101.545, F.S., relating to
28 retention and destruction of election
29 materials; conforming provisions to changes
30 made by the act; amending s. 101.731, F.S.;
31 revising the Elections Emergency Act; providing

1 legislative intent; providing for the Governor
2 to delay and reschedule an election; requiring
3 an elections emergency contingency plan;
4 authorizing the supervisor to provide for a
5 change of polling place; transferring,
6 renumbering, and amending s. 100.241, F.S.,
7 relating to freeholder voting; conforming
8 provisions to changes made by the act;
9 repealing ss. 101.002, 101.017, 101.21, 101.22,
10 101.23, 101.34, 101.5601, 101.5602, 101.5603,
11 101.5604, 101.5610, 101.5613, 101.5615,
12 101.635, 101.663, 101.732, 101.733, 101.74,
13 101.75, F.S., relating to precincts and polling
14 places for municipalities, the Bureau of Voting
15 Systems Certification within the Division of
16 Elections, official ballots, voting procedures,
17 duties of election definitions, inspectors,
18 custody of voting machines, the Electronic
19 Voting Systems Act, definitions, inspection of
20 ballots and equipment, recounts and election
21 contests, distribution of printed ballots,
22 change of an elector's residence, election
23 emergencies, and change of date for municipal
24 elections; transferring, renumbering, and
25 amending s. 101.5614, F.S.; revising
26 requirements for the canvass of returns;
27 requiring the Division of Elections to adopt
28 rules; deleting provisions governing the use of
29 ballot cards; amending s. 102.141, F.S.,
30 relating to county canvassing boards;
31 conforming provisions to changes made by the

1 act; requiring the canvassing board to certify
2 election results to the Division of Elections;
3 transferring, renumbering, and amending s.
4 101.68, F.S.; revising requirements for the
5 canvassing of absentee ballots; transferring,
6 renumbering, and amending s. 102.166, F.S.,
7 relating to manual recounts; requiring the
8 Division of Elections to certify hardware or
9 software used in recounts; requiring the
10 division to adopt rules prescribing recount
11 procedures; transferring, renumbering, and
12 amending s. 100.181, F.S.; providing for
13 determining a tie election; amending s.
14 102.151, F.S.; requiring county canvassing
15 boards to certify election returns to the
16 Division of Elections; transferring,
17 renumbering, and amending s. 102.112, F.S.;
18 providing a deadline for submitting returns to
19 the division; amending s. 102.155, F.S.;
20 requiring the Division of Elections to give a
21 certificate of election to any person certified
22 by the Elections Canvassing Commission;
23 transferring, renumbering, and amending s.
24 102.111, F.S.; specifying duties of the
25 Elections Canvassing Commission with respect to
26 the results of federal and statewide elections;
27 providing requirements if the commission is
28 unable to determine the vote; amending s.
29 102.168, F.S.; specifying venue for contesting
30 a nomination, election, or results of an issue;
31 providing for ouster of an adverse party or for

1 the issue to be void upon an unfavorable
2 judgment; reenacting s. 102.169, F.S., relating
3 to a quo warranto remedy; amending s. 102.171,
4 F.S.; clarifying provisions governing the
5 contest of an election to the Legislature;
6 transferring, renumbering, and amending ss.
7 101.572, 101.595, F.S., relating to public
8 inspection of ballots and reports of voter
9 error; conforming provisions to changes made by
10 the act; requiring voter errors to be reported
11 to the Division of Elections; requiring that
12 the division report to the Governor and
13 Legislature; repealing ss. 102.061, 102.071,
14 102.121, 102.131, 102.1682, 102.1685, F.S.,
15 relating to duties of the election board,
16 tabulation of votes, duties of the Elections
17 Canvassing Commission, election returns,
18 judgments of ouster and setting aside a
19 referendum, and venue for contesting an
20 election or referendum; transferring,
21 renumbering, and amending s. 103.101, F.S.,
22 relating to the presidential preference
23 primary; conforming provisions to changes made
24 by the act; requiring the Division of Elections
25 to certify nominations; authorizing the
26 division to adopt rules governing the
27 preparation of ballots; amending s. 103.021,
28 F.S.; providing for the names of candidates for
29 President and Vice President to be certified to
30 the Division of Elections; providing
31 requirements for persons seeking to qualify as

1 write-in candidates for President and Vice
2 President of the United States; transferring,
3 renumbering, and amending s. 103.011, F.S.;
4 providing for the Elections Canvassing
5 Commission to certify the presidential
6 electors; amending s. 103.051, F.S.; specifying
7 duties of the presidential electors; providing
8 for filling a vacancy and compensation of
9 electors; amending s. 103.081, F.S.; revising
10 certain prohibitions on the use of a political
11 party name; amending s. 103.091, F.S.; revising
12 requirements for electing national committee
13 members and presidential electors; providing
14 requirements for a group to file as a minor
15 political party; clarifying membership
16 requirements for county executive committees;
17 amending s. 103.121, F.S.; requiring state
18 executive committees to use a specified portion
19 of filing fees to promote certain candidates
20 for county and state office; requiring that the
21 bond required of the chair and treasurer of the
22 executive committee be filed with the Division
23 of Elections; requiring that certain
24 endorsements of a county executive committee be
25 filed with the division; amending s. 103.131,
26 F.S.; clarifying circumstances under which a
27 political party office becomes vacant; amending
28 s. 103.141, F.S.; specifying procedures for
29 removing from office a member of the state
30 executive committee or a county executive
31 committee for violating an oath of office;

1 repealing ss. 103.022, 103.061, 103.062,
2 103.071, 103.151, F.S., relating to write-in
3 candidates for President and Vice President,
4 meetings of electors, the filling of vacancies,
5 compensation of electors, and the removal of
6 certain executive committee members from
7 office; creating s. 104.005, F.S.; specifying
8 application of ch. 104, F.S., to municipal
9 elections; transferring, renumbering, and
10 amending s. 104.24, F.S.; clarifying the
11 prohibition against fraudulently using another
12 name in connection with the election process;
13 transferring, renumbering, and amending s.
14 104.185, F.S.; deleting the penalty imposed for
15 signing another person's name or a fictitious
16 name to a ballot petition; amending ss.
17 104.011, 104.012, 104.0515, F.S.; clarifying
18 the prohibition against false swearing and
19 certain other prohibitions involving voter
20 registration and voting rights; amending s.
21 104.061, F.S.; providing an exception to the
22 prohibition against giving a person an item of
23 value with the intention of influencing that
24 person's vote; amending s. 104.081, F.S.;
25 prohibiting an employer from threatening an
26 employee for voting or not voting for a
27 candidate or issue; transferring, renumbering,
28 and amending s. 104.045, F.S.; deleting a
29 prohibition against corruptly offering to vote
30 for or against a candidate for pecuniary
31 benefit; transferring, renumbering, and

1 amending s. 104.041, F.S.; prohibiting certain
2 fraudulent actions with respect to casting a
3 vote; providing a penalty; transferring,
4 renumbering, and amending s. 104.047, F.S.,
5 relating to prohibitions with respect to
6 absentee ballots and voting; conforming
7 provisions to changes made by the act; amending
8 ss. 104.101, 104.19, 104.20, 104.26, 104.30,
9 F.S., relating to unlawful activities with
10 respect to voting and voting systems;
11 conforming provisions to changes made by the
12 act; transferring, renumbering, and amending s.
13 101.341, F.S.; clarifying provisions
14 prohibiting certain activities by a voting
15 system custodian or deputy custodian;
16 transferring, renumbering, and amending s.
17 101.295, F.S.; prohibiting a member of a
18 governing body from voting to purchase or sell
19 voting equipment under certain circumstances;
20 providing a penalty; transferring, renumbering,
21 and amending ss. 104.23, 104.051, 104.22, F.S.,
22 relating to unlawful practices by election
23 officials or involving election records;
24 conforming provisions to changes made by the
25 act; transferring, renumbering, and amending
26 ss. 104.071, 104.271, F.S., relating to
27 unlawful remuneration, statements, and other
28 activities in connection with a candidate or
29 election; revising certain penalties; amending
30 s. 104.31, F.S.; clarifying certain prohibited
31 political activities of state, county, and

1 municipal officers and employers; transferring,
2 renumbering, and amending s. 104.42, F.S.,
3 relating to fraudulent registration and illegal
4 voting; conforming provisions to changes made
5 by the act; amending ss. 104.39, 104.43, F.S.;
6 clarifying provisions governing witnesses and
7 grand juries; transferring and renumbering s.
8 104.41, F.S., relating to violations not
9 otherwise provided for in the Florida Election
10 Code; repealing ss. 104.013, 104.031, 104.091,
11 104.11, 104.13, 104.15, 104.16, 104.17, 104.18,
12 104.21, 104.29, 104.32, F.S., relating to the
13 unauthorized use of a voter registration card,
14 false declaration to secure assistance in
15 preparing a ballot, aiding or abetting in a
16 violation of the Florida Election Code, neglect
17 of duty by the sheriff or other officer,
18 intermingling ballots, willful voting by
19 unqualified voters, voting a fraudulent ballot,
20 voting in person after casting an absentee
21 ballot, casting more than one ballot in an
22 election, changing an elector's ballot, refusal
23 by an inspector to allow watchers while ballots
24 are counted, and the delivery of books by the
25 supervisor to a successor; specifying titles
26 for certain chapters; amending ss. 15.21,
27 16.061, 106.087, 125.82, 196.141, 212.055,
28 236.32, 418.302, F.S., relating to initiative
29 petitions, filing fees, charter adoption,
30 homestead exemptions, discretionary sales
31 surtaxes, elections of school district millage,

1 and elections for mobile home parks; conforming
2 cross-references to changes made by the act;
3 providing an effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Section 97.011, Florida Statutes, is
8 amended to read:

9 97.011 Short title.--Chapters 97-106 constitute
10 ~~inclusive shall be known and may be cited as "the"Florida~~
11 ~~Election Code."~~

12 Section 2. Section 97.021, Florida Statutes, as
13 amended by section 2 of chapter 2001-40, Laws of Florida, is
14 amended to read:

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

18 (1) "Absentee voter" ~~"Absent elector"~~ means any
19 ~~registered and qualified~~ voter who casts an absentee ballot.

20 (2) "Automatic tabulating equipment" includes
21 apparatus necessary to automatically examine, count, record,
22 and report votes.

23 (3)~~(2)~~ "Ballot" or "official ballot" when used in
24 reference to:

25 (a) "Paper ballots" means that printed sheet of paper,
26 used in conjunction with an electronic or electromechanical
27 vote tabulation voting system, containing the names of
28 candidates, or a statement of proposed constitutional
29 amendments or other issue questions or propositions submitted
30 to the voters electorate at any election, on which sheet of
31 paper a voter ~~an elector~~ casts his or her vote.

1 (b) "Electronic or electromechanical devices" means a
2 ballot that is voted by the process of electronically
3 designating, including by touchscreen, or marking with a
4 marking device for tabulation by automatic tabulating
5 equipment or data processing equipment.

6 (4)~~(3)~~ "Candidate" means any person to whom any one or
7 more of the following applies:

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

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

12 (c) Any person who receives contributions or makes
13 expenditures, or gives his or her consent for any other person
14 to receive contributions or make expenditures, with a view to
15 bringing about his or her ~~nomination or~~ election to, or
16 retention in, public office.

17 (d) Any person who appoints a treasurer and designates
18 a primary depository.

19 (e) Any person who files qualifying ~~qualification~~
20 papers and subscribes to a candidate's oath as required by
21 law.

22

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

25 ~~(4) "Central voter file" means a statewide, centrally~~
26 ~~maintained database containing voter registration information~~
27 ~~of all counties in this state.~~

28 (5) "Code" means the Florida Election Code.

29 ~~(6)~~~~(5)~~ "Department" means the Department of State.

30 ~~(7)~~~~(6)~~ "Division" means the Division of Elections of
31 the Department of State.

1 ~~(8)(7)~~ "Election" means any primary election, special
2 primary election, special election, general election, or
3 presidential preference primary election, or any election at
4 which an issue is submitted to the voters.

5 ~~(9)(8)~~ "Election board" means the clerk and inspector
6 or inspectors appointed to a precinct by the supervisor to
7 conduct an election.

8 (10) "Filing officer" means the person before whom a
9 candidate qualifies, the agency or officer with whom a
10 political committee registers, or the agency by whom a
11 committee of continuous existence is certified.

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 each the
28 even-numbered year ~~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) "Issue" means any proposition that is required by
2 the State Constitution; by law or resolution of the
3 Legislature; or by the charter, ordinance, or resolution of
4 any political subdivision of this state to be submitted to the
5 voters for their approval or rejection at an election, or any
6 proposition for which a petition is circulated in order to
7 have such proposition placed on the ballot at any election.

8 ~~(12) "Lists of registered electors" means copies of~~
9 ~~printed lists of registered electors, computer tapes or disks,~~
10 ~~or any other device used by the supervisor of elections to~~
11 ~~maintain voter records.~~

12 (13) "Major political party" means any group that has
13 filed the appropriate papers with the division pursuant to
14 chapter 103 and that on January 1 in the year of a general
15 election has at least 5 percent of the voters of the state
16 registered as members.

17 (14) "Marking device" means any approved device for
18 marking a ballot with ink or other substance which will enable
19 the ballot to be tabulated by means of automatic tabulating
20 equipment.

21 (15)~~(13)~~ "Member of the Merchant Marine" means an
22 individual, other than a member of a uniformed service or an
23 individual employed, enrolled, or maintained on the Great
24 Lakes for the inland waterways, who is:

25 (a) Employed as an officer or crew member of a vessel
26 documented under the laws of the United States, a vessel owned
27 by the United States, or a vessel of foreign-flag registry
28 under charter to or control of the United States; or

29 (b) Enrolled with the United States for employment or
30 training for employment, or maintained by the United States
31

1 for emergency relief service, as an officer or crew member of
2 such vessel.

3 (16)(14) "Minor political party" means is any group
4 that has filed the appropriate papers with the division
5 pursuant to chapter 103 and that as defined in this subsection
6 which on January 1 in the year of a general election has less
7 than preceding a primary election does not have registered as
8 members 5 percent of the voters total registered electors of
9 the state registered as members. Any group of citizens
10 organized for the general purposes of electing to office
11 qualified persons and determining public issues under the
12 democratic processes of the United States may become a minor
13 political party of this state by filing with the department a
14 certificate showing the name of the organization, the names of
15 its current officers, including the members of its executive
16 committee, and a copy of its constitution or bylaws. It shall
17 be the duty of the minor political party to notify the
18 department of any changes in the filing certificate within 5
19 days of such changes.

20 (17)(15) "Newspaper of general circulation" means a
21 newspaper printed in the language most commonly spoken in the
22 area within which it circulates and which is readily available
23 for purchase by all inhabitants in the area of circulation,
24 but does not include a newspaper intended primarily for
25 members of a particular professional or occupational group, a
26 newspaper the primary function of which is to carry legal
27 notices, or a newspaper that is given away primarily to
28 distribute advertising.

29 (16) "Nominal value" means having a retail value of
30 \$10 or less.

31

1 (18)~~(17)~~ "Nonpartisan office" means an office for
2 which a candidate is prohibited from campaigning or qualifying
3 for election to or retention in office based on political
4 party affiliation.

5 (19)~~(18)~~ "Office that serves persons with
6 disabilities" means any state office that takes applications
7 either in person or by any other method ~~over the telephone~~
8 from persons with disabilities for any program, service, or
9 benefit primarily related to their disabilities.

10 (20)~~(19)~~ "Overseas voter" means:

11 (a) Members of the uniformed services while in the
12 active service who are permanent residents of the state and
13 are temporarily residing outside the territorial limits of the
14 United States and the District of Columbia;

15 (b) Members of the Merchant Marine of the United
16 States who are permanent residents of the state and are
17 temporarily residing outside the territorial limits of the
18 United States and the District of Columbia; and

19 (c) Other citizens of the United States who are
20 permanent residents of the state and are temporarily residing
21 outside the territorial limits of the United States and the
22 District of Columbia,

23
24 who are qualified and registered to vote as provided by law.

25 (21)~~(20)~~ "Overvote" means that the voter ~~elector~~ marks
26 or designates more names than there are persons to be elected
27 to an office or designates more than one answer to a ballot
28 question, and the tabulator records no vote for the office or
29 question.

30
31

1 ~~(22)~~(21) "Persons with disabilities" means individuals
2 who have a physical or mental impairment that substantially
3 limits one or more major life activities.

4 (23) "Political party" means any group that has filed
5 the appropriate papers with the division pursuant to chapter
6 103.

7 ~~(24)~~(22) "Polling place" means ~~is~~ the building that
8 ~~which~~ contains the polling room where ballots are cast.

9 ~~(25)~~(23) "Polling room" means the actual room in which
10 ballots are cast.

11 ~~(26)~~(24) "Primary election" means an election held
12 preceding the general election for the purpose of nominating a
13 major political party candidate ~~nominee~~ to be voted for in the
14 general election to fill a national, state, county, or
15 district office. ~~The first primary is a nomination or~~
16 ~~elimination election; the second primary is a nominating~~
17 ~~election only.~~

18 ~~(27)~~(25) "Provisional ballot" means a ballot issued to
19 a voter by the election board at the polling place on election
20 day for one of the following reasons:

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

24 (b) There is an indication on the precinct register
25 that the voter has requested an absentee ballot and there is
26 no indication whether the voter has returned the absentee
27 ballot.

28 ~~(28)~~(26) "Public assistance" means assistance provided
29 through the food stamp program; the Medicaid program; the
30 Special Supplemental Food Program for Women, Infants, and
31 Children; and the WAGES Program.

1 ~~(29)(27)~~ "Public office" means any elective federal,
2 state, county, municipal, school, or other district office or
3 position ~~which is filled by vote of the electors.~~

4 ~~(30)(28)~~ "Qualifying educational institution" means
5 any public or private educational institution that:

6 (a) Receives receiving state financial assistance;
7 ~~which has, as its primary mission, the provision of~~

8 (b) Provides education or training to students ~~who are~~
9 ~~at least 18 years of age or older as its primary mission;~~
10 ~~provided such institution~~

11 (c) Has more than 200 students enrolled in classes;
12 ~~with the institution and provided that the~~

13 (d) Has a recognized student government organization
14 that has requested this designation in writing and has filed
15 the request with the office of the supervisor ~~of elections~~ in
16 the county in which the institution is located.

17 (31) "Secrecy envelope" means an opaque device used
18 for enclosing a marked ballot which conceals the voter's
19 choices.

20 (32) "Software" means the programs and routines used
21 to employ and control the capabilities of data processing
22 hardware, including, without limitation, operating systems,
23 compilers, assemblers, utilities, library routines,
24 maintenance routines, applications, and computer networking
25 programs.

26 ~~(33)(29)~~ "Special election" means an ~~is a special~~
27 election ~~called for the purpose of voting on a party nominee~~
28 to fill a vacancy in a the national, state, county, or
29 district office or to vote on an issue.

30 ~~(34)(30)~~ "Special primary election" means an ~~is a~~
31 ~~special nomination election to nominate~~ designated by the

1 ~~Governor, called for the purpose of nominating a major~~
2 political party candidate nominee to be voted on in a general
3 or special election.

4 (35) "Statewide voter registration database" means a
5 statewide, centrally maintained database containing voter
6 registration information of all counties in this state.

7 ~~(36)(31)~~ "Supervisor" means the supervisor of
8 elections.

9 ~~(37)(32)~~ "Undervote" means that the elector does not
10 properly designate any choice for an office or ballot
11 question, and the tabulator records no vote for the office or
12 question.

13 ~~(38)(33)~~ "Uniformed services" means the Army, Navy,
14 Air Force, Marine Corps, and Coast Guard, the commissioned
15 corps of the Public Health Service, and the commissioned corps
16 of the National Oceanic and Atmospheric Administration.

17 (39) "Voter" or "elector" means a person who is
18 registered and qualified to vote in this state, except where
19 the latter term is used to describe a presidential elector.

20 ~~(40)(34)~~ "Voter registration agency" means any office
21 that provides public assistance, any office that serves
22 persons with disabilities, any center for independent living,
23 or any public library.

24 ~~(41)(35)~~ "Voting booth" or "booth" means that booth or
25 enclosure wherein a voter ~~an elector~~ casts his or her ballot
26 ~~for tabulation by an electronic or electromechanical device.~~

27 (42) "Voting device" means an apparatus by which votes
28 are registered electronically.

29 ~~(43)(36)~~ "Voting system" means a system of casting
30 votes by use of voting devices or marking devices and counting
31 ballots by employing automatic tabulating equipment or data

1 processing equipment, and the term includes touchscreen
2 systems ~~method of casting and processing votes that functions~~
3 ~~wholly or partly by use of electromechanical or electronic~~
4 ~~apparatus or by use of paper ballots and includes, but is not~~
5 ~~limited to, the procedures for casting and processing votes~~
6 ~~and the programs, operating manuals, tabulating cards,~~
7 ~~printouts, and other software necessary for the system's~~
8 ~~operation.~~

9 Section 3. Section 97.012, Florida Statutes, is
10 transferred, renumbered as section 97.029, Florida Statutes,
11 and amended to read:

12 97.029 ~~97.012~~ Secretary of State as chief election
13 officer.--The Secretary of State is the chief election officer
14 of the state, and has the ~~it is his or her~~ responsibility to:

15 (1) Ensure ~~Obtain and maintain~~ uniformity in the
16 application, operation, and interpretation of the code
17 ~~election laws.~~

18 (2) Provide uniform standards for the proper and
19 equitable implementation of the registration laws.

20 (3) Acquire ~~Actively seek out and collect~~ the data and
21 statistics necessary to determine ~~knowledgeably scrutinize~~ the
22 effectiveness of the code ~~election laws.~~

23 (4) Provide technical assistance ~~to the supervisors of~~
24 ~~elections~~ on voter education and provide election personnel
25 training to the supervisors ~~services.~~

26 (5) Provide technical assistance ~~to the supervisors of~~
27 ~~elections~~ on voting systems to the supervisors.

28 (6) Provide voter education ~~assistance to the public.~~

29 (7) Coordinate the state's responsibilities under the
30 National Voter Registration Act of 1993.

31

1 (8) Provide training to all affected state agencies on
2 the necessary procedures for proper implementation of
3 voter-registration provisions of this code ~~this chapter~~.

4 (9) Ensure that all registration applications and
5 forms prescribed or approved by the department are in
6 compliance with the Voting Rights Act of 1965.

7 (10) Coordinate with the United States Department of
8 Defense so that armed forces recruitment offices administer
9 voter registration in a manner consistent with the procedures
10 set forth in the ~~this~~ code for voter registration agencies.

11 (11) Create and maintain a statewide voter
12 registration database ~~central voter file~~.

13 (12) Maintain a voter fraud hotline and provide
14 election fraud education ~~to the public~~.

15 (13) Provide copies of the code, adequately indexed,
16 to supervisors, candidates, and the public, upon request.

17 Section 4. Section 98.015, Florida Statutes, is
18 transferred, renumbered as section 97.045, Florida Statutes,
19 and amended to read:

20 97.045 ~~98.015~~ Supervisor of elections; election,
21 tenure of office, compensation, custody of registration
22 records and voting system ~~books~~, office hours, successor,
23 seal; appointment of deputy supervisors; duties.--

24 (1) A supervisor of elections shall be elected in each
25 county at the general election in each year the number of
26 which is a multiple of four for a 4-year term commencing on
27 the first Tuesday after the first Monday in January succeeding
28 his or her election. Each supervisor shall, before performing
29 any official duty ~~of his or her duties~~, take the oath
30 prescribed in s. 5, Art. II of the State Constitution.

31

1 (2) The supervisor's compensation shall be paid by the
2 board of county commissioners.

3 (3) The supervisor is the official custodian of all
4 ~~the~~ registration records ~~books~~ and has the exclusive control
5 of matters pertaining to registration of voters ~~electors~~.

6 (4) The supervisor shall be the custodian of the
7 voting system in the county and shall appoint deputies
8 necessary to prepare and supervise the voting system prior to
9 and during the elections.

10 ~~(5)(4)~~ At a minimum, the office of the supervisor must
11 be open Monday through Friday, excluding legal holidays, for a
12 period of not less than 8 hours per day, beginning no later
13 than 9 a.m.

14 ~~(6)(5)~~ The supervisor shall preserve statements and
15 other information required to be filed with the supervisor's
16 office pursuant to chapter 106 for a period of 10 years after
17 the ~~from~~ date of receipt.

18 ~~(7)(6)~~ Upon leaving office, the supervisor shall
19 ~~immediately, upon leaving office,~~ deliver to his or her
20 successor ~~immediately~~ all equipment, records, and materials of
21 or connected with ~~belonging to~~ the supervisor's office.

22 ~~(8)(7)~~ Each supervisor may ~~is authorized to~~ obtain and
23 use ~~for the office~~ an impression seal approved by and filed
24 with the department. ~~An impression of the seal with a~~
25 ~~description thereof shall be filed with the department.~~ The
26 supervisor may impress ~~is empowered to attach an impression of~~
27 the seal upon official documents and certificates executed
28 over the supervisor's signature and take oaths and
29 acknowledgments under the ~~supervisor's~~ seal in matters
30 pertaining to the supervisor's office. However, the ~~said~~ seal
31 need not be affixed to registration certificates.

1 (9)~~(8)~~ Each supervisor may ~~select and~~ appoint and
2 remove, ~~subject to removal by the supervisor, as many~~ deputy
3 supervisors ~~as are necessary~~, whose compensation must be paid
4 by the supervisor and who shall have the same powers and whose
5 acts shall have the same effect as the acts of the supervisor;
6 except that the supervisor shall limit the power to appoint
7 deputy supervisors to designated deputy supervisors. Each
8 deputy supervisor shall, before entering office, take an oath
9 in writing that he or she will faithfully perform the duties
10 of the deputy supervisor's office, which oath must be
11 acknowledged by the supervisor or a designated deputy
12 supervisor and must be filed in the office of the supervisor.

13 (10)~~(9)~~ Each supervisor must offer ~~make~~ training in
14 ~~the proper implementation of voter registration procedures~~
15 available to any individual, group, center for independent
16 living, or public library engaging in voter registration
17 activities in the supervisor's county.

18 (11)~~(10)~~ Each supervisor must ensure that his or her
19 ~~all~~ voter registration and list maintenance procedures
20 ~~conducted by such supervisor~~ are in compliance with any
21 applicable requirements for that county under the Voting
22 Rights Act of 1965.

23 (12)~~(11)~~ If a voter registration application indicates
24 that an applicant has been granted a homestead exemption on
25 property that is not the applicant's legal residence, the
26 supervisor shall forward the name and address of the person to
27 the property appraiser for the county in which the homestead
28 is claimed.~~Each supervisor of elections shall forward to the~~
29 ~~property appraiser for the county in which the homestead is~~
30 ~~claimed the name of the person and the address of the~~
31 ~~homestead of each person who registers to vote at an address~~

1 ~~other than that at which the person claims a homestead~~
2 ~~exemption, as disclosed on the uniform statewide voter~~
3 ~~registration application pursuant to s. 97.052.~~

4 Section 5. Section 98.255, Florida Statutes, is
5 transferred, renumbered as section 97.049, Florida Statutes,
6 and amended to read:

7 97.049 ~~98.255~~ Voter education programs.--

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

- 14 (a) Voter registration;
15 (b) Balloting procedures, absentee and polling place;
16 (c) Voter rights and responsibilities;
17 (d) Distribution of sample ballots; and
18 (e) Public service announcements.

19 (2) Each ~~county~~ supervisor shall implement the minimum
20 voter education standards, and shall conduct additional
21 nonpartisan education efforts as necessary to ensure that
22 voters have a working knowledge of the voting process.

23 (3)(a) By December 15 of each general election year,
24 each supervisor ~~of elections~~ shall report to the division
25 ~~Department of State~~ a detailed description of the voter
26 education programs implemented and any other information that
27 may be useful in evaluating the effectiveness of voter
28 education efforts.

29 (b) The division ~~Department of State~~, upon receipt of
30 such information, shall prepare a public report on the
31 effectiveness of voter education programs and shall submit the

1 report to the Governor, the President of the Senate, and the
2 Speaker of the House of Representatives by January 31 of each
3 year following a general election.

4 (c) The division ~~Department of State~~ shall reexamine
5 the rules adopted pursuant to subsection (1) and consider the
6 findings in the report as a basis for adopting modified rules
7 that incorporate successful voter education programs and
8 techniques, as necessary.

9 Section 6. Sections 97.025 and 97.032, Florida
10 Statutes, are repealed.

11 Section 7. Section 97.105, Florida Statutes, is
12 transferred, renumbered as section 98.012, Florida Statutes,
13 and amended to read:

14 98.012 ~~97.105~~ Permanent single registration system
15 established.--

16 (1) The registration system established in this code
17 is the ~~A~~ permanent single registration system for the
18 registration of voters ~~electors~~ to enable ~~qualify~~ them to vote
19 in all elections in which they are entitled in all ~~is provided~~
20 ~~for the several~~ counties and municipalities in the state.

21 (2) The supervisor shall maintain a registration list
22 of all voters in the county, including their signatures, and
23 shall maintain the registration list so that the total number
24 of voters in each municipality in the county can be
25 determined.

26 (3) The supervisor shall deliver the records required
27 for a municipal election to the appropriate election official
28 before the election and collect them after the election. The
29 municipality shall reimburse the supervisor for the actual
30 costs incurred. ~~This system shall be put into use by all~~
31 ~~municipalities and shall be in lieu of any other system of~~

1 ~~municipal registration. Electors shall be registered in~~
2 ~~pursuance of this system by the supervisor or by a deputy~~
3 ~~supervisor, and electors registered shall not thereafter be~~
4 ~~required to register or reregister except as provided by law.~~

5 Section 8. Section 97.041, Florida Statutes, is
6 transferred, renumbered as section 98.013, Florida Statutes,
7 and amended to read:

8 98.013 ~~97.041~~ Qualifications to register or vote.--

9 (1)(a) A person may vote ~~become a registered voter~~
10 only if he or she ~~that person~~:

- 11 1. Is at least 18 years of age;
- 12 2. Is a citizen of the United States;
- 13 3. Is a legal resident of the State of Florida;
- 14 4. Is a legal resident of the county in which he or

15 she ~~that person~~ seeks to be registered; and

- 16 5. Registers pursuant to the ~~Florida Election~~ code.

17 (b) A person who is otherwise qualified may
18 preregister on or after his or her ~~that person's~~ 17th birthday
19 and may vote in any election occurring on or after his or her
20 ~~that person's~~ 18th birthday.

21 (2) The following persons, who might be otherwise
22 qualified, are not entitled to register or vote:

23 (a) A person who has been adjudicated mentally
24 incapacitated with respect to voting in this or any other
25 state and who has not had his or her right to vote restored
26 pursuant to law.

27 (b) A person who has been convicted of any felony by
28 any court of record and who has not had his or her right to
29 vote restored pursuant to law.

30 (3) A person who is not registered may not vote.

31

1 Section 9. Section 97.051, Florida Statutes, is
2 transferred and renumbered as section 98.016, Florida
3 Statutes, to read:

4 98.016 ~~97.051~~ Oath upon registering.--A person
5 registering to vote must subscribe to the following oath: "I
6 do solemnly swear (or affirm) that I will protect and defend
7 the Constitution of the United States and the Constitution of
8 the State of Florida, that I am qualified to register as an
9 elector under the Constitution and laws of the State of
10 Florida, and that I am a citizen of the United States and a
11 legal resident of Florida."

12 Section 10. Section 97.052, Florida Statutes, is
13 transferred, renumbered as section 98.017, Florida Statutes,
14 and amended to read:

15 98.017 ~~97.052~~ Uniform statewide voter registration
16 application.--

17 (1) The division ~~department~~ shall prescribe a uniform
18 statewide voter registration application for use in this
19 state.

20 (a) The uniform statewide voter registration
21 application must be accepted for any one or more of the
22 following purposes:

- 23 1. Initial registration.
- 24 2. Change of address.
- 25 3. Change of political party affiliation.
- 26 4. Change of name.
- 27 5. Replacement of voter information ~~registration~~
28 ~~identification~~ card.

29 (b) The division ~~department~~ is responsible for
30 printing the uniform statewide voter registration application
31 and the voter registration application form prescribed by the

1 Federal Election Commission pursuant to the National Voter
2 Registration Act of 1993. The applications and forms must be
3 distributed, upon request, to the following:
4 1. Individuals seeking to register to vote.
5 2. Individuals or groups conducting voter registration
6 programs. A charge of 1 cent per application shall be assessed
7 on requests for 10,000 or more applications.
8 3. The Department of Highway Safety and Motor
9 Vehicles.
10 4. Voter registration agencies.
11 5. Armed forces recruitment offices.
12 6. Qualifying educational institutions.
13 7. Supervisors, who must make the applications and
14 forms available in the following manner:
15 a. By distributing the applications and forms in their
16 offices to any individual or group.
17 b. By distributing the applications and forms at other
18 locations designated by each supervisor.
19 c. By mailing the applications and forms to applicants
20 upon their ~~the~~ request ~~of the applicant~~.
21 (c) The uniform statewide voter registration
22 application may not be reproduced by any private individual or
23 group.
24 (2) The uniform statewide voter registration
25 application must be designed to elicit the following
26 information from the applicant:
27 (a) Full name.
28 (b) Date of birth.
29 (c) Address of legal residence.
30 (d) Mailing address, if different.
31 (e) County of legal residence.

- 1 (f) Address of property for which the applicant has
2 been granted a homestead exemption, if any.
- 3 (g) Race or ethnicity that best describes the
4 applicant:
- 5 1. American Indian or Alaskan Native.
 - 6 2. Asian or Pacific Islander.
 - 7 3. Black, not Hispanic.
 - 8 4. White, not Hispanic.
 - 9 5. Hispanic.
- 10 (h) Sex.
- 11 (i) Political party affiliation.
- 12 (j) Whether the applicant needs assistance in voting.
- 13 (k) Name and address where last registered.
- 14 (l) Last four digits of the applicant's social
15 security number.
- 16 (m) Florida driver's license number or the
17 identification number from a Florida identification card
18 issued under s. 322.051.
- 19 (n) Telephone number (optional).
- 20 (o) Signature of applicant under penalty for false
21 swearing pursuant to s. 104.011, by which the person
22 subscribes to the oath required by s. 3, Art. VI of the State
23 Constitution and s. 98.016 ~~s. 97.051~~, and swears or affirms
24 that the information contained in the registration application
25 is true.
- 26 (p) Whether the application is being used for initial
27 registration, to update a voter registration record, or to
28 request a replacement voter information ~~registration~~
29 ~~identification~~ card.
- 30 (q) Whether the applicant is a citizen of the United
31 States.

1 (r) That the applicant has not been convicted of a
2 felony or, if convicted, has had his or her civil rights
3 restored.

4 (s) That the applicant has not been adjudicated
5 mentally incapacitated with respect to voting or, if so
6 adjudicated, has had his or her right to vote restored.

7
8 The registration form must be in plain language and designed
9 so that convicted felons whose civil rights have been restored
10 and persons who have been adjudicated mentally incapacitated
11 and have had their voting rights restored are not required to
12 reveal their prior conviction or adjudication.

13 (3) The uniform statewide voter registration
14 application must also contain:

15 (a) The oath required by s. 3, Art. VI of the State
16 Constitution and s. 98.016 ~~s. 97.051~~.

17 (b) A statement specifying each eligibility
18 requirement under s. 98.013 ~~s. 97.041~~.

19 (c) The penalties provided in s. 104.011 for false
20 swearing in connection with voter registration.

21 (d) A statement that, if an applicant declines to
22 register to vote, the fact that he or she ~~the applicant~~ has
23 declined to register will remain confidential and may be used
24 only for voter registration purposes.

25 (e) A statement that informs the applicant who chooses
26 to register to vote or update a voter registration record that
27 the office at which he or she ~~the applicant~~ submits a voter
28 registration application or updates a voter registration
29 record will remain confidential and may be used only for voter
30 registration purposes.

31

1 (f) A statement that informs the applicant that any
2 person who has been granted a homestead exemption in this
3 state, and who registers to vote in any precinct other than
4 the one in which the property for which the homestead
5 exemption has been granted, shall have that information
6 forwarded to the property appraiser where such property is
7 located, which may result in the person's homestead exemption
8 being terminated and the person being subject to assessment of
9 back taxes under s. 193.092, unless the homestead granted the
10 exemption is being maintained as the permanent residence of a
11 legal or natural dependent of the owner and the owner resides
12 elsewhere.

13 (4) A supervisor may produce a voter registration
14 application that has the supervisor's direct mailing address
15 if the division ~~department~~ has reviewed the application and
16 determined that it is substantially the same as the uniform
17 statewide voter registration application.

18 (5) The voter registration application form prescribed
19 by the Federal Election Commission pursuant to the National
20 Voter Registration Act of 1993 or the federal postcard
21 application must be accepted as an application for
22 registration in this state if the completed application or
23 postcard application contains the information required by the
24 constitution and laws of this state.

25 Section 11. Section 97.053, Florida Statutes, is
26 transferred, renumbered as section 98.019, Florida Statutes,
27 and amended to read:

28 98.019 ~~97.053~~ Acceptance of voter registration
29 applications.--

30 (1) Voter registration applications, changes in
31 registration, and requests for a replacement voter information

1 ~~registration identification~~ card must be accepted in the
2 office of any supervisor, the division, a driver license
3 office, a voter registration agency, or an armed forces
4 recruitment office when hand delivered by the applicant or a
5 third party during the hours that office is open or when
6 mailed.

7 (2) A completed voter registration application that
8 contains the information necessary to establish an applicant's
9 eligibility pursuant to s. 98.013 ~~s. 97.041~~ becomes the
10 official voter registration record of that applicant when
11 received by the appropriate supervisor.

12 (3) The registration date for a valid initial voter
13 registration application that has been hand delivered is the
14 date when received by a driver license office, a voter
15 registration agency, an armed forces recruitment office, the
16 division, or the office of any supervisor in the state.

17 (4) The registration date for a valid initial voter
18 registration application that has been mailed and bears a
19 clear postmark is the date of the postmark. If an initial
20 voter registration application that has been mailed does not
21 bear a postmark or if the postmark is unclear, the
22 registration date is the date the registration application is
23 received by any supervisor or the division, unless it is
24 received within 5 days after the closing of registration ~~the~~
25 ~~books~~ for an election, excluding Saturdays, Sundays, and legal
26 holidays, in which case the registration date is the
27 ~~book-closing~~ date that registration closes.

28 (5)(a) A voter registration application is complete if
29 it contains:

- 30 1. The applicant's name.
- 31 2. The applicant's legal residence address.

1 3. The applicant's date of birth.

2 4. An indication that the applicant is a citizen of
3 the United States.

4 5. The last four digits of the applicant's social
5 security number.

6 6. An indication that the applicant has not been
7 convicted of a felony or that, if convicted, has had his or
8 her civil rights restored.

9 7. An indication that the applicant has not been
10 adjudicated mentally incapacitated with respect to voting or
11 that, if so adjudicated, has had his or her right to vote
12 restored.

13 8. Signature of the applicant swearing or affirming
14 under the penalty for false swearing pursuant to s. 104.011
15 that the information contained in the registration application
16 is true and subscribing to the oath required by s. 3, Art. VI
17 of the State Constitution and s. 98.016 ~~s. 97.051~~.

18 (b) An applicant who fails to designate political
19 party affiliation must be registered without political party
20 affiliation. The supervisor must notify the voter by mail that
21 the voter has been registered without political party
22 affiliation and that the voter may change political party
23 affiliation as provided in s. 98.037 ~~s. 97.1031~~.

24 Section 12. Section 97.057, Florida Statutes, is
25 transferred, renumbered as section 98.023, Florida Statutes,
26 and amended to read:

27 98.023 ~~97.057~~ Voter registration by the Department of
28 Highway Safety and Motor Vehicles.--

29 (1) The Department of Highway Safety and Motor
30 Vehicles shall provide the opportunity to register to vote or
31

1 to update a voter registration record to each individual who
2 comes to an office of that department to:
3 (a) Apply for or renew a driver's license;
4 (b) Apply for or renew an identification card pursuant
5 to chapter 322; or
6 (c) Change an address on an existing driver's license
7 or identification card.
8 (2) The Department of Highway Safety and Motor
9 Vehicles shall:
10 (a) Notify each individual, orally or in writing,
11 that:
12 1. Information gathered for the completion of a
13 driver's license or identification card application, renewal,
14 or change of address can be automatically transferred to a
15 voter registration application;
16 2. If additional information and a signature are
17 provided, the voter registration application will be completed
18 and sent to the proper election official ~~authority~~;
19 3. Information provided can also be used to update a
20 voter registration record;
21 4. All declinations will remain confidential and may
22 be used only for voter registration purposes; and
23 5. The particular driver license office in which the
24 person applies to register to vote or updates a voter
25 registration record will remain confidential and may be used
26 only for voter registration purposes.
27 (b) Require a driver's license examiner to inquire
28 orally, or ~~inquire~~ in writing if the applicant is hearing
29 impaired, ~~and~~ whether the applicant wishes to register to vote
30 or update a voter registration record during the completion of
31

1 a driver's license or identification card application,
2 renewal, or change of address.

3 1. If the applicant chooses to register to vote or to
4 update a voter registration record:

5 a. All applicable information received by the
6 Department of Highway Safety and Motor Vehicles in the course
7 of filling out the forms necessary under subsection (1) must
8 be transferred to a voter registration application;

9 b. The additional necessary information must be
10 obtained by the driver's license examiner and must not
11 duplicate any information already obtained while completing
12 the forms required under subsection (1); and

13 c. A voter registration application with all of the
14 applicant's voter registration information must be presented
15 to the applicant to sign.

16 2. If the applicant declines to register to vote,
17 update his or her ~~the applicant's~~ voter registration record,
18 or change his or her ~~the applicant's~~ address by either orally
19 declining or by failing to sign the voter registration
20 application, the Department of Highway Safety and Motor
21 Vehicles must keep the declination for 2 years.

22 (3) For the purpose of this section, the Department of
23 Highway Safety and Motor Vehicles, with the approval of the
24 division ~~Department of State~~, shall prescribe:

25 (a) A voter registration application that is the same
26 in content, format, and size as the uniform statewide voter
27 registration application prescribed under s. 98.017 ~~s. 97.052~~;
28 and

29 (b) A form that will inform applicants under
30 subsection (1) of the information contained in paragraph
31 (2)(a).

1 (4) The Department of Highway Safety and Motor
2 Vehicles must forward each completed voter registration
3 application ~~applications~~ within 5 days after receipt to the
4 supervisor of the county where the office that processed or
5 received that application is located.

6 (5) The Department of Highway Safety and Motor
7 Vehicles must send, with each driver's license renewal
8 extension application authorized pursuant to s. 322.18(8), a
9 uniform statewide voter registration application, the voter
10 registration application prescribed under paragraph (3)(a), or
11 a voter registration application developed especially for the
12 purposes of this subsection by the Department of Highway
13 Safety and Motor Vehicles, with the approval of the division
14 ~~Department of State~~, which must meet the requirements of s.
15 98.017 ~~s. 97.052~~.

16 (6) A person providing voter registration services for
17 a driver license office may not:

18 (a) Seek to influence an applicant's political
19 preference or party registration;

20 (b) Display any political preference or party
21 allegiance;

22 (c) Make any statement to an applicant or take any
23 action the purpose or effect of which is to discourage the
24 applicant from registering to vote; or

25 (d) Disclose any applicant's voter registration
26 information except as needed for the administration of voter
27 registration.

28 (7) The Department of Highway Safety and Motor
29 Vehicles shall compile lists, by county, of those individuals
30 whose names have been purged from its driver's license
31 database because they have been licensed in another state and

1 shall provide those lists annually to the appropriate
2 supervisors.

3 (8) The Department of Highway Safety and Motor
4 Vehicles shall collect data determined necessary by the
5 division ~~Department of State~~ for program evaluation and
6 reporting to the Federal Election Commission pursuant to the
7 National Voter Registration Act of 1993.

8 (9) The Department of Highway Safety and Motor
9 Vehicles must ensure that all voter registration services
10 provided by driver license offices are in compliance with the
11 Voting Rights Act of 1965.

12 Section 13. Section 97.058, Florida Statutes, is
13 transferred, renumbered as section 98.025, Florida Statutes,
14 and amended to read:

15 98.025 ~~97.058~~ Voter registration agencies.--

16 (1) Each voter registration agency must provide each
17 applicant the opportunity to register to vote or to update a
18 voter registration record, at the time he or she ~~the applicant~~
19 applies for services or assistance from that agency, for
20 renewal of such services or assistance, or for a change of
21 address required with respect to the services or assistance.

22 (2) Each voter registration agency, other than a
23 public library, must develop and provide each applicant with a
24 form approved by the division ~~department~~ containing all of the
25 following:

26 (a) The questions:

27 1. "If you are not registered to vote where you live
28 now, would you like to apply to register to vote today?"

29 2. "If you are registered to vote where you live now,
30 would you like to update your voter registration record?"

31

1 (b) For agencies providing public assistance, the
2 statement, "Applying to register or declining to register to
3 vote will not affect the amount of assistance that you will be
4 provided by this agency."

5 (c) Boxes for the applicant to check which indicate
6 that:

7 1. The applicant would like to register to vote or
8 update a current voter registration;

9 2. The applicant would like to decline to register to
10 vote; or

11 3. The applicant is already registered to vote and
12 does not need to update the voter registration,

13
14 together with the statement, "If you do not check any box, you
15 will be considered to have decided not to register to vote or
16 update a voter registration at this time."

17 (d) The statement, "If you would like help in filling
18 out the voter registration application, we will help you. The
19 decision whether to seek or accept help is yours. You may fill
20 out the voter registration application in private."

21 (e) The statement, "If you believe that someone has
22 interfered with your right to register or to decline to
23 register to vote, your right to privacy in deciding whether to
24 register or in applying to register to vote, or your right to
25 choose your own political party or other political preference,
26 you may file a complaint with the Secretary of State."

27 (f) The address and telephone number of the
28 appropriate office in the division ~~department~~ where a
29 complaint may be filed.

30
31

1 (g) A statement that all declinations will remain
2 confidential and may be used only for voter registration
3 purposes.

4 (h) A statement that informs the applicant who chooses
5 to register to vote or update a voter registration record that
6 the office at which he or she ~~the applicant~~ submits a voter
7 registration application or updates a voter registration
8 record will remain confidential and may be used only for voter
9 registration purposes.

10 (3)(a) A voter registration agency may use the uniform
11 statewide voter registration application or may create and use
12 a voter registration application that meets the requirements
13 of s. 98.017 ~~s. 97.052~~, with the approval of the division
14 ~~department~~.

15 (b) A voter registration agency must provide to each
16 applicant under subsection (1) the voter registration
17 application that the agency decides to use pursuant to
18 paragraph (a). An applicant who seeks ~~indicates a desire~~ to
19 register to vote or update a voter registration record must be
20 provided the same degree of assistance with regard to the
21 completion of that voter registration application as is
22 provided by the agency with regard to the completion of its
23 own forms, unless the applicant refuses that assistance.

24 (4) If a voter registration agency provides services
25 to a person with a disability at his or her ~~the person's~~ home,
26 the agency must also provide voter registration services at
27 that ~~the~~ person's home.

28 (5) A voter registration agency must establish
29 procedures for providing voter registration services to
30 applicants who apply by telephone.

31

1 (6) A voter registration agency must forward each
2 completed voter registration application ~~applications~~ within 5
3 days after receipt to the supervisor of the county where the
4 agency that processed or received that application is located.

5 (7) A voter registration agency must retain
6 declinations for a period of 2 years, during which time the
7 declinations are not considered a record of the client
8 pursuant to the laws governing the agency's records.

9 (8) A person providing voter registration services for
10 a voter registration agency may not:

11 (a) Seek to influence an applicant's political
12 preference or party registration;

13 (b) Display any political preference or party
14 allegiance;

15 (c) Make any statement to an applicant or take any
16 action the purpose or effect of which is to lead the applicant
17 to believe that a decision to register or not to register has
18 any bearing on the availability of services or benefits;

19 (d) Make any statement to an applicant or take any
20 action the purpose or effect of which is to discourage the
21 applicant from registering to vote; or

22 (e) Disclose any applicant's voter registration
23 information except as needed for the administration of voter
24 registrations.

25 (9) A voter registration agency must collect data
26 determined necessary by the division ~~department~~ for program
27 evaluation and reporting to the Federal Election Commission
28 pursuant to the National Voter Registration Act of 1993.

29 (10) Each state agency that ~~which~~ contracts with a
30 private provider that is also a voter registration agency as
31 defined in s. 97.021 is responsible for contracting for voter

1 registration services with that provider and for ensuring that
2 the private provider complies with the provisions of this
3 section.

4 (11) Each voter registration agency must ensure that
5 all voter registration services provided by its offices are in
6 compliance with the Voting Rights Act of 1965.

7 Section 14. Section 97.0585, Florida Statutes, is
8 transferred, renumbered as section 98.027, Florida Statutes,
9 and amended to read:

10 98.027 ~~97.0585~~ Declinations to register; place of
11 registration and registration information; confidentiality.--

12 (1) All declinations to register to vote made pursuant
13 to ss. 98.023 and 98.025 ~~ss. 97.057 and 97.058~~ are
14 confidential and exempt from the provisions of s. 119.07(1)
15 and s. 24(a), Art. I of the State Constitution and may be used
16 only for voter registration purposes.

17 (2) Information relating to the place where a person
18 registered to vote or where a person updated a voter
19 registration is confidential and exempt from the provisions of
20 s. 119.07(1) and s. 24(a), Art. I of the State Constitution;
21 and a voter's signature, social security number, and telephone
22 number may not be copied and are exempt for that purpose from
23 the provisions of s. 119.07(1) and s. 24(a), Art. I of the
24 State Constitution.

25 Section 15. Section 97.0583, Florida Statutes, is
26 transferred, renumbered as section 98.029, Florida Statutes,
27 and amended to read:

28 98.029 ~~97.0583~~ Voter registration at qualifying
29 educational institutions.--Each qualifying educational
30 institution shall provide each student enrolled in that
31 institution the opportunity to register to vote or to update a

1 voter registration record on each campus at least once a year.
2 Qualifying educational institutions are also encouraged to
3 provide voter registration services at other times and places,
4 such as upon application for financial aid, during the
5 admissions process, at registration, upon issuance of student
6 identifications, and at new-student orientation.

7 Section 16. Section 97.061, Florida Statutes, is
8 transferred, renumbered as section 98.032, Florida Statutes,
9 and amended to read:

10 98.032 ~~97.061~~ Special registration for voters ~~electors~~
11 requiring assistance.--

12 (1) Any person who is eligible to register and who is
13 unable to read or write or who, because of some disability,
14 needs assistance in voting shall, upon his or her ~~that~~
15 ~~person's request, be registered by the supervisor under the~~
16 ~~procedure prescribed by this section and shall be entitled to~~
17 ~~receive assistance at the polls under the conditions~~
18 ~~prescribed by this section.~~

19 (2) If a person is entitled to assistance ~~qualified to~~
20 ~~register pursuant to this section~~, the supervisor shall note
21 in that person's registration record and on the precinct
22 register that he or she ~~the person~~ needs assistance in voting.

23 (3) Upon registering ~~any person~~ pursuant to this
24 ~~section, the supervisor must make a notation on the~~
25 ~~registration books or records which are delivered to the polls~~
26 ~~on election day that such person is eligible for assistance in~~
27 ~~voting, and the supervisor may issue such person a special~~
28 ~~registration identification card or make some notation on the~~
29 ~~regular registration identification card that such person is~~
30 ~~eligible for assistance in voting.~~ such voter ~~person~~ shall be
31 entitled to receive ~~the~~ assistance ~~of two election officials~~

1 ~~or some other person of his or her own choice, other than the~~
2 ~~person's employer, the agent of the person's employer, or an~~
3 ~~officer or agent of the person's union,~~ without the necessity
4 of executing the "Declaration to Secure Assistance" prescribed
5 in s. 101.113 ~~s. 101.051~~. Such voter person shall notify the
6 supervisor of any change in his or her condition which makes
7 it unnecessary for him or her to continue to receive
8 assistance in voting.

9 Section 17. Section 98.033, Florida Statutes, is
10 created to read:

11 98.033 Assignment of voter to precinct.--The
12 supervisor shall assign each voter registering under the code
13 to the precinct in which such voter has his or her address of
14 legal residence.

15 Section 18. Section 97.071, Florida Statutes, is
16 transferred, renumbered as section 98.035, Florida Statutes,
17 and amended to read:

18 98.035 ~~97.071~~ Voter information Registration
19 identification card.--

20 (1) A voter information registration identification
21 card must be furnished to all voters registering under the
22 permanent single registration system and must contain:

23 ~~(a) Voter's registration number.~~

24 ~~(b) Date of registration.~~

25 ~~(a)(c)~~ Voter's full name.

26 ~~(b)(d)~~ Political party affiliation.

27 ~~(e) Date of birth.~~

28 ~~(f) Race or ethnicity, if provided by the applicant.~~

29 ~~(g) Sex, if provided by the applicant.~~

30 ~~(c)(h)~~ Address of legal residence.

31 ~~(d)(i)~~ Precinct number.

1 ~~(e)(j)~~ Signature of supervisor.

2 ~~(k)~~ ~~Place for voter's signature.~~

3 ~~(f)(l)~~ Other information deemed necessary by the
4 division department.

5 (2) A voter may receive a replacement of a
6 ~~registration identification card~~ upon ~~by providing a signed,~~
7 ~~written request for a replacement card to the supervisor.~~ Upon
8 verification of registration, the supervisor shall issue the
9 voter a duplicate card without charge.

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

19 Section 19. Section 97.1031, Florida Statutes, is
20 transferred, renumbered as section 98.037, Florida Statutes,
21 and amended to read:

22 98.037 ~~97.1031~~ Notice of change of residence within
23 the same county, change of name, or change of political party
24 affiliation.--

25 (1) When a voter ~~an elector~~ moves from the address
26 named on his or her ~~that person's~~ voter registration record to
27 another address within the same county, changes his or her
28 name ~~the elector must provide a signed, written notification~~
29 ~~of such move to the supervisor and obtain a registration~~
30 ~~identification card reflecting the new address of legal~~
31 ~~residence.~~

1 ~~(2) When the name of an elector is changed~~ by marriage
2 or other legal process, or changes his or her political the
3 ~~elector must provide a signed, written notification of such~~
4 ~~change to the supervisor and obtain a registration~~
5 ~~identification card reflecting the new name.~~

6 ~~(3) When an elector seeks to change party affiliation,~~
7 the voter ~~elector~~ must provide a signed, written notification
8 ~~of such intent to the supervisor and obtain a registration~~
9 ~~identification card reflecting the new party affiliation,~~
10 ~~subject to the issuance restriction in s. 97.071(3).~~

11 ~~(2)(4)~~ The supervisor shall make the necessary changes
12 in the voter's ~~elector's~~ records as soon as practical upon
13 receipt of such notice of a change ~~of address of legal~~
14 ~~residence, name, or party affiliation~~ and shall issue the new
15 voter information ~~registration identification~~ card as required
16 by s. 98.035 ~~s. 97.071(3)~~.

17 Section 20. Section 97.073, Florida Statutes, is
18 transferred, renumbered as section 98.039, Florida Statutes,
19 and amended to read:

20 98.039 ~~97.073~~ Disposition of voter registration
21 applications; cancellation notice.--

22 (1) The supervisor must notify each applicant of the
23 disposition of the applicant's voter registration application.
24 The notice must inform the applicant that the application has
25 been approved, is incomplete, has been denied, or is a
26 duplicate of a current registration. A voter information
27 ~~registration identification~~ card sent to an applicant
28 constitutes notice of approval of registration. If the
29 application is incomplete, the supervisor must request that
30 the applicant supply the missing information in writing and
31 sign a statement that the additional information is true and

1 correct. A notice of denial must inform the applicant of the
2 reason the application was denied.

3 (2) Within 2 weeks after approval of a voter
4 registration application that indicates that the applicant was
5 previously registered in another jurisdiction, the supervisor
6 must notify the registration official in the prior
7 jurisdiction that the applicant is now registered in the
8 supervisor's county.

9 Section 21. Section 98.045, Florida Statutes, is
10 amended to read:

11 98.045 Administration of voter registration.--

12 (1) Each supervisor must ensure that any eligible
13 applicant for voter registration is registered to vote. Once a
14 voter is registered, the name of that voter may not be removed
15 from the registration list books except at the written request
16 of the voter, by reason of the voter's conviction of a felony
17 or adjudication as mentally incapacitated with respect to
18 voting, by death of the voter, or pursuant to a registration
19 list maintenance program or other registration list
20 maintenance activity conducted pursuant to s. 98.065 or s.
21 98.075.

22 (2) Information received by a supervisor from an
23 election official in another jurisdiction indicating that a
24 voter in the supervisor's county has registered to vote in
25 that other jurisdiction shall be considered as a written
26 request from the voter to have his or her ~~the voter's~~ name
27 removed from the registration list books of the supervisor's
28 county.

29 (3) Notwithstanding the provisions of s. 98.501 ~~ss.~~
30 ~~98.095 and 98.097~~, each supervisor shall maintain for at least
31 2 years, and make available for public inspection and copying,

1 all records concerning ~~implementation of~~ registration list
2 maintenance programs and activities conducted pursuant to ss.
3 98.065 and 98.075. The records must include lists of the name
4 and address of each person to whom an address confirmation
5 final notice was sent and information as to whether each such
6 person responded to the mailing, but may not include any
7 information that is confidential or exempt from public record
8 requirements under the ~~this~~ code.

9 Section 22. Section 98.055, Florida Statutes, is
10 amended to read:

11 98.055 Registration list maintenance forms.--The
12 division ~~department~~ shall prescribe the following registration
13 list maintenance forms to be used by the supervisors ~~which~~
14 ~~must include~~:

15 (1) An "address confirmation request" that must
16 contain:

17 (a) The voter's name and address of legal residence as
18 shown on the voter registration record.

19 (b) A request that the supervisor be informed if
20 either the name or address of legal residence of the voter is
21 incorrect.

22 (2) An "address confirmation final notice," that ~~which~~
23 must be sent by forwardable mail and must contain a postage
24 prepaid preaddressed return form and a statement that:

25 (a) If the voter has not changed his or her address of
26 legal residence or has changed his or her address of legal
27 residence within the county, the voter should return the
28 return form within 30 days after the date of the notice.

29 (b) If the return form is not returned and the voter
30 does not offer to vote by the second general election

31

1 thereafter, the voter's name will be removed from the voter
2 registration list ~~books~~.

3 (c) If the voter has changed his or her address of
4 legal residence to a location outside the county:

5 1. The voter should return the return form, which will
6 serve as a request to be removed from the registration list
7 ~~books~~; and

8 2. The voter will be provided with information on how
9 to register in the new jurisdiction in order to be eligible to
10 vote.

11 Section 23. Section 98.065, Florida Statutes, is
12 amended to read:

13 98.065 Registration list maintenance programs.--

14 (1) The supervisor must conduct a general registration
15 list maintenance program to protect the integrity of the
16 electoral process by ensuring the maintenance of accurate and
17 current voter registration records. The program must be
18 uniform, nondiscriminatory, and in compliance with the Voting
19 Rights Act of 1965.

20 (2) A supervisor must incorporate one or more of the
21 following procedures in the supervisor's ~~biennial~~ registration
22 list maintenance program under which:

23 (a) Change-of-address information supplied by the
24 United States Postal Service through its licensees is used to
25 identify ~~registered~~ voters whose addresses might have changed;

26 (b) Change-of-address information is identified from
27 returned nonforwardable return-if-undeliverable mail sent to
28 all ~~registered~~ voters in the county; or

29 (c) Change-of-address information is identified from
30 returned nonforwardable return-if-undeliverable address
31 confirmation requests mailed to all ~~registered~~ voters who have

1 not voted in the last 2 years and who did not make a written
2 request that their registration records be updated during that
3 time.

4 (3) A registration list maintenance program must be
5 conducted by each supervisor, at a minimum, in each
6 odd-numbered year and must be completed not later than 90 days
7 prior to the date of any federal election. A voter's name may
8 not be removed from the registration list books later than 90
9 days prior to the date of a federal election. However, nothing
10 in this section shall preclude the removal of the name of a
11 voter from the voter registration list books, at any time and
12 without prior notification, upon the written request of the
13 voter, by reason of conviction of the voter of a felony, by
14 reason of adjudication of the voter as mentally incapacitated
15 with respect to voting, by reason of the death of the voter,
16 or upon a determination of ineligibility as provided in s.
17 98.075(3).

18 (4) If the supervisor receives change-of-address
19 information from the United States Postal Service or its
20 licensees or from jury notices signed by the voter and
21 returned to the courts, which indicates that:

22 (a) The voter has moved within the supervisor's
23 county, the supervisor must change the registration records to
24 show the new address and must send the voter a notice of the
25 change by forwardable mail, including a postage prepaid
26 preaddressed return form with which the voter may verify or
27 correct the address information.

28 (b) The voter has moved outside the supervisor's
29 county, or which contains no forwarding address, the
30 supervisor shall send an address confirmation final notice and
31

1 remove the name of the voter from the registration record if
2 that voter did not:

- 3 1. Return the postage prepaid preaddressed return
- 4 form;
- 5 2. Appear to vote;
- 6 3. Change his or her ~~the voter's~~ registration; or
- 7 4. Request an absentee ballot

8
9 during the period beginning on the date when the address
10 confirmation final notice was sent and ending on the day after
11 the date of the second general election thereafter.

12 (5) The supervisor must designate as inactive all
13 voters who have been sent an address confirmation final notice
14 and who have not returned the postage prepaid preaddressed
15 return form within 30 days. A voter on the inactive list must
16 be allowed to vote and to change his or her ~~the voter's~~ name
17 or address of legal residence at the polls pursuant to s.
18 101.063 ~~s. 101.045~~. Names on the inactive list may not be used
19 to calculate the number of signatures needed on any petition
20 or the quantity of voting equipment needed.

21 Section 24. Section 98.075, Florida Statutes, is
22 amended to read:

23 98.075 Other registration list maintenance
24 activities.--

25 (1) The supervisor may send an address confirmation
26 request to any voter whose name is on the list of drivers who
27 have been removed by the Department of Highway Safety and
28 Motor Vehicles from its driver's license database by reason of
29 being licensed in another state. If the address confirmation
30 request is returned to the supervisor by the United States
31 Postal Service with change-of-address information, the

1 supervisor must proceed in accordance with the procedures in
2 s. 98.065(4).

3 (2) The supervisor may send an address confirmation
4 request to any voter who ~~whom~~ the supervisor has reason to
5 believe has moved from his or her legal residence. If the
6 address confirmation request is returned to the supervisor by
7 the United States Postal Service with change-of-address
8 information, the supervisor must proceed in accordance with
9 the procedures in s. 98.065(4).

10 (3)(a) When the supervisor believes that a voter is
11 not at least 18 years of age, is not a citizen of the United
12 States, is a fictitious person, or has listed a residence that
13 is not his or her legal residence, the supervisor must notify
14 the person at his or her last known address by certified mail.
15 If there is evidence that the notice was not received, notice
16 must be given by publication in a newspaper of general
17 circulation in the county where the person was last registered
18 or last known. The notice by publication must run one time.
19 The notification must plainly state that the registration is
20 allegedly invalid and must be in the form of a notice to show
21 cause why the person's name should not be removed from the
22 registration list books. The notice must state a time and
23 place for the person so notified to appear before the
24 supervisor to show cause why his or her name should not be
25 removed.

26 (b) Upon hearing all evidence in an administrative
27 hearing, the supervisor must determine whether there is
28 sufficient evidence to strike the person's name from the
29 registration list books. If the supervisor determines that
30 there is sufficient evidence, he or she must strike the name.

31

1 (c) Appeal may be taken to the circuit court in and
2 for the county where the person was registered. Notice of
3 appeal must be filed within the time and in the manner
4 provided by the Florida Rules of Appellate Procedure and acts
5 as supersedeas. Trial in the circuit court is de novo and
6 governed by the rules of that court. Unless the person can
7 show that his or her name was erroneously or illegally
8 stricken from the registration list books or that he or she is
9 indigent, the person must bear the costs of the trial in the
10 circuit court. Otherwise, the cost of the appeal must be paid
11 by the board of county commissioners.

12 Section 25. Section 98.081, Florida Statutes, is
13 amended to read:

14 98.081 Names removed from registration list books;
15 restrictions on reregistering; recordkeeping; restoration of
16 erroneously or illegally removed names.--

17 (1) Any voter ~~person~~ who requests ~~requested~~ that his
18 or her name be removed from the registration list books
19 between the ~~book-closing~~ date registration closes for of the
20 first primary and the date of the second primary may not
21 register in a different political party until after the date
22 of the second primary election.

23 (2) When the name of any voter ~~elector~~ is removed from
24 the registration list books pursuant to s. 98.065, s. 98.075,
25 ~~or s. 98.093, or s. 98.0977,~~ the voter's ~~elector's~~ original
26 registration form shall be filed alphabetically in the office
27 of the supervisor. As alternatives, registrations removed from
28 the registration list books may be microfilmed and such
29 microfilms substituted for the original registration forms;
30 or, when voter registration information, including the voter's
31 signature, is maintained digitally or on electronic, magnetic,

1 or optic media, such stored information may be substituted for
2 the original registration form. Such microfilms or stored
3 information shall be retained in the custody of the
4 supervisor. In the event the original registration forms are
5 microfilmed or maintained digitally or on electronic or other
6 media, such originals may be destroyed in accordance with the
7 schedule approved by the Bureau of Archives and Records
8 Management of the Division of Library and Information Services
9 of the department.

10 (3) When the name of any voter ~~elector~~ has been
11 erroneously or illegally removed from the registration list
12 ~~books~~, the name of the voter ~~elector~~ shall be restored by the
13 supervisor upon satisfactory proof of that fact, even though
14 the registration period for that election is closed.

15 Section 26. Section 98.093, Florida Statutes, is
16 amended to read:

17 98.093 Duty of officials to furnish lists of deceased
18 persons, persons adjudicated mentally incapacitated, and
19 persons convicted of a felony.--

20 (1)(a) The Department of Health shall furnish monthly
21 to each supervisor ~~of elections~~ a list containing the name,
22 address, date of birth, race, and sex of each deceased person
23 17 years of age or older who was a resident of that ~~such~~
24 supervisor's county.

25 (b)~~(2)~~ Each clerk of the circuit court shall, at least
26 once each month, deliver to each supervisor ~~of elections~~ a
27 list stating the name, address, date of birth, race, and sex
28 of:

29 1. Each person convicted of a felony during the
30 preceding calendar month who was a resident of that

31

1 supervisor's county; ~~and, a list stating the name, address,~~
2 ~~date of birth, race, and sex of~~

3 2. Each person adjudicated mentally incapacitated with
4 respect to voting during the preceding calendar month who was
5 a resident of that supervisor's county, ~~and a list stating the~~
6 ~~name, address, date of birth, race, and sex of each person~~
7 ~~whose mental capacity with respect to voting has been restored~~
8 ~~who was a resident of that supervisor's county.~~

9 ~~(c)(3)~~ Upon receipt of information from the United
10 States Attorney, ~~listing persons convicted of a felony in~~
11 ~~federal court, the division ~~department~~ shall immediately~~
12 ~~forward such information to the supervisor of elections for~~
13 ~~the county where the offender resides.~~

14 ~~(2)(4)~~ Upon receipt of any ~~such~~ list under subsection
15 (1), the supervisor shall remove from the registration list
16 ~~books~~ the name of any person listed who is deceased, convicted
17 of a felony, or adjudicated mentally incapacitated with
18 respect to voting. A person who has had his or her mental
19 capacity with respect to voting restored or who has had his or
20 her right to vote restored after conviction of a felony shall
21 be required to reregister to have his or her name restored to
22 the registration list ~~books~~.

23 ~~(3)(5)~~ ~~Nothing in~~ This section does not ~~shall~~ limit or
24 restrict the supervisor in his or her duty to remove the names
25 of ~~such~~ persons from the registration list ~~books~~ after
26 verification of information received from other sources.

27 Section 27. Section 98.0977, Florida Statutes, is
28 amended to read:

29 98.0977 Statewide voter registration database;
30 development and maintenance.--

31

1 (1) From the funds appropriated, the department may
2 contract with the Florida Association of Court Clerks to
3 analyze, design, develop, operate, and maintain a statewide,
4 on-line voter registration database and associated website, to
5 be fully operational statewide by June 1, 2002. The database
6 shall contain voter registration information from each of the
7 67 supervisors ~~of elections~~ in this state and shall be
8 accessible through an Internet website. The system shall
9 provide functionality for ensuring that the database is
10 updated on a daily basis to determine if a ~~registered~~ voter is
11 ineligible to vote for any of the following reasons,
12 including, but not limited to:

13 (a) The voter is deceased;

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

16 (c) The voter has been adjudicated mentally
17 incompetent and his or her mental capacity with respect to
18 voting has not been restored.

19
20 The database shall also allow for duplicate voter
21 registrations to be identified.

22 (2) The department ~~of State~~ shall not contract with
23 any private entity other than the Florida Association of Court
24 Clerks for the operation or maintenance of the statewide voter
25 registration database.

26 (3) In administering the database, each supervisor ~~of~~
27 ~~elections~~ shall compare registration information provided by a
28 person voter with information held by the Department of Law
29 Enforcement, the Board of Executive Clemency, the Office of
30 Vital Statistics, and other relevant sources. If the
31 supervisor ~~of elections~~ finds information that suggests that a

1 person voter is ineligible ~~to register~~ to vote, the supervisor
2 ~~of elections~~ shall notify the person voter by certified United
3 States mail. The notification shall contain a statement as to
4 the reason for the person's voter's potential ineligibility to
5 ~~register to vote~~ and shall request information from the voter
6 on forms provided by the supervisor ~~of elections~~ in order to
7 make a final determination on the person's voter's
8 eligibility. After reviewing the information requested by the
9 supervisor ~~of elections~~ and provided by the person voter, if
10 the supervisor ~~of elections~~ determines that the person voter
11 is not eligible to vote under the laws of this state, the
12 supervisor ~~of elections~~ shall notify the person voter by
13 certified United States mail that he or she has been found
14 ineligible to ~~register to vote~~ in this state, shall state the
15 reason for the ineligibility, and shall inform the person
16 voter that his or her name ~~he or she~~ will be removed from the
17 voter registration list rolls.

18 (4) To the maximum extent feasible, state and local
19 government entities shall facilitate provision of information
20 and access to data to the Florida Association of Court Clerks
21 in order to compare information in the statewide voter
22 registration database with available information in other
23 computer databases, including, but not limited to, databases
24 that contain reliable criminal records and records of deceased
25 persons. State and local governmental agencies that provide
26 such data shall do so without charge if the direct cost
27 incurred by those agencies is not significant.

28 (5) The division ~~of Elections~~ shall provide written
29 quarterly progress reports on each phase of development of the
30 voter registration database to the President of the Senate and
31

1 the Speaker of the House of Representatives beginning July 1,
2 2001, and continuing until the database is fully implemented.

3 (6) The duties of the supervisors ~~of elections~~ under
4 this section shall be considered part of their regular
5 registration list maintenance duties under this chapter, and
6 any supervisor ~~of elections~~ who willfully refuses or willfully
7 neglects to perform his or her duties under this section shall
8 be in violation of s. 104.305 ~~s. 104.051(2)~~.

9 Section 28. Section 97.055, Florida Statutes, is
10 transferred, renumbered as section 98.105, Florida Statutes,
11 and amended to read:

12 98.105 ~~97.055~~ Registration ~~books~~; when closed for an
13 election.--

14 (1) ~~The~~ Registration ~~books~~ must close ~~be closed~~ on the
15 29th day before each election and must remain closed until
16 after that election. If an election is called and there are
17 fewer than 29 days before that election, ~~the~~ registration for
18 that election ~~books~~ must close ~~be closed~~ immediately. When ~~the~~
19 registration is ~~books are~~ closed for an election, voter
20 registration and party changes in political party affiliation
21 must be accepted but only for the purpose of subsequent
22 elections. However, party changes in political party
23 affiliation received between the ~~book-closing~~ date
24 registration closed for ~~of~~ the first primary election and the
25 date of the second primary election are not effective until
26 after the second primary election.

27 (2) In computing the 29-day period for the closing of
28 ~~the~~ registration for an election ~~books~~, the day of the
29 election is excluded and all other days are included. If the
30 29th day preceding an election falls on a Sunday or a legal
31

1 holiday, ~~the registration books~~ must close ~~be closed~~ on the
2 next day that is not a Sunday or a legal holiday.

3 Section 29. Section 97.0555, Florida Statutes, is
4 transferred, renumbered as section 98.108, Florida Statutes,
5 and amended to read:

6 98.108 ~~97.0555~~ Late registration.--An individual or
7 accompanying family member who has been discharged or
8 separated from the uniformed services, Merchant Marine, or
9 from employment outside the territorial limits of the United
10 States, ~~after registration closes~~ ~~the book closing~~ for an
11 election pursuant to s. 98.105 and ~~s. 97.055~~ who is otherwise
12 qualified, ~~may register to vote in such election~~ in the office
13 of the supervisor until 5 p.m. on the Friday before that
14 election. Such persons must produce sufficient documentation
15 showing evidence of qualifying for late registration pursuant
16 to this section. The division ~~Department of State~~ shall adopt
17 rules specifying documentation that is sufficient to determine
18 eligibility.

19 Section 30. Section 98.212, Florida Statutes, is
20 amended to read:

21 98.212 Supervisors to furnish statistical and other
22 information.--

23 (1)(a) Upon written request, supervisors shall, as
24 promptly as possible, furnish to recognized public or private
25 universities and senior colleges within the state, to state or
26 county governmental agencies, and to recognized political
27 party committees statistical information for the purpose of
28 analyzing election returns and results.

29 (b) Supervisors may require reimbursement for any part
30 or all of the actual expenses of supplying any information
31 requested under paragraph (a). For the purposes of this

1 subsection, supervisors may use the services of any research
2 and statistical personnel that may be supplied.

3 (c) Lists of names submitted to supervisors for
4 indication of registration or nonregistration or of political
5 party affiliation shall be processed ~~at any time~~ at cost,
6 except that in no case shall the charge exceed 10 cents for
7 each name on which the information is furnished.

8 (2) The supervisors shall provide information as
9 requested by the division ~~department~~ for program evaluation
10 and reporting to the Federal Election Commission pursuant to
11 the National Voter Registration Act of 1993.

12 (3) The supervisors shall provide information as
13 requested by the division ~~department~~ for the creation and
14 maintenance of the statewide voter registration database
15 ~~central voter file~~.

16 (4) By January 15 of each general election year, the
17 supervisor shall furnish the division with the total number of
18 voters as of January 1 registered in each political party and
19 the total number of voters with no party affiliation for that
20 supervisor's county.

21 (5) Within 15 days after the closing of registration
22 prior to the presidential preference primary, first primary,
23 second primary, and general election, each supervisor shall
24 furnish the division with the total number of voters of each
25 political party and the total number of voters with no party
26 affiliation for that supervisor's county and for each
27 legislative and each congressional district or any portion
28 thereof located within that county.

29 Section 31. Section 98.461, Florida Statutes, is
30 amended to read:
31

1 98.461 Registration form; filing and storage, ~~precinct~~
2 ~~register; contents.~~--A registration form, approved by the
3 division ~~Department of State~~, containing the information
4 required in s. 98.017 ~~s. 97.052~~ shall be filed alphabetically
5 in the office of the supervisor as the master list of voters
6 ~~electors~~ of the county. However, the registration forms may be
7 microfilmed and such microfilms substituted for the original
8 registration forms; or, when voter registration information,
9 including the voter's signature, is maintained digitally or on
10 electronic, magnetic, or optic media, such stored information
11 may be substituted for the original registration form. Such
12 microfilms or stored information shall be retained in the
13 custody of the supervisor and the original registration forms
14 shall be maintained ~~of elections. In the event the original~~
15 ~~registration forms are microfilmed or maintained digitally or~~
16 ~~on electronic or other media, such originals may be destroyed~~
17 in accordance with the schedule approved by the Bureau of
18 Archives and Records Management of the Division of Library and
19 Information Services of the department ~~of State~~. As an
20 alternative, the information from the registration form,
21 including the signature, may be electronically reproduced and
22 stored as provided in s. 98.451. ~~A computer printout may be~~
23 ~~used at the polls as a precinct register in lieu of the~~
24 ~~registration books. The precinct register shall contain the~~
25 ~~date of the election, the precinct number, and the following~~
26 ~~information concerning each registered elector: last name,~~
27 ~~first name, and middle name or initial; party affiliation;~~
28 ~~residence address; registration number; date of birth; sex, if~~
29 ~~provided; race, if provided; whether the voter needs~~
30 ~~assistance in voting; and such other additional information as~~
31 ~~to readily identify the elector. The precinct register may~~

1 ~~also contain a list of the forms of identification, which must~~
2 ~~include, but is not limited to, a Florida driver's license, a~~
3 ~~Florida identification card issued under s. 322.051, or~~
4 ~~another form of picture identification approved by the~~
5 ~~Department of State. The precinct register may also contain a~~
6 ~~space for the elector's signature, a space for the initials of~~
7 ~~the witnessing clerk or inspector, and a space for the~~
8 ~~signature slip or ballot number.~~

9 Section 32. Section 98.095, Florida Statutes, is
10 transferred, renumbered as section 98.501, Florida Statutes,
11 and amended to read:

12 98.501 ~~98.095~~ Registration records ~~County registers~~
13 open to inspection; copies.--

14 (1)(a)1. ~~The~~ Registration records ~~books~~ of each county
15 in this state are public records. Any citizen of the state
16 may ~~is allowed to~~ examine the registration records ~~books~~ of
17 any county while they are in the custody of the supervisor of
18 that county, but may not ~~is not allowed to~~ make copies or
19 extracts therefrom except as provided by this section.

20 2. Within 15 days after ~~of~~ a request for voter
21 registration information, the supervisor shall furnish any
22 requested information, excluding only a voter's signature and
23 social security number and any ~~such~~ other information that is
24 by statute specifically made confidential or is exempt from
25 public records requirements, which the supervisor maintains.
26 ~~pursuant to "The Florida Election Code."~~

27 (b) Notwithstanding paragraph (a), if after the most
28 recent election there is a request for information relating to
29 voters ~~electors~~ who voted in that election, within 15 days
30 after ~~of~~ the request the supervisor shall ~~either~~ provide the
31 information or allow the persons, entities, or agents thereof,

1 as authorized in this section, to personally extract or copy
2 the information.

3 (c) Actual costs of duplication of information
4 authorized by this section for release to the public shall be
5 charged in accordance with ~~the provisions of~~ s. 119.07.

6 (2) The information provided by the supervisor
7 pursuant to this section shall be furnished only to:

8 (a) Municipalities;

9 (b) Other governmental agencies;

10 (c) Candidates, to further their candidacy;

11 (d) Registered political committees, registered
12 committees of continuous existence, and political parties or
13 officials thereof, for political purposes only; and

14 (e) Incumbent officeholders, to report to their
15 constituents.

16
17 Such information shall not be used for commercial purposes. A
18 ~~No~~ person to whom a list of ~~registered~~ voters is made
19 available pursuant to this section, or a ~~and no~~ person who
20 acquires such a list, may not ~~shall~~ use any information
21 contained therein for purposes that ~~which~~ are not related to
22 elections, political or governmental activities, voter
23 registration, or law enforcement.

24 (3) Any person who acquires a list of ~~registered~~
25 voters from the office of the supervisor shall take and
26 subscribe to an oath that must ~~which shall~~ be in substantially
27 the following form:

28
29 I hereby swear or affirm that I am a person authorized
30 by s. 98.501 ~~s. 98.095~~, Florida Statutes, to acquire
31 information on ~~registered~~ voters of County, Florida; that

1 (c) Actual costs of duplication of information
2 authorized by this section for release to the public shall be
3 charged in accordance with ~~the provisions of~~ s. 119.07.

4 (2) The information provided by the division or
5 supervisor ~~of elections~~ pursuant to this section shall be
6 furnished only to:

7 (a) Municipalities;

8 (b) Other governmental agencies;

9 (c) Political candidates, for the purpose of
10 furthering their candidacies;

11 (d) Registered political committees, certified
12 committees of continuous existence, and political parties or
13 officials thereof, for political purposes only; and

14 (e) Incumbent officeholders, for the purpose of
15 reporting to their constituents.

16 (3) Such information may ~~shall~~ not be used for
17 commercial purposes. A ~~No~~ person to whom a list of ~~registered~~
18 voters is made available pursuant to this section, or a ~~and no~~
19 person who acquires such a list, may not ~~shall~~ use any
20 information contained therein for purposes that ~~which~~ are not
21 related to elections, political or governmental activities,
22 voter registration, or law enforcement.

23 (4) Any person who acquires a list of ~~registered~~
24 voters from the division or supervisor ~~of elections~~ shall take
25 and subscribe to an oath that must ~~which shall~~ be in
26 substantially the following form:

27
28 I hereby swear (or affirm) that I am a person
29 authorized by s. 98.503 ~~s. 98.0979~~, Florida Statutes, to
30 acquire information on the ~~registered~~ voters of Florida; that
31 the information acquired will be used only for the purposes

1 (c) For the purposes of this section, a violation of
2 ~~either~~ the National Voter Registration Act of 1993 or a voter
3 registration or removal procedure under the ~~Florida Election~~
4 code is the failure to perform an act required or the
5 performance of an act prohibited by either the National Voter
6 Registration Act of 1993 or a voter registration or removal
7 procedure under the ~~Florida Election~~ code.

8 (d) The division ~~department~~ has primary jurisdiction
9 over complaints filed under the provisions of this section.

10 (2) When a complaint is filed with the division
11 ~~department~~, the parties to the complaint must be given the
12 opportunity to resolve the complaint through an informal
13 dispute resolution process to be established by the division
14 ~~department~~. This process must provide for the following:

15 (a) A time limitation of 30 days on the process,
16 unless the alleged violation occurred within 120 days before
17 the date of an election, in which case there must be a time
18 limitation of 20 days;

19 (b) A mediator provided by the division ~~department~~,
20 who may be a division ~~department~~ employee unless the division
21 ~~department~~ is alleged to be responsible for the violation, in
22 which case the Governor must appoint a mediator who is not a
23 division ~~department~~ employee;

24 (c) Notice to the ~~a~~ complainant;

25 (d) Notice to the ~~a~~ respondent of the allegations
26 filed against him or her in the complaint;

27 (e) An opportunity for the parties to submit written
28 statements, present oral argument either in person or by
29 telephone, and present evidence; and
30
31

1 (f) A written statement by the mediator to the
2 division ~~department~~ stating the outcome of the dispute
3 resolution process.

4 (3) If an alleged violation occurred within 30 days
5 before the date of a state or federal election and the alleged
6 violation will affect the registrant's right to vote in that
7 election, the complainant may immediately bring an action in
8 the circuit court in the county where the alleged violation
9 occurred. Otherwise, the following are conditions precedent
10 for a complainant to bring an action for declaratory or
11 injunctive relief in the circuit court in the county where the
12 alleged violation occurred:

13 (a) The complainant gave proper written notice of the
14 alleged violation to the division ~~Secretary of State~~;

15 (b) The complainant participated in the informal
16 dispute resolution process; and

17 (c) An agreement was ~~is~~ not reached or an alleged
18 violation was ~~is~~ not corrected within 90 days after receipt of
19 notice or 20 days after receipt of notice if the alleged
20 violation occurred within 120 days before the date of an
21 election.

22 Section 35. Sections 98.097, 98.101, 98.181, 98.231,
23 98.451, 98.471, 98.481, and 98.491, Florida Statutes, are
24 repealed.

25 Section 36. Section 99.012, Florida Statutes, is
26 amended to read:

27 99.012 Resign-to-Run Law;restrictions on individuals
28 qualifying for public office.--

29 (1) This section may be cited as the "Resign-to-Run
30 Law."

31 (2)~~(1)~~ As used in this section, the term:

1 (a) "Officer" means a person, whether elected or
2 appointed, who has the authority to exercise the sovereign
3 power of the state pertaining to an office recognized under
4 the State Constitution or laws of the state. With respect to
5 a municipality, the term ~~"officer"~~ means a person, whether
6 elected or appointed, who has the authority to exercise
7 municipal power as provided by the State Constitution, state
8 laws, or municipal charter.

9 (b) "Subordinate officer" means a person to whom an
10 officer ~~who has been~~ delegated the authority to exercise the
11 sovereign power of the state ~~by an officer~~. With respect to a
12 municipality, the term subordinate officer means a person to
13 whom an officer ~~who has been~~ delegated the authority to
14 exercise municipal power ~~by an officer~~.

15 ~~(3)(2)~~ A ~~No~~ person may not qualify as a candidate for
16 more than one public office, whether federal, state, district,
17 county, or municipal, if the terms or any part thereof run
18 concurrently with each other.

19 ~~(4)(3)~~(a) An ~~No~~ officer may not qualify as a candidate
20 for another public office, whether state, district, county, or
21 municipal, if the terms or any part thereof run concurrently
22 with each other, without resigning from the office currently
23 held ~~he or she presently holds~~.

24 (b) The resignation is irrevocable.

25 (c) The ~~written~~ resignation must be submitted in
26 writing at least 10 days prior to the first day of the
27 qualifying period for the office sought ~~he or she intends to~~
28 ~~seek~~.

29 (d) The resignation must be effective no later than
30 the earlier of the following dates:
31

1 1. The date the officer would take office, if elected;

2 or

3 2. The date the officer's successor is required to
4 take office.

5 (e)1. An elected district, county, or municipal
6 officer must submit his or her resignation to the filing
7 officer ~~before whom he or she qualified~~ for the office
8 currently held he or she holds, with a copy to the Governor
9 and the division ~~Department of State~~.

10 2. An appointed district, county, or municipal officer
11 must submit his or her resignation to the appointing officer
12 or authority for ~~which appointed him or her to~~ the office
13 currently held he or she holds, with a copy to the Governor
14 and the division ~~Department of State~~.

15 3. All other officers must submit their resignations
16 to the Governor, with a copy to the division ~~Department of~~
17 ~~State~~.

18 (f)1. With regard to an elective office, the
19 resignation creates a vacancy for the purpose of filling the
20 office in office to be filled by election. Persons may
21 qualify as candidates for ~~nomination and~~ election as if the
22 ~~public~~ officer's term were otherwise scheduled to expire. The
23 office is deemed vacant upon the effective date set forth in
24 the resignation.

25 2. With regard to an elective charter county office or
26 elective municipal office, the vacancy created by the
27 officer's resignation may be filled for that portion of the
28 ~~officer's~~ unexpired term in the ~~a~~ manner provided by the
29 respective charter. The office is deemed vacant upon the
30 effective date set forth in ~~of~~ the resignation ~~submitted by~~
31 ~~the official in his or her letter of resignation.~~

1 (g) Any officer who submits his or her resignation,
2 effective immediately or effective on a date prior to the date
3 of his or her qualifying for office, may then qualify for
4 office as a nonofficeholder, and the provisions of this
5 subsection do not apply.

6 ~~(5)(4)~~(a) An ~~Any~~ officer who qualifies for federal
7 public office must resign from the office currently held ~~he or~~
8 ~~she presently holds~~ if the terms or any part thereof run
9 concurrently with each other.

10 (b) The resignation is irrevocable.

11 (c) The resignation must be submitted in writing no
12 later than the date upon which the officer qualifies for
13 office.

14 (d) The ~~written~~ resignation must be effective no later
15 than the earlier of the following dates:

16 1. The date the officer would take office, if elected;
17 or

18 2. The date the officer's successor is required to
19 take office.

20 (e)1. An elected district, county, or municipal
21 officer must submit his or her resignation to the filing
22 officer ~~before whom he or she qualified~~ for the office
23 currently held ~~he or she holds~~, with a copy to the Governor
24 and the division ~~Department of State~~.

25 2. An appointed district, county, or municipal officer
26 must submit his or her resignation to the appointing officer
27 or authority for ~~which appointed him or her to~~ the office
28 currently held ~~he or she holds~~, with a copy to the Governor
29 and the division ~~Department of State~~.

30
31

1 3. All other officers must submit their resignations
2 to the Governor, with a copy to the division ~~Department of~~
3 ~~State~~.

4 (f)1. The failure of an officer who qualifies for
5 federal public office to submit a resignation pursuant to this
6 subsection constitutes an automatic irrevocable resignation,
7 effective immediately, from the office currently held ~~he or~~
8 ~~she presently holds~~.

9 2. The division ~~Department of State~~ shall send a
10 notice of the automatic resignation to the Governor, and, in
11 the case of a district, county, or municipal officer, a copy
12 to:

13 a. The filing officer ~~before whom he or she qualified~~
14 if the office ~~officer~~ held was an elective office; or

15 b. The appointing person or authority ~~who appointed~~
16 ~~the officer~~ if the office ~~officer~~ held was an appointive
17 office.

18 (g)1. The provisions of any special act to the
19 contrary notwithstanding, with regard to an elective office,
20 the resignation creates a vacancy in office to be filled by
21 election, thereby permitting persons to qualify as candidates
22 for nomination and election as if the officer's term were
23 otherwise scheduled to expire. The office is deemed vacant
24 upon the effective date set forth in the resignation.

25 2. With regard to an elective charter county office or
26 elective municipal office, the vacancy created by the
27 officer's resignation may be filled for that portion of the
28 ~~officer's~~ unexpired term in the ~~a~~ manner provided by the
29 respective charter. The office is deemed vacant upon the
30 effective date set forth in ~~of~~ the resignation ~~submitted by~~
31 ~~the official in his or her letter of resignation.~~

1 ~~(6)(5)~~ A person who is a subordinate officer, deputy
2 sheriff, or police officer must resign effective upon
3 qualifying ~~pursuant to this chapter~~ if the person is seeking
4 to qualify for a public office that is currently held by an
5 officer who has authority to appoint, employ, promote, or
6 otherwise supervise that person and who has qualified as a
7 candidate for reelection to that office.

8 ~~(7)(6)~~ The name of any person who does not comply with
9 this section may be removed from every ballot on which it
10 appears when ordered by a circuit court upon the petition of a
11 voter ~~an elector~~ or the division ~~Department of State~~.

12 ~~(8)(7)~~ This section does not apply to:

13 (a) Political party offices.

14 (b) Persons serving without salary as members of an
15 appointive board or authority.

16 ~~(9)(8)~~ ~~Nothing contained in Subsections(4) and (5) do~~
17 ~~not apply(3) and (4) relates~~ to persons holding ~~any~~ federal
18 office.

19 Section 37. Section 99.021, Florida Statutes, is
20 amended to read:

21 99.021 Form of candidate oath.--

22 (1)(a) ~~Each candidate, whether a party candidate, a~~
23 ~~candidate with no party affiliation, or a write-in candidate,~~
24 In order to qualify for ~~nomination or~~ election to any office
25 other than a nonpartisan judicial office governed by as
26 ~~defined in~~ chapter 105, each candidate must shall take and
27 subscribe to a written ~~an~~ oath or affirmation ~~in writing~~. A
28 printed copy of the oath or affirmation shall be furnished to
29 the candidate by the filing officer ~~before whom such candidate~~
30 ~~seeks to qualify~~ and shall be substantially in the following
31 form:

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State of Florida
County of....

~~I, Before me, an officer authorized to administer oaths, personally appeared~~ ... (please print name as you wish it to appear on the ballot)...., swear or affirm that I am to ~~me well known, who, being sworn, says that he or she is a candidate for the office of; that I am he or she is a voter qualified elector of County, Florida; that I am he or she is qualified under the Constitution and the laws of Florida to hold the office to which I seek election he or she desires to be nominated or elected; that I have he or she has taken the oath required by ss. 876.05-876.10, Florida Statutes; that I have not he or she has qualified for another no other public office in the state, the term of which office or any part thereof runs concurrently concurrent with that of the office I seek he or she seeks; and that I have he or she has resigned from any office from which I am he or she is required to resign pursuant to s. 99.012, Florida Statutes.~~

...(Signature of candidate)...

...(Address)...

Sworn to and subscribed before me this day of, ... (year)...., at County, Florida.

...(Signature and title of officer administering oath)...

(b) In addition, each ~~any~~ person seeking to qualify for nomination as a candidate of a ~~any~~ political party shall, at the time of subscribing to the oath or affirmation, indicate ~~state~~ in writing:

1. The party of which the person is a member.

1 2. That the person is not a registered member of any
2 other political party and

3 3. That the person has not been a candidate for
4 nomination for any other political party for a period of 6
5 months preceding the general election for which he or she ~~the~~
6 ~~person~~ seeks to qualify.

7 ~~3. That the person has paid the assessment levied~~
8 ~~against him or her, if any, as a candidate for said office by~~
9 ~~the executive committee of the party of which he or she is a~~
10 ~~member.~~

11 ~~(c) The officer before whom such person qualifies~~
12 ~~shall certify the name of such person to the supervisor of~~
13 ~~elections in each county affected by such candidacy so that~~
14 ~~the name of such person may be printed on the ballot. Each~~
15 ~~person seeking election as a write-in candidate shall~~
16 ~~subscribe to the oath prescribed in this section in order to~~
17 ~~be entitled to have write-in ballots cast for him or her~~
18 ~~counted.~~

19 (2) The provisions of subsection (1) apply to any
20 ~~relating to the oath required of candidates, and the form of~~
21 ~~oath prescribed, shall apply with equal force and effect to,~~
22 ~~and shall be the oath required of, a candidate for election to~~
23 ~~a political party executive committee office and, as provided~~
24 ~~by law. The requirements set forth in this section shall also~~
25 ~~apply~~ to any person filling a vacancy on a political party
26 executive committee.

27 Section 38. Section 99.061, Florida Statutes, is
28 amended to read:

29 99.061 Method of qualifying for ~~nomination or~~ election
30 to federal, state, county, or district office.--

31

1 (1)(a) The provisions of any special act to the
2 contrary notwithstanding, each person seeking to qualify for
3 ~~nomination or~~ election to a federal, state, or multicounty
4 district office, other than election to a nonpartisan judicial
5 office governed by ~~as defined in chapter 105 or the office of~~
6 ~~school board member~~, shall file his or her qualification
7 papers with, and pay the qualifying fee, ~~which shall consist~~
8 ~~of the filing fee and election assessment~~, and party
9 assessment, if any ~~has been levied~~, to, the division
10 ~~Department of State~~, or qualify ~~by the alternative method~~ with
11 the division pursuant to s. 99.095 Department of State, at any
12 time during the ~~after noon of the 1st day for~~ qualifying
13 period for the office sought., ~~which~~

14 (b) For persons seeking to qualify for election to a
15 federal office, the qualifying period shall be from noon of ~~as~~
16 ~~follows:~~ the 120th day prior to the first primary until, ~~but~~
17 ~~not later than~~ noon of the 116th day prior to the date of the
18 first primary. Notwithstanding any other provision of law, in
19 each year in which the Legislature apportions the state, the
20 qualifying period, for persons seeking to qualify for
21 ~~nomination or~~ election to a federal office shall be from noon
22 of the 57th day prior to the first primary until noon of the
23 53rd day prior to the first primary. ~~and~~

24 (c) For persons seeking to qualify for election to a
25 state or multicounty district office, the qualifying period
26 shall be from noon of the 50th day prior to the first primary
27 until, ~~but not later than~~ noon of the 46th day prior to ~~the~~
28 ~~date of the first primary,~~ for persons seeking to qualify for
29 ~~nomination or~~ election to a state or multicounty district
30 office.

31

1 (2)(a) The provisions of any special act to the
2 contrary notwithstanding, each person seeking to qualify for
3 ~~nomination or~~ election to a county office, or a district or
4 special district office not covered by subsection (1), shall
5 file his or her qualification papers with, and pay the
6 qualifying fee, ~~which shall consist of the filing fee and~~
7 ~~election assessment,~~ and party assessment, if any has been
8 levied, to, ~~the supervisor of elections~~ of the county, or
9 shall qualify pursuant to s. 99.095 ~~by the alternative method~~
10 with the supervisor ~~of elections~~, at any time during the ~~after~~
11 ~~noon of the 1st day for~~ qualifying period for the office
12 sought., ~~which~~

13 (b) For such persons, the qualifying period shall be
14 from noon of the 50th day prior to the first primary or
15 special district election until, ~~but not later than~~ noon of
16 the 46th day prior to ~~the date of~~ the first primary or special
17 district election. However, if a special district election is
18 held at the same time as the second primary or general
19 election, the qualifying period shall be from noon of the 50th
20 day prior to the first primary, but not later than noon of the
21 46th day prior to ~~the date of~~ the first primary. ~~Within 30~~
22 ~~days after the closing of qualifying time, the supervisor of~~
23 ~~elections shall remit to the secretary of the state executive~~
24 ~~committee of the political party to which the candidate~~
25 ~~belongs the amount of the filing fee, two-thirds of which~~
26 ~~shall be used to promote the candidacy of candidates for~~
27 ~~county offices and the candidacy of members of the~~
28 ~~legislature.~~

29 (3)(a) Each person seeking to qualify for election to
30 office as a write-in candidate shall file his or her
31 qualification papers with the respective filing qualifying

1 officer during ~~at any time after noon of the 1st day for~~
2 ~~qualifying, but not later than noon of the last day of the~~
3 ~~qualifying period for the office sought.~~

4 (b) A ~~Any~~ person ~~who is~~ seeking election as a write-in
5 candidate is ~~shall not be~~ required to pay a qualifying filing
6 ~~fee, election assessment, or party assessment.~~ A write-in
7 candidate is ~~shall not be~~ entitled to have his or her name
8 printed on any ballot; however, space for the write-in
9 candidate's name to be written in shall be provided on the
10 general election ballot. A ~~No~~ person may not qualify as a
11 write-in candidate if he or she ~~the person~~ has also otherwise
12 qualified for ~~nomination or~~ election to the same ~~such~~ office.

13 ~~(4) At the time of qualifying for office, each~~
14 ~~candidate for a constitutional office shall file a full and~~
15 ~~public disclosure of financial interests pursuant to s. 8,~~
16 ~~Art. II of the State Constitution, and a candidate for any~~
17 ~~other office, including local elective office, shall file a~~
18 ~~statement of financial interests pursuant to s. 112.3145.~~

19 (4)(a)(5) Immediately after the end of the qualifying
20 period for candidates qualifying with the supervisor, the
21 supervisor shall submit to the division a list containing the
22 names, political party affiliations, and addresses of all
23 candidates who have qualified with the supervisor and the
24 offices for which they qualified.

25 (b) Within 7 days after the end of the qualifying
26 period for state or multicounty district office, the division
27 Department of State shall certify to the supervisor of
28 elections, within 7 days after the closing date for
29 qualifying, the names of all duly qualified candidates for
30 nomination or election to federal, state, or multicounty
31

1 district office who have qualified with the division
2 ~~Department of State.~~

3 ~~(6) Notwithstanding the qualifying period prescribed~~
4 ~~in this section, if a candidate has submitted the necessary~~
5 ~~petitions by the required deadline in order to qualify by the~~
6 ~~alternative method as a candidate for nomination or election~~
7 ~~and the candidate is notified after the 5th day prior to the~~
8 ~~last day for qualifying that the required number of signatures~~
9 ~~has been obtained, the candidate is entitled to subscribe to~~
10 ~~the candidate's oath and file the qualifying papers at any~~
11 ~~time within 5 days from the date the candidate is notified~~
12 ~~that the necessary number of signatures has been obtained.~~
13 ~~Any candidate who qualifies within the time prescribed in this~~
14 ~~subsection is entitled to have his or her name printed on the~~
15 ~~ballot.~~

16 (5)(7)(a) In order for a candidate to be qualified,
17 the following qualifying papers ~~items~~ must be received by the
18 filing officer by the end of the qualifying period:

19 1. A properly executed check drawn upon the
20 candidate's campaign account in an amount not less than the
21 fee required by s. 99.092 or, in lieu thereof, ~~as applicable,~~
22 the copy of the notice of obtaining ballot position pursuant
23 to s. 99.095 ~~or the undue burden oath authorized pursuant to~~
24 ~~s. 99.0955 or s. 99.096.~~ If a candidate's check is returned
25 by the bank for any reason, the filing officer shall
26 immediately notify the candidate and the candidate shall, the
27 end of qualifying notwithstanding, have 48 hours from the time
28 such notification is received, excluding Saturdays, Sundays,
29 and legal holidays, to pay the fee with a cashier's check
30 purchased from funds of the campaign account. Failure to pay
31

1 the fee as provided in this subparagraph shall disqualify the
2 candidate.

3 2. The candidate's oath required by s. 99.021, which
4 must contain the name of the candidate as it is to appear on
5 the ballot; the office sought, including the district or group
6 number if applicable; and the signature of the candidate, duly
7 acknowledged.

8 3. The loyalty oath required by s. 876.05, signed by
9 the candidate and duly acknowledged.

10 4. If the office sought is partisan, the written
11 statement of political party affiliation required by s.
12 99.021(1)(b).

13 5. The completed form for the appointment of campaign
14 treasurer and designation of campaign depository, as required
15 by s. 106.021.

16 6. The full and public disclosure of financial
17 interests as required by s. 8, Art. II of the State
18 Constitution or the statement of financial interests required
19 by s. 112.3145, as applicable subsection (4).

20 (b) If the filing officer receives qualifying papers
21 that do not include all items as required by paragraph (a)
22 prior to the last day of qualifying, the filing officer shall
23 make a reasonable effort to notify the candidate of the
24 missing or incomplete items and shall inform the candidate
25 that all required items must be received by the close of
26 qualifying. A candidate's name as it is to appear on the
27 ballot may not be changed after the end of qualifying.

28 ~~(8) Notwithstanding the qualifying period prescribed~~
29 ~~by this section, in each year in which the Legislature~~
30 ~~apportions the state, the qualifying period for persons~~
31 ~~seeking to qualify for nomination or election to federal~~

1 ~~office shall be between noon of the 57th day prior to the~~
2 ~~first primary, but not later than noon of the 53rd day prior~~
3 ~~to the first primary.~~

4 ~~(6)(9)~~ The division ~~Department of State~~ may prescribe
5 by rule requirements for filing papers to qualify as a
6 candidate under this section.

7 Section 39. Section 99.063, Florida Statutes, is
8 amended to read:

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

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

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

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

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

26 (c) For ~~if the office sought is~~ partisan candidates,
27 the written statement of political party affiliation required
28 by s. 99.021(1)(b).

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

31

1 (3) A designated candidate for Lieutenant Governor is
2 not required to pay a separate qualifying fee or obtain
3 signatures on petitions. Ballot position obtained by the
4 candidate for Governor entitles the designated candidate for
5 Lieutenant Governor, ~~upon receipt by the Department of State~~
6 ~~of the qualifying papers required by subsection (2),~~ to have
7 his or her name placed on the ballot for the joint candidacy.

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

20 (5) Failure of the Lieutenant Governor candidate to be
21 designated and qualified by the time specified in subsection
22 (2) shall result in forfeiture of ballot position for the
23 candidate for Governor for the general election.

24 Section 40. Section 99.092, Florida Statutes, is
25 amended to read:

26 99.092 Qualifying fee of candidate; ~~notification of~~
27 ~~Department of State.~~--

28 (1) Each person seeking to qualify for ~~nomination or~~
29 election to any office other than a municipal office or an
30 executive committee office of a political party, except a
31 person seeking to qualify by the petition process ~~alternative~~

1 ~~method pursuant to s. 99.095, or s. 99.0955, or s. 99.096 and~~
2 ~~except a person seeking to qualify as a write-in candidate,~~
3 ~~shall pay a qualifying fee and any applicable party assessment~~
4 ~~to the filing officer. The qualifying fee, which shall consist~~
5 ~~of a filing fee and an election assessment, to the officer~~
6 ~~with whom the person qualifies, and any party assessment~~
7 ~~levied, and shall attach the original or signed duplicate of~~
8 ~~the receipt for his or her party assessment or pay the same,~~
9 ~~in accordance with the provisions of s. 103.121, at the time~~
10 ~~of filing his or her other qualifying papers.~~

11 (2) The amount of the filing fee is 3 percent of the
12 annual salary of the office sought.

13 (a) For persons qualifying for election to a federal,
14 state, or multicounty district office, the filing fee shall be
15 distributed by the division as follows:

16 1. An amount equal to 0.45 percent of the annual
17 salary of the office sought shall be deposited in the General
18 Revenue Fund.

19 2.a. For major party candidates, an amount equal to
20 2.55 percent of the annual salary of the office sought shall
21 be remitted to the state executive committee of the political
22 party of which the candidate is a member. Not later than 20
23 days after the end of the qualifying period, the division
24 shall remit 95 percent of the filing fees that a major
25 political party is entitled to receive to the respective state
26 executive committee. The remainder of the filing fees shall be
27 remitted to the appropriate state executive committee not
28 later than the date of the first primary election.

29 b. For all other candidates, an amount equal to 2.55
30 percent of the annual salary of the office sought shall be
31 deposited in the General Revenue Fund.

1 (b) For persons qualifying for election to a county
2 office, or a district office or special district office not
3 covered by paragraph (a), the filing fee shall be distributed
4 by the supervisor as follows:

5 1. For partisan candidates, the filing fee shall be
6 remitted within 30 days after the end of the qualifying period
7 to the state executive committee of the political party of
8 which the candidate is a member.

9 2. For all other candidates, the filing fee shall be
10 deposited in the general fund of the county.

11 (3) The ~~amount of the~~ election assessment is 1 percent
12 of the annual salary of the office sought ~~and~~. ~~The election~~
13 assessment shall be deposited into the Elections Commission
14 Trust Fund.

15 (4) The ~~amount of the~~ party assessment is 2 percent of
16 the annual salary ~~of the office sought and shall be remitted~~
17 by the filing officer to the state executive committee of the
18 political party of which the candidate is a member, if that
19 committee is duly organized under chapter 103. ~~The annual~~
20 salary of the office

21 (5) For purposes of computing the filing fee, election
22 assessment, and party assessment, the annual salary shall be
23 computed by multiplying 12 times the monthly salary, excluding
24 any special qualification pay, authorized for ~~the such~~ office
25 as of July 1 immediately preceding the first day of ~~the~~
26 qualifying ~~period for that office.~~

27 (6) The ~~No~~ qualifying fee and party assessment may not
28 shall be returned to the candidate unless ~~he or she the~~
29 candidate withdraws ~~as a candidate his or her candidacy~~ before
30 the ~~end of the qualifying period for that office last date to~~
31 qualify. If a candidate dies prior to an election and has not

1 withdrawn as a candidate ~~his or her candidacy~~ before the end
2 of that qualifying period ~~last date to qualify~~, the
3 candidate's qualifying fee and party assessment shall be
4 returned to his or her designated beneficiary., ~~and~~, If the
5 filing fee or any portion thereof or the party assessment has
6 been transferred to the political party of the candidate, the
7 division ~~Secretary of State~~ shall direct the political party
8 to return that fee, portion, or assessment to the candidate's
9 designated beneficiary ~~of the candidate~~.

10 ~~(2) The supervisor of elections shall, immediately~~
11 ~~after the last day for qualifying, submit to the Department of~~
12 ~~State a list containing the names, party affiliations, and~~
13 ~~addresses of all candidates and the offices for which they~~
14 ~~qualified.~~

15 Section 41. Section 99.093, Florida Statutes, is
16 amended to read:

17 99.093 Municipal candidates; election assessment.--

18 (1) Each person seeking to qualify for ~~nomination or~~
19 election to a municipal office shall pay, at the time of
20 qualifying for office, an election assessment. The election
21 assessment is ~~shall be an amount~~ equal to 1 percent of the
22 annual salary of the office sought. Within 30 days after the
23 end ~~close~~ of the qualifying period, the filing ~~qualifying~~
24 officer shall forward all assessments collected pursuant to
25 this section to the division ~~Department of State~~ for deposit
26 in the Elections Commission Trust Fund.

27 (2) Any person seeking to qualify for ~~nomination or~~
28 election to a municipal office who is unable to pay the
29 election assessment without imposing an undue burden on
30 personal or other available resources ~~or on resources~~
31 ~~otherwise available to him or her~~ shall, upon written

1 certification of such inability given under oath to the filing
2 qualifying officer, be exempt from paying the election
3 assessment.

4 Section 42. Section 99.095, Florida Statutes, is
5 amended to read:

6 (Substantial rewording of section. See
7 s. 99.095, F.S., for present text.)

8 99.095 Petition process in lieu of qualifying fee and
9 party assessment.--

10 (1) A person seeking to qualify as a candidate for any
11 office is not required to pay the qualifying fee or party
12 assessment required by this chapter if he or she meets the
13 petition requirements of this section.

14 (2) A candidate using this petition process must file
15 an oath with the filing officer stating that he or she intends
16 to qualify by the petition process. The oath may be filed at
17 any time after the first Tuesday after the first Monday in
18 January of the year in which the election is held, but must be
19 filed no later than the 22nd day before the first day of the
20 qualifying period for the office sought. The division shall
21 prescribe the form of the oath by rule. Signatures may not be
22 obtained on any petition until the candidate has filed the
23 oath required in this subsection.

24 (3)(a) Upon receipt of a written oath from a candidate
25 and the appointment of a campaign treasurer and designation of
26 campaign depository required by s. 106.021, the filing officer
27 shall provide the candidate with a sufficient number of
28 petition forms. Such forms shall be prescribed by the
29 division.

1 (b) If the candidate is running for an office that
2 requires a group or district designation, the petition must
3 indicate that designation or the signatures are not valid.

4 (c) A separate petition is required for each
5 candidate.

6 (4) A candidate shall obtain the signatures of voters
7 in the geographical area represented by the office sought
8 equal to at least 1 percent of the total number of voters of
9 that geographical area, as shown by the compilation by the
10 division for the last preceding general election.

11 (5) Each petition must be submitted before noon of the
12 21st day preceding the first day of the qualifying period for
13 the office sought to the supervisor of the county for which
14 such petition was circulated. Each supervisor shall check the
15 signatures on the petitions to verify their status as voters
16 in the county, district, or other geographical area
17 represented by the office sought. Before the first day of the
18 qualifying period, the supervisor shall certify the number of
19 valid signatures.

20 (6)(a) Certifications for candidates for federal,
21 state, or multicounty district office shall be submitted to
22 the division. The division shall determine whether the
23 required number of signatures has been obtained and shall
24 notify the candidate.

25 (b) For candidates for county or district office not
26 covered by paragraph (a), the supervisor shall determine
27 whether the required number of signatures has been obtained
28 and shall notify the candidate.

29 (7) If the required number of signatures has been
30 obtained, the candidate is eligible to qualify pursuant to s.
31 99.061.

1 Section 43. Section 99.0955, Florida Statutes, is
2 amended to read:

3 99.0955 Candidates with no party affiliation; name on
4 general election ballot.--

5 (1) Each person seeking to qualify ~~for election~~ as a
6 candidate with no party affiliation shall file his or her
7 qualifying qualification papers and pay the qualifying fee, or
8 qualify by the petition process pursuant to s. 99.095,
9 ~~alternative method prescribed in subsection (3)~~with the
10 officer and during the times and under the circumstances
11 prescribed in s. 99.061. Upon qualifying, the candidate is
12 entitled to have his or her name placed on the general
13 election ballot.

14 (2) The qualifying fee for candidates with no party
15 affiliation shall consist of a filing fee and an election
16 assessment. ~~The amount of the filing fee is 3 percent of the~~
17 ~~annual salary of the office sought. The amount of the~~
18 ~~election assessment is 1 percent of the annual salary of the~~
19 ~~office sought. The election assessment shall be deposited~~
20 ~~into the Elections Commission Trust Fund. Filing fees paid to~~
21 ~~the Department of State shall be deposited into the General~~
22 ~~Revenue Fund of the state. Filing fees paid to the supervisor~~
23 ~~of elections shall be deposited into the general revenue fund~~
24 ~~of the county.~~

25 ~~(3)(a) A candidate with no party affiliation may, in~~
26 ~~lieu of paying the qualifying fee, qualify for office by the~~
27 ~~alternative method prescribed in this subsection. A candidate~~
28 ~~using this petitioning process shall file an oath with the~~
29 ~~officer before whom the candidate would qualify for the office~~
30 ~~stating that he or she intends to qualify by this alternative~~
31 ~~method. If the person is running for an office that requires~~

1 ~~a group or district designation, the candidate must indicate~~
2 ~~the designation in his or her oath. The oath shall be filed~~
3 ~~at any time after the first Tuesday after the first Monday in~~
4 ~~January of the year in which the election is held, but before~~
5 ~~the 21st day preceding the first day of the qualifying period~~
6 ~~for the office sought. The Department of State shall~~
7 ~~prescribe the form to be used in administering and filing the~~
8 ~~oath. Signatures may not be obtained by a candidate on any~~
9 ~~petition until the candidate has filed the oath required in~~
10 ~~this subsection. Upon receipt of the written oath from a~~
11 ~~candidate, the qualifying officer shall provide the candidate~~
12 ~~with petition forms in sufficient numbers to facilitate the~~
13 ~~gathering of signatures. If the candidate is running for an~~
14 ~~office that requires a group or district designation, the~~
15 ~~petition must indicate that designation or the signatures~~
16 ~~obtained on the petition will not be counted.~~

17 ~~(b) A candidate shall obtain the signatures of a~~
18 ~~number of qualified electors in the geographical entity~~
19 ~~represented by the office sought equal to 1 percent of the~~
20 ~~registered electors of the geographical entity represented by~~
21 ~~the office sought, as shown by the compilation by the~~
22 ~~Department of State for the preceding general election.~~

23 ~~(c) Each petition must be submitted before noon of the~~
24 ~~21st day preceding the first day of the qualifying period for~~
25 ~~the office sought, to the supervisor of elections of the~~
26 ~~county for which such petition was circulated. Each supervisor~~
27 ~~to whom a petition is submitted shall check the signatures on~~
28 ~~the petition to verify their status as electors in the county,~~
29 ~~district, or other geographical entity represented by the~~
30 ~~office sought. Before the first day for qualifying, the~~

31

1 ~~supervisor shall certify the number shown as registered~~
2 ~~electors.~~

3 ~~(d)1. Certifications for candidates for federal,~~
4 ~~state, or multicounty district office shall be submitted to~~
5 ~~the Department of State. The Department of State shall~~
6 ~~determine whether the required number of signatures has been~~
7 ~~obtained for the name of the candidate to be placed on the~~
8 ~~ballot and shall notify the candidate.~~

9 ~~2. For candidates for county or district office not~~
10 ~~covered by subparagraph 1., the supervisor of elections shall~~
11 ~~determine whether the required number of signatures has been~~
12 ~~obtained for the name of the candidate to be placed on the~~
13 ~~ballot and shall notify the candidate.~~

14 ~~(e) If the required number of signatures has been~~
15 ~~obtained, the candidate shall, during the time prescribed for~~
16 ~~qualifying for office, submit a copy of the notice received~~
17 ~~under paragraph (d) and file his or her qualifying papers and~~
18 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

19 Section 44. Section 99.096, Florida Statutes, is
20 amended to read:

21 99.096 Minor party candidates; names on ballot.--

22 (1) The executive committee of a minor political party
23 shall, no later than noon of the third day prior to the first
24 day of the qualifying period prescribed for federal candidates
25 and no later than noon of the third day prior to the first day
26 of the qualifying period for state candidates, submit to the
27 division ~~Department of State~~ the official list of the
28 respective candidates nominated by that party to be on the
29 ballot in the general election. The division ~~Department of~~
30 ~~State~~ shall notify the appropriate supervisors ~~of elections~~ of
31 the name of each minor party candidate eligible to qualify

1 before such supervisor. ~~The official list of nominated~~
2 ~~candidates may not be changed by the party after having been~~
3 ~~filed with the Department of State, except that candidates who~~
4 ~~have qualified may withdraw from the ballot pursuant to the~~
5 ~~provisions of this code, and vacancies in nominations may be~~
6 ~~filled pursuant to s. 100.111.~~

7 (2) Each person seeking to qualify for election as a
8 candidate of a minor party shall file his or her qualifying
9 qualification papers with, and pay the qualifying fee and, if
10 one has been levied, the party assessment, or qualify by the
11 petition process pursuant to s. 99.095 alternative method
12 ~~prescribed in subsection (3)~~, with the officer and at the
13 times and under the circumstances provided in s. 99.061.

14 ~~(3)(a) A minor party candidate may, in lieu of paying~~
15 ~~the qualifying fee and party assessment, qualify for office by~~
16 ~~the alternative method prescribed in this subsection. A~~
17 ~~candidate using this petitioning process shall file an oath~~
18 ~~with the officer before whom the candidate would qualify for~~
19 ~~the office stating that he or she intends to qualify by this~~
20 ~~alternative method. If the person is running for an office~~
21 ~~that requires a group or district designation, the candidate~~
22 ~~must indicate the designation in his or her oath. The oath~~
23 ~~must be filed at any time after the first Tuesday after the~~
24 ~~first Monday in January of the year in which the election is~~
25 ~~held, but before the 21st day preceding the first day of the~~
26 ~~qualifying period for the office sought. The Department of~~
27 ~~State shall prescribe the form to be used in administering and~~
28 ~~filing the oath. Signatures may not be obtained by a~~
29 ~~candidate on any petition until the candidate has filed the~~
30 ~~oath required in this section. Upon receipt of the written~~
31 ~~oath from a candidate, the qualifying officer shall provide~~

1 ~~the candidate with petition forms in sufficient numbers to~~
2 ~~facilitate the gathering of signatures. If the candidate is~~
3 ~~running for an office that requires a group or district~~
4 ~~designation, the petition must indicate that designation or~~
5 ~~the signatures on such petition will not be counted.~~

6 ~~(b) A candidate shall obtain the signatures of a~~
7 ~~number of qualified electors in the geographical entity~~
8 ~~represented by the office sought equal to 1 percent of the~~
9 ~~registered electors in the geographical entity represented by~~
10 ~~the office sought, as shown by the compilation by the~~
11 ~~Department of State for the last preceding general election.~~

12 ~~(c) Each petition shall be submitted prior to noon of~~
13 ~~the 21st day preceding the first day of the qualifying period~~
14 ~~for the office sought to the supervisor of elections of the~~
15 ~~county for which the petition was circulated. Each supervisor~~
16 ~~to whom a petition is submitted shall check the signatures on~~
17 ~~the petition to verify their status as electors in the county,~~
18 ~~district, or other geographical entity represented by the~~
19 ~~office sought. Before the first day for qualifying, the~~
20 ~~supervisor shall certify the number shown as registered~~
21 ~~electors.~~

22 ~~(d)1. Certifications for candidates for federal,~~
23 ~~state, or multicounty district office shall be submitted to~~
24 ~~the Department of State. The Department of State shall~~
25 ~~determine whether the required number of signatures has been~~
26 ~~obtained for the name of the candidate to be placed on the~~
27 ~~ballot and shall notify the candidate.~~

28 ~~2. For candidates for county or district office not~~
29 ~~covered by subparagraph 1., the supervisor of elections shall~~
30 ~~determine whether the required number of signatures has been~~
31

1 ~~obtained for the name of the candidate to be placed on the~~
2 ~~ballot and shall notify the candidate.~~

3 ~~(e) If the required number of signatures has been~~
4 ~~obtained, the candidate shall, during the prescribed time for~~
5 ~~qualifying for office, submit a copy of the notice received~~
6 ~~under paragraph (d) and file his or her qualifying papers and~~
7 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

8 ~~(4) A minor party candidate whose name has been~~
9 ~~submitted pursuant to subsection (1) and who has qualified for~~
10 ~~office is entitled to have his or her name placed on the~~
11 ~~general election ballot.~~

12 Section 45. Section 99.0965, Florida Statutes, is
13 amended to read:

14 99.0965 Minor parties; selection of candidates.--

15 (1) A minor political party may provide for the
16 designation of its official list of nominated candidates in
17 any manner that it deems proper. The state executive committee
18 of the minor political party shall by resolution adopt a
19 procedure for the selection of candidates, a copy of which
20 shall be submitted to the division ~~Department of State~~.

21 (2) The official list of nominated candidates may not
22 be changed by the minor political party after having been
23 filed with the division, except that candidates who have
24 qualified may withdraw and vacancies in nomination may be
25 filled pursuant to s. 100.111.

26 Section 46. Section 99.09651, Florida Statutes, is
27 amended to read:

28 99.09651 Signature requirements for ballot position in
29 year of apportionment.--

30 (1) In a year of apportionment, any candidate for
31 representative to Congress, state Senate, or state House of

1 Representatives seeking ballot position by the petition
2 process ~~alternative method~~ prescribed in s. 99.095, ~~s.~~
3 ~~99.0955, or s. 99.096~~ shall obtain at least the number of
4 signatures equal to one-third of 1 percent of the ideal
5 population for the district of the office being sought.

6 (2) For the purposes of this section, the term "ideal
7 population" means the total population of the state based upon
8 the most recent decennial census calculated as of July 1 of
9 the year prior to apportionment ~~divided by: the number of~~
10 ~~districts~~

11 (a) For representative to Congress, the number of
12 congressional districts;

13 (b) For state Senate, 40; or

14 (c) For state House of Representatives, 120. ~~For the~~
15 ~~purposes of this section, ideal population shall be calculated~~
16 ~~as of July 1 of the year prior to apportionment. The ideal~~
17 ~~population for a state Senate district and a state~~
18 ~~representative district shall be calculated by dividing the~~
19 ~~total population of the state by 40 for a state Senate~~
20 ~~district and by dividing by 120 for a state representative~~
21 ~~district.~~

22 (3) Signatures may be obtained from any registered
23 ~~voter in Florida~~ regardless of political party affiliation or
24 district boundaries.

25 (4) Petitions for candidates must indicate ~~shall state~~
26 ~~the name of the office~~ sought ~~the candidate is seeking, but~~
27 may ~~shall~~ not include a district number.

28 (5) Except as otherwise provided in this section, all
29 requirements and procedures relating to the petition process
30 shall conform to the requirements and procedures in
31 nonapportionment years.

1 Section 47. Section 99.097, Florida Statutes, is
2 amended to read:

3 99.097 Verification of signatures on petitions.--

4 (1) If the format of a petition is required to be
5 prescribed by the division, a signature may not be counted
6 toward the number required unless it is on a petition in the
7 prescribed format.

8 ~~(2)(1) The supervisor shall use As determined by each~~
9 ~~supervisor, based upon local conditions, the checking of names~~
10 ~~on petitions may be based on the most inexpensive and~~
11 ~~administratively feasible of either of the following methods~~
12 ~~of verification:~~

13 (a) A name-by-name, signature-by-signature check of
14 the number of authorized signatures on the petitions; or

15 (b) A check of a random sample, ~~as provided by the~~
16 ~~Department of State,~~of names and signatures on the petitions.
17 The sample must be such that a determination can be made as to
18 whether ~~or not~~ the required number of signatures has have been
19 obtained with a reliability of at least 99.5 percent. Rules
20 ~~and guidelines~~ for this method of petition verification shall
21 be adopted promulgated by the division. ~~The rules Department~~
22 ~~of State, which may require include a requirement~~ that
23 petitions bear an additional number of names and signatures,
24 not to exceed 15 percent of the names and signatures otherwise
25 required. If the petitions do not meet such criteria, ~~then~~
26 the use of the verification method described in this paragraph
27 shall not be available ~~to supervisors.~~

28 ~~(3)(2)~~ When a petitioner submits petitions that ~~which~~
29 contain at least 15 percent more than the required number of
30 signatures, he or she ~~the petitioner~~ may require that the
31

1 supervisor ~~of elections~~ use the random sampling verification
2 method in certifying the petition.

3 ~~(4)(3)(a)~~ A signature name on a petition, ~~which name~~
4 ~~is not in substantially the same form as a name on the voter~~
5 ~~registration books,~~ shall be counted as a valid signature if,
6 ~~after comparing the signature on the petition with the~~
7 ~~signature of the alleged signer as shown on the registration~~
8 ~~books,~~ the supervisor determines that the person signing the
9 petition and the person who registered to vote are one and the
10 same. ~~In any situation in which this code requires the form~~
11 ~~of the petition to be prescribed by the division, no signature~~
12 ~~shall be counted toward the number of signatures required~~
13 ~~unless it is on a petition form prescribed by the division.~~

14 (b) If a voter signs a petition and lists an address
15 other than the legal residence where the voter is registered,
16 the supervisor shall treat the signature as if the voter had
17 listed the address where the voter is registered.

18 ~~(5)(4)~~ The supervisor shall be paid in advance ~~the sum~~
19 ~~of 10 cents for each signature checked or the actual cost of~~
20 ~~checking such signature, whichever is less, by the candidate~~
21 ~~or, in the case of a petition to have an issue placed on the~~
22 ~~ballot, by the person or organization submitting the petition.~~
23 However, if a candidate, person, or organization seeking to
24 have an issue placed upon the ballot certifies under oath that
25 those cannot pay such charges cannot be paid without imposing
26 an undue burden on personal or other available resources, ~~or~~
27 ~~upon the resources otherwise available to such candidate,~~
28 ~~person, or organization, such candidate, person, or~~
29 ~~organization shall, upon written certification of such~~
30 ~~inability given under oath to the supervisor, be entitled to~~
31 ~~have the signatures~~ shall be checked verified at no charge. If

1 signatures are checked ~~In the event a candidate, person, or~~
2 ~~organization submitting a petition to have an issue placed~~
3 ~~upon the ballot is entitled to have the signatures verified at~~
4 ~~no charge, the supervisor of elections of each county in which~~
5 ~~the signatures are verified at no charge shall submit the~~
6 ~~total number of such signatures checked in the county to the~~
7 ~~division by Comptroller no later than December 1 of each of~~
8 ~~the general election year, and The division Comptroller shall~~
9 ~~request that the cause such supervisor of elections to be~~
10 ~~reimbursed from the general revenue Fund in an amount equal to~~
11 ~~10 cents for each signature name checked or the actual cost of~~
12 ~~checking such signatures, whichever is less. In no event~~
13 ~~shall such reimbursement of costs be deemed or applied as~~
14 ~~extra compensation for the supervisor. Petitions shall be~~
15 ~~retained by the supervisors for a period of 1 year following~~
16 ~~the election for which the petitions were circulated.~~

17 ~~(6)(5)~~ The candidate; an announced opponent; a
18 representative of a designated political committee; or a
19 person, political party, or other organization submitting the
20 petition may contest the results of a verification pursuant to
21 paragraph(2)(b) by filing a complaint~~(1)(b) may be contested~~
22 ~~in the circuit court by the candidate; an announced opponent;~~
23 ~~a representative of a designated political committee; or a~~
24 ~~person, party, or other organization submitting the petition.~~
25 ~~The contestant shall file a complaint, together with the fees~~
26 ~~prescribed in chapter 28, with the clerk of the circuit court~~
27 ~~in the county in which the petition is certified, or in Leon~~
28 ~~County if the petition covers more than one county. The~~
29 complaint must be filed within 10 days after ~~midnight of the~~
30 day ~~date~~ the petition is certified ~~and the complaint shall~~
31 ~~set forth the grounds on which the contestant intends to~~

1 establish his or her right to require a complete check of the
2 names and signatures pursuant to paragraph(2)(a)(1)(a). If
3 ~~in the event~~ the court orders a complete check of the
4 petitions ~~petition~~ and the result is not changed as to the
5 success or lack of success of the petitioner in obtaining the
6 requisite number of valid signatures, the court may require
7 the complainant to ~~then such candidate, unless the candidate~~
8 ~~has filed the oath stating that he or she is unable to pay~~
9 ~~such charges; announced opponent; representative of a~~
10 ~~designated political committee; or party, person, or~~
11 ~~organization submitting the petition, unless such person or~~
12 ~~organization has filed the oath stating inability to pay such~~
13 ~~charges, shall pay to the supervisor of elections of each~~
14 ~~affected county for the complete check an amount calculated at~~
15 ~~the rate of 10 cents for each additional signature checked or~~
16 ~~the actual cost of checking such additional signatures,~~
17 whichever is less.

18 Section 48. Sections 99.081, 99.091, 99.103, and
19 99.121, Florida Statutes, are repealed.

20 Section 49. Section 100.031, Florida Statutes, is
21 amended to read:

22 100.031 General election.--A general election shall be
23 held in each county on the first Tuesday after the first
24 Monday in November of each even-numbered year to choose a
25 successor to each officer holding an elective federal, state,
26 county, or ~~and~~ district office officer whose term will expire
27 before the next general election and, except as provided in
28 the State Constitution, to fill each vacancy in elective
29 office for the unexpired portion of the term.

30
31

1 Section 50. Section 100.021, Florida Statutes, is
2 transferred, renumbered as section 100.033, Florida Statutes,
3 and amended to read:

4 100.033 ~~100.021~~ Notice of general election.--The
5 ~~division~~ Department of State shall, in each ~~any~~ year in which
6 a general election is held, prepare ~~make out~~ a notice listing
7 ~~the~~ stating what offices and vacancies ~~are~~ to be filled at the
8 general election in the state, and in each county and district
9 thereof. During the 30 days prior to the beginning of the
10 qualifying period for federal office, the ~~division~~ Department
11 ~~of State~~ shall have the notice published two times in a
12 newspaper of general circulation in each county; ~~and, in~~
13 ~~counties in which there is no newspaper of general~~
14 ~~circulation, it shall send to the sheriff a notice of the~~
15 ~~offices and vacancies to be filled at such general election by~~
16 ~~the qualified voters of the sheriff's county or any district~~
17 ~~thereof, and the sheriff shall have at least five copies of~~
18 ~~the notice posted in conspicuous places in the county.~~

19 Section 51. Section 100.041, Florida Statutes, is
20 amended to read:

21 100.041 Officers chosen at general election.--

22 (1) A United States Senator shall be elected at the
23 general election held immediately preceding the expiration of
24 each incumbent's current term of office.

25 (2)(a) A Representative to Congress shall be elected
26 in and for each congressional district at each general
27 election.

28 (b) If the number of congressional representatives the
29 state is entitled to changes, the congressional
30 representatives shall be elected from the state at large until
31 the state is redistricted by the Legislature.

1 (3)(a)1.~~(1)~~ State senators shall be elected at the
2 general election for terms of 4 years, those from odd-numbered
3 districts in each year ~~the number of which~~ is a multiple of 4
4 and those from even-numbered districts in each ~~even-numbered~~
5 year that ~~the number of which~~ is not a multiple of 4. Members
6 of the House of Representatives shall be elected at the
7 general election for terms of 2 years ~~in each even-numbered~~
8 ~~year. In each county,~~

9 2. A clerk of the circuit court, sheriff,
10 superintendent of schools, property appraiser, ~~and~~ tax
11 collector, and supervisor of elections shall be elected ~~chosen~~
12 ~~by the qualified electors~~ at the general election for terms of
13 4 years in each year that ~~the number of which~~ is a multiple of
14 4, in each county in which such an officer is elected.

15 3. The Governor, Lieutenant Governor, and members of
16 the Cabinet ~~and the administrative officers of the executive~~
17 ~~branch of the state~~ shall be elected at the general election
18 for terms of 4 years in each ~~even-numbered~~ year that ~~the~~
19 ~~number of which~~ is not a multiple of 4.

20 (b) The terms of state offices other than the terms of
21 members of the Legislature shall begin on the first Tuesday
22 after the first Monday in January following the ~~after said~~
23 election. The term of office of each member of the Legislature
24 shall begin upon election.

25 (4)~~(2)~~(a) Each county commissioner from an
26 odd-numbered district shall be elected at the general election
27 in each year that ~~the number of which~~ is a multiple of 4, for
28 a 4-year term beginning commencing on the second Tuesday
29 following the ~~such~~ election, ~~and~~ Each county commissioner
30 from an even-numbered district shall be elected at the general
31 election in each ~~even-numbered~~ year that ~~the number of which~~

1 is not a multiple of 4, for a 4-year term beginning ~~commencing~~
2 on the second Tuesday following such election.

3 (b) Notwithstanding paragraph (a), the governing board
4 of a charter county may provide by ordinance, to be approved
5 by referendum, that the terms of its members shall commence on
6 a date later than the second Tuesday following the general
7 election ~~elections~~, but in any case the date the terms begin
8 ~~of commencement~~ shall be uniform for all members and shall be
9 no later than the first Tuesday after the first Monday in
10 January following each member's election.

11 (5)~~(3)~~(a) School board members shall be elected at a
12 general election for terms of 4 years. The term of office of
13 a school board member and of a superintendent of schools shall
14 begin on the second Tuesday following the general election at
15 ~~in~~ which such member or superintendent was ~~is~~ elected.

16 (b) In each school district having ~~which has~~ five
17 school board members, the terms shall be arranged so that
18 three members are elected at one general election and two
19 members elected at the next ~~ensuing~~ general election.

20 (6)~~(4)~~ The term of office of each county and each
21 district officer not otherwise provided for by law shall begin
22 ~~commence~~ on the first Tuesday after the first Monday in
23 January following his or her election.

24 Section 52. Section 100.061, Florida Statutes, is
25 amended to read:

26 100.061 First primary election.--In each year in which
27 a general election is held, a first primary election for
28 nomination of candidates of major political parties shall be
29 held on the Tuesday 9 weeks prior to the general election.
30 Each candidate receiving a majority of the votes cast in each
31 contest in the first primary election shall be declared

1 nominated for the such office. ~~A second primary election~~
2 ~~shall be held as provided by s. 100.091 in every contest in~~
3 ~~which a candidate does not receive a majority.~~

4 Section 53. Section 100.091, Florida Statutes, is
5 amended to read:

6 100.091 Second primary election.--

7 (1) In each year in which a general election is held,
8 a second primary election for nomination of candidates of
9 major political parties ~~where nominations were not made in the~~
10 ~~first primary election~~ shall be held on the Tuesday 5 weeks
11 prior to the general election if no candidate has received a
12 majority of the votes cast in the first primary election.

13 (2) The names of the candidates placing first and
14 second in the first primary election shall be printed ~~placed~~
15 on the ballot in the second primary election ~~for each contest~~
16 ~~in which no candidate receives a majority of the votes cast in~~
17 ~~the first primary election~~, subject to the following
18 exceptions:

19 (a) ~~If in any contest in which there was~~ is a tie for
20 first place in the first primary election, only the names of
21 the candidates so tying shall be printed ~~placed~~ on the ballot
22 in the second primary election.

23 (b) ~~If in any contest in which there was~~ is a tie for
24 second place in the first primary election and the candidate
25 placing first did not receive a majority of the votes cast,
26 the name of the candidate placing first and the names of the
27 candidates tying for second shall be printed ~~placed~~ on the
28 ballot in the second primary election.

29 (3) The candidate who receives the highest number of
30 votes cast for the office in the second primary election shall
31 be declared nominated. ~~If in case~~ two or more persons receive

1 an equal and highest number of votes for the same office in
2 the second primary, such persons shall draw lots to determine
3 who will receive the nomination.

4 Section 54. Section 100.096, Florida Statutes, is
5 transferred, renumbered as section 100.092, Florida Statutes,
6 and amended to read:

7 (Substantial rewording of section. See
8 s. 100.096, F.S., for present text.)
9 100.092 Election held in conjunction with
10 primary.--When the date of the first or second primary is
11 changed by the Legislature, any election, including any
12 municipal or district election, which was required to be held
13 on the former date shall be held in conjunction with the first
14 or second primary.

15 Section 55. Section 101.021, Florida Statutes, is
16 transferred, renumbered as section 100.093, Florida Statutes,
17 and amended to read:

18 100.093 ~~101.021~~ Voter ~~Elector~~ to vote the primary
19 ballot of the political party in which he or she is
20 registered.--Except as otherwise provided by law, in a primary
21 ~~election a qualified elector is entitled to vote the official~~
22 ~~primary election ballot of the political party designated in~~
23 ~~the elector's registration, and no other.~~ it is unlawful for
24 any voter ~~elector~~ to vote in a primary for any candidate
25 running for nomination from a major political party other than
26 that in which the voter ~~such elector~~ is registered.

27 Section 56. Section 101.151, Florida Statutes, is
28 transferred, renumbered as section 100.094, Florida Statutes,
29 and amended to read:

30 100.094 ~~101.151~~ Specifications for ballots.--
31

1 (1) Paper ballots shall be printed on paper of such
2 thickness that the printing cannot be distinguished from the
3 back.

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

1 district offices as are involved in the ~~general~~ election, in
2 the order fixed by the Department of State, followed, in the
3 year of their election, by "Party Offices," and thereunder the
4 offices of state and county party executive committee members.
5 In a general election, in addition to the names printed on the
6 ballot, a blank space shall be provided under each heading for
7 an office for which a write-in candidate has qualified. With
8 respect to write-in candidates, if two or more candidates are
9 seeking election to one office, only one blank space shall be
10 provided.

11 (b) ~~When more than one candidate is nominated for~~
12 ~~office, the candidates for such office shall~~ qualify and run
13 in a group or district, ~~and~~ the group or district number shall
14 be printed beneath ~~the name of the office. Each nominee of a~~
15 ~~political party chosen in a primary shall appear on the~~
16 ~~general election ballot in the same numbered group or district~~
17 ~~as on the primary election ballot.~~

18 (c) If in any election all the offices as set forth in
19 paragraph (a) are not involved, those offices not to be filled
20 shall be omitted and the remaining offices arranged on the
21 ballot in the order named.

22 (3)(a) The names of candidates for each office shall
23 be arranged alphabetically as to surnames on a primary
24 election ballot.

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

29 (c) The primary election ballot shall be arranged so
30 that the offices of Governor and Lieutenant Governor are
31 joined in a single voting space to allow each voter to cast a

1 single vote for the joint candidacies for Governor and
2 Lieutenant Governor.

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

15 (b) Names of minor political party candidates and
16 candidates with no party affiliation shall have their names
17 appear on the general election ballot following the names of
18 candidates of major recognized political parties, in the same
19 order in which as they were certified.

20 (c) Names of candidates with no party affiliation
21 shall appear on the general election ballot following the
22 names of minor political party candidates, in the order in
23 which they were certified.

24 ~~(4)(a)~~ The names of candidates for each office shall
25 be arranged alphabetically as to surnames on a primary
26 election ballot.

27 ~~(b)~~ When two or more candidates running for the same
28 office on a primary election ballot have the same or a similar
29 surname, the word "incumbent" shall appear next to the
30 incumbent's name.

31

1 ~~(5) The primary election ballot shall be arranged so~~
2 ~~that the offices of Governor and Lieutenant Governor are~~
3 ~~joined in a single voting space to allow each elector to cast~~
4 ~~a single vote for the joint candidacies for Governor and~~
5 ~~Lieutenant Governor, if applicable.~~

6 (d)~~(6)~~ The general election ballot shall be arranged
7 so that the offices of President and Vice President are joined
8 in a single voting space to allow each voter ~~elector~~ to cast a
9 single vote for the joint candidacies for President and Vice
10 President and so that the offices of Governor and Lieutenant
11 Governor are joined in a single voting space to allow each
12 voter ~~elector~~ to cast a single vote for the joint candidacies
13 for Governor and Lieutenant Governor.

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

18 (5)~~(8)~~(a) The division ~~Department of State~~ shall adopt
19 rules prescribing a uniform primary and general election
20 ballot for each certified voting system. The rules shall
21 incorporate the requirements set forth in this section and
22 shall prescribe additional matters and forms that include,
23 without limitation:

- 24 1. Clear and unambiguous ballot instructions and
25 directions;
26 2. Individual race layout; and
27 3. Overall ballot layout.

28 (b) The division's ~~department~~ rules shall graphically
29 depict a sample uniform primary and general election ballot
30 form for each certified voting system.

31

1 Section 57. Section 101.252, Florida Statutes, is
2 transferred, renumbered as section 100.095, Florida Statutes,
3 and amended to read:

4 100.095 ~~101.252~~ Candidates entitled to have names
5 printed on primary ~~certain~~ ballots; exception.--

6 (1) Any major party candidate for nomination who has
7 qualified as prescribed by law is entitled to have his or her
8 name printed on the ~~official~~ primary election ballot. However,
9 when there is only one candidate of any major political party
10 qualified for an office, the name of the candidate shall not
11 be printed on the primary election ballot, and such candidate
12 shall be declared nominated for the office.

13 (2) Any candidate for member of a major political
14 party executive committee ~~member~~ who has qualified as
15 prescribed by law is entitled to have his or her name printed
16 on the first primary ballot. However, when there is only one
17 candidate of any major political party qualified for such an
18 office, the name of the candidate shall not be printed on the
19 first primary ballot, and such candidate shall be declared
20 elected to the state or county executive committee.

21 Section 58. Section 100.051, Florida Statutes, is
22 transferred, renumbered as section 100.097, Florida Statutes,
23 and amended to read:

24 (Substantial rewording of section. See
25 s. 100.051, F.S., for present text.)

26 Section 100.097 Candidate names on general election
27 ballots.--

28 (1) The division shall certify to the supervisors the
29 names of major party candidates nominated to office. The names
30 of such candidates shall be printed on the general election
31 ballot as provided by law.

1 (2) In addition to the names printed on the ballot as
2 provided in subsection (1), the supervisor shall print on the
3 general election ballot the names of the nonpartisan
4 candidates, minor political party candidates, and candidates
5 with no party affiliation, who are entitled to have their
6 names printed on the general election ballot in compliance
7 with the requirements of this code.

8 Section 59. Section 101.254, Florida Statutes, is
9 transferred, renumbered as section 100.098, Florida Statutes,
10 and amended to read:

11 100.098 ~~101.254~~ Grouping of candidates on ballot when
12 ~~nominated names to appear in groups or districts.--When more~~
13 ~~than one vacancy in office is to be filled in the same~~
14 ~~elective body an office requires the nomination of more than~~
15 ~~one candidate, as many groups or districts shall be~~
16 numerically designated as there are vacancies to be filled by
17 nomination. Each candidate shall indicate on his or her
18 qualifying papers the group or district in which the candidate
19 desires his or her name to appear on the ballot. ~~In addition,~~
20 ~~any candidate qualifying by the petition method must indicate~~
21 ~~on his or her petition prior to circulating such petition,~~
22 ~~which group or district for which the candidate is attempting~~
23 ~~to qualify.~~

24 Section 60. Section 101.253, Florida Statutes, is
25 transferred, renumbered as section 100.099, Florida Statutes,
26 and amended to read:

27 100.099 ~~101.253~~ When names are not to appear be
28 printed on ballot.--

29 (1) The name of a ~~No candidate's name, which candidate~~
30 ~~is required to qualify with a supervisor of elections for any~~
31 ~~primary or general election, shall~~ not be printed on the

1 ballot for an election if the ~~such~~ candidate has notified the
2 filing officer ~~supervisor of elections~~ in writing, under oath,
3 on or before the 42nd day before the election, that the
4 candidate will not accept the nomination or office for which
5 he or she qualified ~~filed qualification papers~~. If the filing
6 officer is the supervisor, ~~the supervisor of elections~~ may, in
7 ~~his or her discretion~~ with the approval of the division
8 ~~Department of State~~, allow the ~~such a~~ candidate to withdraw
9 after the 42nd day before an election, upon receipt of such
10 ~~written notice, sworn to under oath, that the candidate will~~
11 ~~not accept the nomination or office for which he or she~~
12 ~~qualified~~. If the filing officer is the division,

13 (2) ~~No candidate's name, which candidate is required~~
14 ~~to qualify with the Department of State for any primary or~~
15 ~~general election, shall be printed on the ballot if such~~
16 ~~candidate has notified the Department of State in writing,~~
17 ~~under oath, on or before the 42nd day before the election that~~
18 ~~the candidate will not accept the nomination or office for~~
19 ~~which he or she filed qualification papers.~~ the division
20 ~~Department of State may in its discretion~~ allow the ~~such a~~
21 candidate to withdraw after the 42nd day before an election
22 upon receipt of such ~~a written notice, sworn to under oath,~~
23 ~~that the candidate will not accept the nomination or office~~
24 ~~for which he or she qualified.~~

25 (2) If a change to a ballot is submitted less than 21
26 days before the election and the ballot has already been
27 printed, the supervisor is not required to change the ballot.
28 If a change is submitted 21 days or more before the election
29 and the ballot has already been printed, the supervisor must
30 either reprint the ballot or use a rubber stamp or appropriate
31 printing device to make the necessary changes.

1 ~~(3) In no case shall the supervisor be required to~~
2 ~~print on the ballot a name which is submitted less than 21~~
3 ~~days prior to the election. In the event the ballots are~~
4 ~~printed 21 days or more prior to the election, the name of any~~
5 ~~candidate whose death, resignation, removal, or withdrawal~~
6 ~~created a vacancy in office or nomination shall be stricken~~
7 ~~from the ballot with a rubber stamp or appropriate printing~~
8 ~~device, and the name of the new nominee shall be inserted on~~
9 ~~the ballot in a like manner. The supervisor may, as an~~
10 ~~alternative, reprint the ballots to include the name of the~~
11 ~~new nominee.~~

12 Section 61. Section 101.43, Florida Statutes, as
13 amended by section 13 of chapter 2001-40, Laws of Florida, is
14 transferred, renumbered as section 100.0991, Florida Statutes,
15 and amended to read:

16 100.0991 ~~101.43~~ Substitute ballot.--When the required
17 official ballots for a precinct are not delivered or available
18 in time to be used on election day, or, after delivery, are
19 lost, destroyed, or stolen, the supervisor clerk or other
20 officials whose duty it is to provide ballots for use at such
21 election, in lieu of the official ballots, shall have
22 substitute ballots prepared for use at the precinct which
23 shall conform, conforming as nearly as possible to the
24 ~~official ballots, and the board of election shall substitute~~
25 ~~these ballots to be used in the same manner as the official~~
26 ~~ballots would have been used at the election.~~

27 Section 62. Section 101.20, Florida Statutes, is
28 transferred, renumbered as section 100.0992, Florida Statutes,
29 and amended to read:

30 100.0992 ~~101.20~~ ~~Publication of ballot form~~ Sample
31 ~~ballots.--~~

1 (1) ~~Two sample ballots shall be furnished to~~ Each
2 polling place shall have at least two sample ballots by the
3 ~~officer whose duty it is to provide official ballots.~~ The
4 sample ballots shall be in the form of the ~~official~~ ballot as
5 it will appear at that polling place on election day. Sample
6 ballots shall be open to inspection by all voters ~~electors~~ in
7 any election, and ~~a sufficient number of~~ reduced-size ballots
8 may be furnished to each election board for use by voters at
9 the polls ~~officials so that one may be given to any elector~~
10 ~~desiring same.~~

11 (2) ~~Upon completion of the list of qualified~~
12 ~~candidates,~~A sample ballot shall be published by the
13 supervisor ~~of elections~~ in a newspaper of general circulation
14 in the county,~~prior to the day of the~~ election. In lieu of
15 publication ~~if the county has an addressograph or equivalent~~
16 ~~system for mailing to registered electors,~~ a sample ballot may
17 be mailed to each voter ~~registered elector~~ or to each
18 household in which there is a voter ~~registered elector,~~ ~~in~~
19 ~~lieu of publication,~~ at least 7 days prior to any election.

20 Section 63. Section 100.101, Florida Statutes, is
21 amended to read:

22 100.101 Special elections and special primary
23 elections.--Except as provided in s. 100.111(2), a special
24 election or special primary election shall be held in the
25 following cases:

26 (1) If no person has been elected at a general
27 election to fill an office that ~~which~~ was required to be
28 filled ~~by election~~ at such ~~general~~ election.

29 (2) If a vacancy occurs in the office of state senator
30 or member of the state house of representatives.

31

1 (3) If it is necessary to elect presidential electors
2 ~~because, by reason of~~ the offices of both the President and
3 Vice President have both ~~having~~ become vacant.

4 (4) If a vacancy occurs in the office of a member ~~from~~
5 ~~Florida~~ of the United States House of Representatives
6 representing Florida ~~of Congress~~.

7 (5) If a vacancy occurs in nomination.

8 Section 64. Section 100.111, Florida Statutes, is
9 amended to read:

10 100.111 Filling vacancy.--

11 (1)(a) If a ~~any~~ vacancy occurs in any elective office
12 ~~that which~~ is required to be filled pursuant to s. 1(f), Art.
13 IV of the State Constitution and the remainder of the term of
14 such office is 28 months or longer, ~~then~~ at the next general
15 election a person shall be elected to fill the unexpired
16 portion of such term, beginning ~~commencing~~ on the first
17 Tuesday after the first Monday following such ~~general~~
18 election.

19 (b) If such a vacancy occurs before ~~prior to~~ the first
20 day of the ~~set by law for~~ qualifying ~~period for election to~~
21 ~~office at such general election, each~~ any person seeking to
22 fill the vacancy ~~nomination or election to the unexpired~~
23 ~~portion of the term~~ shall qualify during ~~within~~ the time
24 ~~prescribed by law for qualifying period for other offices to~~
25 ~~be filled by election at such general election.~~

26 (c) If such a vacancy occurs prior to the first
27 primary but on or after the first day of the ~~set by law for~~
28 qualifying ~~period~~, the Secretary of State shall set dates for
29 qualifying ~~for the unexpired portion of the term of such~~
30 ~~office~~. Any person seeking ~~nomination or~~ election to the
31 office ~~unexpired portion of the term~~ shall qualify within the

1 time set by the Secretary of State. If time does not permit
2 major political party nominations to be made in conjunction
3 with the first and second primary elections, the Governor may
4 call a special primary election, and, if necessary, a second
5 special primary election, to select major political party
6 nominees ~~for the unexpired portion of such term.~~

7 (2)(a) If, in any state or county office required to
8 be filled by election, a vacancy occurs during an election
9 year because ~~by reason of~~ the incumbent has ~~having~~ qualified
10 as a candidate for federal office ~~pursuant to s. 99.061, a no~~
11 special election is not required. Each ~~Any~~ person seeking
12 ~~nomination or~~ election to the office so vacated shall qualify
13 within the time prescribed by s. 99.061 for qualifying for
14 state or county offices ~~to be filled by election.~~

15 (b) If such a vacancy occurs in an election year other
16 than the one immediately preceding expiration of the present
17 term, the division ~~Secretary of State~~ shall notify the
18 supervisor ~~of elections~~ in each county served by the office
19 that a vacancy has been created. Such notice shall be provided
20 to the supervisor ~~of elections~~ not later than the close of the
21 first day of the ~~set for~~ qualifying period for state or county
22 office. The supervisor shall provide public notice of the
23 vacancy ~~in any manner the Secretary of State deems~~
24 appropriate.

25 (3) Whenever there is a vacancy for which a special
26 election is required pursuant to s. 100.101(1)-(4), the
27 Governor, after consultation with the Secretary of State,
28 shall set ~~fix~~ the dates ~~date~~ of a special first primary
29 election, a special second primary election, and a special
30 election. Nominees of major political parties ~~other than~~
31 ~~minor political parties~~ shall be chosen in the special

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

28 (a) The dates and times for candidates to qualify ~~in~~
29 ~~such special election or special primary election~~ shall be set
30 fixed by the Secretary Department of State to begin on a date
31 at least 13, ~~and candidates shall qualify not later than noon~~

1 ~~of the last day so fixed. The dates fixed for qualifying shall~~
2 ~~allow a minimum of 14 days before between the last day of~~
3 ~~qualifying and the special first primary election.~~

4 (b) The dates for filing of campaign treasurers'
5 reports for expense statements by candidates in such special
6 elections or special primaries and by committees making
7 contributions or expenditures to influence the results of such
8 special primaries or special elections shall be set not later
9 ~~than such dates as shall be fixed by the Secretary Department~~
10 ~~of State, and in fixing such dates the Department of State~~
11 ~~shall take into consideration and be governed by the practical~~
12 ~~time limitations.~~

13 (c) The dates for a candidate to qualify by the
14 petition process ~~alternative method~~ in such special primary or
15 special election shall be set fixed by the Secretary
16 ~~Department~~ of State. In setting the fixing ~~such dates,~~ the
17 Secretary Department of State shall take into consideration
18 and be governed by ~~the~~ practical time limitations. Any
19 candidate seeking to qualify by the petition process
20 ~~alternative method in a special primary election~~ shall obtain
21 25 percent of the signatures required by s. 99.095, ~~s.~~
22 ~~99.0955, or s. 99.096, as applicable.~~

23 (d) The qualifying fee fees and party assessment
24 ~~assessments of each candidate such candidates as may qualify~~
25 shall be the same as collected during ~~for the same office at~~
26 the last qualifying period ~~previous primary~~ for that office.
27 ~~The party assessment shall be paid to the appropriate~~
28 ~~executive committee of the political party to which the~~
29 ~~candidate belongs.~~

30 (e) Each county canvassing board shall certify ~~make as~~
31 ~~speedy a return of the results result of each such special~~

1 ~~election as soon as practicable elections and primaries as~~
2 ~~time will permit, and the Elections Canvassing Commission~~
3 ~~likewise shall make as speedy a canvass and declaration of the~~
4 ~~nominees as time will permit.~~

5 (4)(a) ~~If in the event that~~ death, resignation,
6 withdrawal, removal, or any other ~~cause or event~~ causes should
7 ~~cause~~ a major political party to have a vacancy in nomination
8 which leaves that party without a ~~no~~ candidate for an office
9 ~~from such party~~, the Governor shall, after conferring with the
10 Secretary of State, call a special primary election and, if
11 necessary, a second special primary election to select ~~for~~
12 ~~such office~~ a nominee of such political party. The dates and
13 times for ~~on which~~ candidates to may qualify for ~~such special~~
14 ~~primary election~~ shall be set fixed by the Secretary
15 Department of State. The provisions of paragraphs (3)(b)-(e)
16 shall govern such special elections, ~~and the candidates shall~~
17 ~~qualify no later than noon of the last day so fixed. The~~
18 ~~filing of campaign expense statements by candidates in special~~
19 ~~primaries shall not be later than such dates as shall be fixed~~
20 ~~by the Department of State. In fixing such dates, the~~
21 ~~Department of State shall take into consideration and be~~
22 ~~governed by the practical time limitations. The qualifying~~
23 ~~fees and party assessment of such candidates as may qualify~~
24 ~~shall be the same as collected for the same office at the last~~
25 ~~previous primary for that office. Each county canvassing~~
26 ~~board shall make as speedy a return of the results of such~~
27 ~~primaries as time will permit, and the Elections Canvassing~~
28 ~~Commission shall likewise make as speedy a canvass and~~
29 ~~declaration of the nominees as time will permit.~~

30 (b) If the vacancy in nomination occurs later than
31 September 15, or if the vacancy in nomination occurs with

1 respect to a candidate of a minor political party that ~~which~~
2 has obtained a position on the ballot, a ~~no~~ special primary
3 election may not ~~shall~~ be held and the division ~~Department of~~
4 ~~State~~ shall notify the chair of the appropriate state,
5 district, or county ~~political party~~ executive committee of
6 such political party. ~~and,~~ Within 7 days after receipt of
7 such notice, the chair shall call a meeting of the ~~his or her~~
8 executive committee to consider designation of a nominee to
9 fill the vacancy. The name of any person so designated shall
10 be submitted to the division ~~Department of State~~ within 14
11 days after ~~of~~ notice to the chair so in order that the name of
12 the person designated may be ~~have his or her name~~ printed or
13 otherwise placed on the ballot of the ensuing general
14 election, ~~but in no event shall the supervisor of elections be~~
15 ~~required to place on a ballot a name submitted less than 21~~
16 ~~days prior to the election.~~ If the name of the designee is
17 submitted ~~vacancy occurs~~ less than 21 days before ~~prior to the~~
18 election and the ballot has already been printed, the
19 supervisor is not required to change, ~~the person designated by~~
20 ~~the political party will replace the former party nominee even~~
21 ~~though the former party nominee's name will be on the ballot.~~
22 Any votes ~~ballots~~ cast for the former party nominee will be
23 counted for the person designated by the political party to
24 replace the former party nominee. If there is no opposition
25 to the party nominee, the person designated by the political
26 party to replace the former party nominee will be elected to
27 office at the general election. For purposes of this
28 paragraph, the term "district political party executive
29 committee" means the members of the state executive committee
30 of a political party from those counties comprising the area
31 involving a district office.

1 (c) When, under the circumstances set forth in ~~the~~
2 ~~preceding~~ paragraph**(b)**, vacancies in nomination are required
3 to be filled by political party executive committee
4 nominations, such vacancies shall be filled by political party
5 rule. In any instance in which a nominee is selected by a
6 political party executive committee to fill a vacancy in
7 nomination, such nominee shall pay the same qualifying filing
8 fee and party assessment and take the same oath as is required
9 of a ~~the~~ nominee qualifying ~~would have taken had he or she~~
10 ~~regularly qualified~~ for election to such office under ordinary
11 circumstances.

12 (d) Any person who, at the close of qualifying as
13 prescribed in ss. 99.061 and 105.031, was qualified for
14 ~~nomination or~~ election to or retention in a public office to
15 be filled at the ensuing general election is prohibited from
16 qualifying as a candidate to fill a vacancy in nomination for
17 any other office to be filled at that general election, even
18 if such person has withdrawn or been eliminated as a candidate
19 for the original office sought. However, this paragraph does
20 not apply to a candidate for the office of Lieutenant Governor
21 who applies to fill a vacancy in nomination for the office of
22 Governor on the same ticket or to a person who has withdrawn
23 or been eliminated as a candidate and who is subsequently
24 designated as a candidate for Lieutenant Governor under s.
25 99.063.

26 (5) If ~~In the event of unforeseeable~~ circumstances
27 occur which are not contemplated in this code regarding these
28 ~~general election laws concerning the calling and holding of~~
29 ~~special primary elections and special elections resulting from~~
30 ~~court order or other unpredictable circumstances~~, the
31

1 ~~Secretary~~ Department of State ~~may shall have the authority to~~
2 provide for the conduct of orderly elections.

3 ~~(6) In the event that a vacancy occurs which leaves~~
4 ~~less than 4 weeks for a candidate seeking to qualify by the~~
5 ~~alternative method to gather signatures for ballot position,~~
6 ~~the number of signatures required for ballot placement shall~~
7 ~~be 25 percent of the number of signatures required by s.~~
8 ~~99.095, s. 99.0955, or s. 99.096, whichever is applicable.~~

9 Section 65. Section 100.141, Florida Statutes, is
10 amended to read:

11 100.141 Notice of special election to fill any vacancy
12 in office or nomination.--

13 (1) Whenever a special primary or special election is
14 required to fill a any vacancy in office or nomination, the
15 Governor, after consultation with the Secretary of State,
16 shall issue an order declaring the ~~on what~~ day such primary or
17 general ~~the~~ election shall be held and shall deliver the order
18 to the division ~~Department of State~~.

19 (2) The division ~~Department of State~~ shall prepare a
20 notice listing the ~~stating what offices and vacancies are~~ to
21 be filled in the special primary or special election, the date
22 set for each special primary election and the special
23 election, the dates and times set ~~fixed~~ for qualifying for
24 office, the dates set ~~fixed~~ for qualifying by the petition
25 process ~~alternative method~~, and the dates set ~~fixed~~ for filing
26 campaign treasurers' reports ~~expense statements~~.

27 (3) The division ~~department~~ shall provide ~~deliver~~ a
28 copy of such notice to the supervisor ~~of elections~~ of each
29 county in which the special primary or special election is to
30 be held. The supervisor shall have the notice published two
31 times in a newspaper of general circulation in the county at

1 least 10 days prior to the first day set for qualifying for
2 office. If such a newspaper is not published within that the
3 period ~~set forth~~, the supervisor shall post at least five
4 copies of the notice in conspicuous places in the county not
5 less than 10 days prior to the first day date set for
6 qualifying.

7 Section 66. Section 100.161, Florida Statutes, is
8 amended to read:

9 100.161 Filling vacancy of United States Senators.--If
10 ~~Should~~ a vacancy occurs ~~happen~~ in the representation of this
11 state in the Senate of the United States, the Governor shall
12 issue a writ of election to fill such vacancy at the next
13 general election~~and the Governor~~ may make a temporary
14 appointment until the vacancy is so filled ~~by election~~.

15 Section 67. Section 100.191, Florida Statutes, is
16 amended to read:

17 100.191 General election laws applicable to special
18 elections; returns.--To the extent applicable, all laws that
19 govern ~~are applicable to general~~ elections generally are
20 applicable to special elections or special primary elections.
21 ~~to fill a vacancy in office or nomination, except that the~~
22 ~~canvass of returns by the county canvassing board of each~~
23 ~~county in which a special election is held shall be made on~~
24 ~~the day following the election, and the certificate of the~~
25 ~~result of the canvass shall be immediately forwarded to the~~
26 ~~Department of State. The Elections Canvassing Commission~~
27 ~~shall immediately, upon receipt of returns from the county in~~
28 ~~which a special election is held, proceed to canvass the~~
29 ~~returns and determine and declare the result thereof.~~

30
31

1 Section 68. Section 100.371, Florida Statutes, is
2 transferred, renumbered as section 100.192, Florida Statutes,
3 and amended to read:

4 100.192 ~~100.371~~ Initiatives; procedure for placement
5 on ballot.--

6 ~~(1) Constitutional amendments proposed by initiative~~
7 ~~shall be placed on the ballot for the general election~~
8 ~~occurring in excess of 90 days from the certification of~~
9 ~~ballot position by the Secretary of State.~~

10 ~~(2) Such certification shall be issued when the~~
11 ~~Secretary of State has received verification certificates from~~
12 ~~the supervisors of elections indicating that the requisite~~
13 ~~number and distribution of valid signatures of electors have~~
14 ~~been submitted to and verified by the supervisors. Every~~
15 ~~signature shall be dated when made and shall be valid for a~~
16 ~~period of 4 years following such date, provided all other~~
17 ~~requirements of law are complied with.~~

18 ~~(1)(a)(3)~~ The sponsor of a constitutional an
19 initiative amendment proposed by initiative must shall, prior
20 to obtaining any signatures, register as a political committee
21 prior to taking or initiating any action with respect to that
22 amendment.

23 (b) After registering as a political committee, the
24 sponsor of a constitutional amendment proposed by initiative
25 shall pursuant to s. 106.03 and submit the text of the
26 proposed amendment and the petition format to the division for
27 approval Secretary of State, with the form on which the
28 signatures will be affixed, and shall obtain the approval of
29 the Secretary of State of such form. The division Secretary
30 of State shall adopt promulgate rules pursuant to s. 120.54
31

1 prescribing the style and requirements of petition forms ~~such~~
2 ~~form~~.

3 (2)(4) The sponsor shall submit signed and dated
4 petitions forms to each the appropriate supervisor of
5 ~~elections~~ for verification as to the number of ~~registered~~
6 ~~electors whose valid voters' signatures appear thereon~~. Each
7 signature must be dated when made and remains valid for 4
8 years following such date, provided that all other
9 requirements of law have been complied with. The supervisor
10 shall promptly verify the signatures upon payment of the fee
11 required by s. 99.097. Upon ~~completion of~~ verification, the
12 supervisor shall execute a certificate indicating the total
13 number of signatures checked, the number of signatures
14 verified as valid ~~and as being of registered electors~~, and the
15 distribution of signatures by congressional district. This
16 certificate shall be immediately transmitted to the division
17 ~~Secretary of State~~. The supervisor shall retain the petitions
18 ~~signature forms~~ for at least 1 year following the election in
19 which the proposed amendment ~~issue~~ appeared on the ballot or
20 until the division of ~~Elections~~ notifies the supervisors of
21 ~~elections~~ that the committee that ~~which~~ circulated the
22 petition is no longer seeking to obtain ballot position.

23 (3)(5) The division ~~Secretary of State~~ shall determine
24 from the ~~verification~~ certificates received from the
25 supervisors of ~~elections~~ the total number of ~~verified~~ valid
26 signatures and the distribution of such signatures by
27 congressional district ~~districts~~. Upon a determination that
28 the requisite number and distribution of valid signatures have
29 been obtained, the division ~~secretary~~ shall issue a
30 certificate of ballot position for that proposed amendment and
31 shall assign a designating number pursuant to s. 100.194 ~~s.~~

1 ~~101.161~~. A petition is considered ~~shall be deemed to be~~ filed
2 with the Secretary of State upon the date of the receipt by
3 the division ~~secretary~~ of a certificate or certificates from
4 the ~~supervisors of elections~~ indicating that the petition has
5 been signed by the constitutionally required number of voters
6 ~~electors~~.

7 (4) ~~(5)~~ Constitutional amendments proposed by initiative
8 shall be placed on the ballot for the general election held
9 more than 90 days after the certification of ballot position
10 by the division.

11 ~~(5)(6)~~ The division may adopt ~~Department of State~~
12 ~~shall have the authority to promulgate rules in accordance~~
13 ~~with s. 120.54 to carry out the provisions of this section.~~

14 Section 69. Section 101.161, Florida Statutes, is
15 transferred, renumbered as section 100.194, Florida Statutes,
16 and amended to read:

17 100.194 ~~101.161~~ Referenda; ballots.--

18 (1) Whenever a constitutional amendment or other issue
19 ~~public measure~~ is submitted to the vote of the people, the
20 substance of the ~~such~~ amendment or issue ~~other public measure~~
21 shall be printed in clear and unambiguous language on the
22 ballot after the list of candidates, followed by the words
23 ~~word~~ "yes" and ~~also by the word~~ "no," and shall be styled in
24 such a manner that a "yes" vote will indicate approval of the
25 amendment or issue ~~proposal~~ and a "no" vote will indicate
26 rejection. The wording of the ~~substance of the~~ amendment
27 summary or issue summary ~~other public measure~~ and the ballot
28 title to appear on the ballot shall be embodied in the joint
29 resolution, constitution ~~constitutional~~ revision commission
30 proposal, constitutional convention proposal, taxation and
31 budget reform commission proposal, or enabling resolution or

1 ordinance. Except for amendments ~~and ballot language~~ proposed
2 by joint resolution, the ~~substance of the~~ amendment summary or
3 issue summary ~~other public measure~~ shall be an explanatory
4 statement, not exceeding 75 words in length, of the chief
5 purpose of the measure. The ballot title shall consist of a
6 caption, not exceeding 15 words in length, by which the
7 amendment or issue measure is commonly referred to or spoken
8 of.

9 (2) The summary ~~substance~~ and ballot title of a
10 constitutional amendment proposed by initiative shall be
11 prepared by the sponsor and approved by the division Secretary
12 ~~of State~~ in accordance with rules adopted pursuant to s.
13 120.54.

14 (3) The division ~~Department of State~~ shall give each
15 proposed constitutional amendment a designating number for
16 convenient reference. This number designation shall appear on
17 the ballot. Designating numbers shall be assigned in the order
18 of filing or certification and in accordance with rules
19 adopted by the division ~~Department of State~~. The division
20 ~~Department of State~~ shall furnish the designating number, the
21 ballot title, and the ~~substance of each~~ amendment summary to
22 the supervisor ~~of elections~~ of each county in which such
23 amendment is to be voted on.

24 (4)~~(3)~~(a) ~~The ballot for the general election in the~~
25 ~~year 2000 must contain a statement allowing voters to~~
26 ~~determine whether circuit or county court judges will be~~
27 ~~selected by merit selection and retention as provided in s.~~
28 ~~10, Art. V of the State Constitution. The ballot in each~~
29 ~~circuit must contain the statement in paragraph (c). The~~
30 ~~ballot in each county must contain the statement in paragraph~~
31 ~~(e).~~

1 ~~(b)~~ For any general election in which the Secretary of
2 State, for any circuit, or the supervisor ~~of elections~~, for
3 any county, has certified the ballot position for an
4 initiative to change the method of selection of judges
5 pursuant to s. 10, Art. V of the State Constitution, the
6 ballot for any circuit must contain the statement in paragraph
7 ~~(b)~~~~(c)~~ or paragraph (c)~~(d)~~ and the ballot for any county
8 must contain the statement in paragraph (d)~~(e)~~ or paragraph
9 ~~(e)~~~~(f)~~.

10 ~~(b)~~~~(c)~~ In any circuit where the initiative is to
11 change the selection of circuit court judges to selection by
12 merit selection and retention, the ballot shall state: "Shall
13 the method of selecting circuit court judges in the ...(number
14 of the circuit)... judicial circuit be changed from election
15 by a vote of the people to selection by the judicial
16 nominating commission and appointment by the Governor with
17 subsequent terms determined by a retention vote of the
18 people?" This statement must be followed by the word "yes" and
19 also by the word "no."

20 ~~(c)~~~~(d)~~ In any circuit where the initiative is to
21 change the selection of circuit court judges to election by
22 the voters, the ballot shall state: "Shall the method of
23 selecting circuit court judges in the ...(number of the
24 circuit)... judicial circuit be changed from selection by the
25 judicial nominating commission and appointment by the Governor
26 with subsequent terms determined by a retention vote of the
27 people to election by a vote of the people?" This statement
28 must be followed by the word "yes" and also by the word "no."

29 ~~(d)~~~~(e)~~ In any county where the initiative is to change
30 the selection of county court judges to merit selection and
31 retention, the ballot shall state: "Shall the method of

1 selecting county court judges in ...(name of county)... be
2 changed from election by a vote of the people to selection by
3 the judicial nominating commission and appointment by the
4 Governor with subsequent terms determined by a retention vote
5 of the people?" This statement must be followed by the word
6 "yes" and also by the word "no."

7 (e)~~(f)~~ In any county where the initiative is to change
8 the selection of county court judges to election by the
9 voters, the ballot shall state: "Shall the method of selecting
10 county court judges in ...(name of the county)... be changed
11 from selection by the judicial nominating commission and
12 appointment by the Governor with subsequent terms determined
13 by a retention vote of the people to election by a vote of the
14 people?" This statement must be followed by the word "yes" and
15 also by the word "no."

16 Section 70. Section 101.171, Florida Statutes, is
17 transferred, renumbered as section 100.195, Florida Statutes,
18 and amended to read:

19 100.195 ~~101.171~~ Copy of constitutional amendment to be
20 posted.--Whenever an ~~any~~ amendment to the State Constitution
21 is to be voted upon ~~at any election~~, the division ~~Department~~
22 ~~of State shall have printed~~, and shall furnish ~~to~~ each
23 supervisor with ~~of elections~~, a sufficient number of copies of
24 the amendment, and the supervisor shall have a copy ~~thereof~~
25 conspicuously posted at each precinct on ~~upon the day of~~
26 election day.

27 Section 71. Section 101.2515, Florida Statutes, is
28 transferred, renumbered as section 100.197, Florida Statutes,
29 and amended to read:

30 100.197 ~~101.2515~~ Translation of ballot language for
31 statewide issue.--Upon the request of a supervisor ~~of~~

1 ~~elections~~ made no later than 60 days before ~~prior to the date~~
2 of a general election, the division ~~Department of State~~ shall
3 provide a written translation of a statewide ~~ballot~~ issue in
4 the language of any language minority group specified in the
5 provisions of s. 203 of the Voting Rights Act of 1965, as
6 amended, as applicable to this state.

7 Section 72. Section 100.201, Florida Statutes, is
8 amended to read:

9 100.201 Referendum required before issuing
10 bonds.--Whenever any county, district, or municipality is
11 authorized by law ~~given power~~ to issue bonds that ~~which~~ are
12 required to be approved by referendum, such bonds shall be
13 issued only after they ~~the same~~ have been approved by a ~~the~~
14 majority of the votes cast by those persons eligible to vote
15 in the ~~such~~ referendum. The election expenses ~~costs~~ of the
16 ~~such~~ referendum shall be paid in whole or in part, ~~as the case~~
17 ~~may be~~, out of the county, district, or municipal treasury, as
18 appropriate.

19 Section 73. Section 100.211, Florida Statutes, is
20 amended to read:

21 100.211 Power to call bond referendum; notice
22 required.--The board of county commissioners or the governing
23 body authority of any district or municipality may, by
24 resolution, call a bond referendum under this code. ~~In the~~
25 ~~event any referendum is called to decide whether a majority of~~
26 ~~the electors participating are in favor of the issuance of~~
27 ~~bonds in the county, district, or municipality,~~The board of
28 county commissioners, ~~or the governing~~ body authority of the
29 municipality or district, ~~shall by resolution order the bond~~
30 ~~referendum to be held in the county, district, or municipality~~

1 ~~and~~ shall give notice of the election in the manner prescribed
2 by s. 100.342.

3 Section 74. Section 100.221, Florida Statutes, is
4 amended to read:

5 100.221 General election laws to govern bond
6 referenda.--The laws governing the holding of general
7 elections are applicable to bond referenda, except as
8 otherwise provided in ss. 100.201-100.351. When a bond
9 referendum is held in a county or district,the polling places
10 for that ~~voting in a bond~~ referendum shall be the same as ~~the~~
11 ~~places for voting in a general election.~~ However, ~~elections,~~
12 ~~when a bond referendum is held in the county or district; but~~
13 when a bond referendum is held in a municipality, the polling
14 places shall be the same as in other municipal elections.

15 Section 75. Section 100.261, Florida Statutes, is
16 amended to read:

17 100.261 Holding bond referenda with other
18 elections.--~~A~~ ~~Whenever any bond referendum is called, it shall~~
19 ~~be lawful for any county, district, or municipality to hold~~
20 ~~such bond referendum may be held on the same day as of any~~
21 state, county, or municipal ~~primary or general election, or on~~
22 ~~the day of any election of such county, district, or~~
23 ~~municipality for any purpose other than the purpose of voting~~
24 ~~on such bonds.~~ If the ~~such bond~~ referendum is held
25 concurrently with such an ~~a regularly scheduled~~ election, the
26 county, district, or municipality shall pay only its pro rata
27 share of election expenses ~~costs~~ directly related to the ~~bond~~
28 referendum. However, ~~nothing in this section~~ does not ~~shall~~
29 prohibit the holding of a special or separate bond referendum.

30
31

1 Section 76. Section 100.341, Florida Statutes, is
2 transferred, renumbered as section 100.266, Florida Statutes,
3 and amended to read:

4 100.266 ~~100.341~~ Bond referendum ballot.--The ballots
5 used in bond referenda shall include a printed description of
6 the issuance of bonds to be voted on as prescribed by the
7 governing body authority calling the referendum. A separate
8 statement of each issue of bonds to be approved, giving the
9 maximum principal amount of the bonds and maximum interest
10 rate thereon, together with other details necessary to inform
11 the voters ~~electors~~, shall be printed on the ballots in
12 connection with the question "For Bonds" and "Against Bonds."

13 Section 77. Section 100.271, Florida Statutes, is
14 amended to read:

15 100.271 ~~Inspectors, clerk, duties~~Return and canvass
16 of referendum recorded.--

17 (1) The canvassing board for the governing body that
18 called the referendum shall canvass the returns of the
19 referendum and have the results recorded in the minutes of
20 that governing body. The recorded results must include a
21 separate finding as to the total number of votes cast in the
22 referendum, including subtotals of the number of those in
23 favor of and the number of those against the approval of the
24 bonds.~~In any bond referendum, unless the referendum is held~~
25 ~~in connection with a regular or special state, county, or~~
26 ~~municipal election, at least two inspectors and one clerk~~
27 ~~shall be appointed and qualified, as in cases of general~~
28 ~~elections, and they shall canvass the vote cast and make due~~
29 ~~returns of same without delay.~~

30 (2) In any bond referendum held in a municipality
31 ~~shall be returned to and canvassed by the governing authority~~

1 ~~which called the referendum, but in any county or district the~~
2 ~~returns shall be made to the board of county commissioners.~~
3 ~~The board of county commissioners or, in the case of a~~
4 ~~municipality, the governing authority thereof, shall canvass~~
5 ~~the returns and declare the result and have same recorded in~~
6 ~~the minutes of the board of county commissioners, or, in the~~
7 ~~case of a district, the certificate of declaration of result~~
8 ~~shall be recorded in the minutes of the governing authority of~~
9 ~~such district, or, in the case of a municipality, the result~~
10 ~~shall be recorded in the minutes of the governing authority of~~
11 ~~the municipality. If any bond referendum is held in~~
12 ~~conjunction with a state, county, or municipal any other~~
13 ~~election, however, the officials responsible for the canvass~~
14 ~~of such election shall also canvass the returns of the~~
15 ~~referendum and shall certify those returns ~~the same~~ to the~~
16 ~~proper governing body.~~

17 Section 78. Section 100.281, Florida Statutes, is
18 amended to read:

19 100.281 Approval to issue bonds.--~~If~~ Should a majority
20 of the votes cast in a bond referendum are ~~be~~ in favor of the
21 issuance of the bonds, ~~then~~ the issuance of those ~~said~~ bonds
22 is deemed authorized in accordance with s. 12, Art. VII of the
23 State Constitution. If ~~In the event less than~~ a majority of
24 the votes cast in a bond referendum are opposed to those
25 ~~voting on the issue voted in favor of~~ the issuance of the
26 ~~proposed~~ bonds, ~~then~~ the issuance of those ~~specified~~ bonds is
27 ~~shall be~~ deemed to have failed of approval and it is unlawful
28 to issue or attempt to issue those ~~said~~ bonds.

29 Section 79. Section 100.291, Florida Statutes, is
30 amended to read:

31

1 100.291 Recorded ~~Record~~ results of election prima
2 facie evidence.--After a ~~Whenever any~~ bond referendum has been
3 ~~is called and held,~~and the results ~~minutes~~ have been recorded
4 in the minutes as provided in s. 100.271,~~and also a separate~~
5 ~~finding as to the total number of votes cast in the~~
6 ~~referendum, both in favor and against the approval of bonds,~~
7 ~~then a duly certified copy of the~~ separate finding of the vote
8 count required by that section is ~~shall be~~ admissible in all
9 state courts as prima facie evidence ~~in all state courts~~ of
10 the truth, including the regularity, of the call, conduct, and
11 holding of the referendum at the time and place specified.

12 Section 80. Section 100.301, Florida Statutes, is
13 amended to read:

14 100.301 Refunding bonds excluded.--Sections
15 100.201-100.351 do ~~shall~~ not apply to refunding bonds, and the
16 term ~~wherever the word~~ "bond" or "bonds" as is used in these
17 sections excludes ~~it shall be construed to exclude~~ refunding
18 bonds. However, ~~but~~ if the statute, ordinance, or resolution
19 under which refunding bonds are authorized or are to be issued
20 requires approval by a referendum ~~to determine whether such~~
21 ~~refunding bonds shall be issued,~~ the referendum may be held as
22 provided by ss. 100.201-100.351.

23 Section 81. Section 100.311, Florida Statutes, is
24 amended to read:

25 100.311 Local law governs bond election held by
26 municipalities.--~~No section of This code does not controlling~~
27 ~~or regulating bond referenda shall be deemed to~~ repeal or
28 modify any provision of ~~contained in~~ any local law relating to
29 bond referenda held by any municipality. The provisions of,
30 ~~but~~ ss. 100.201-100.351 are ~~shall be deemed~~ additional and
31 supplementary to any such local law.

1 Section 82. Section 100.321, Florida Statutes, is
2 amended to read:

3 100.321 Test suit; validation proceedings.--

4 (1) Any taxpayer of a ~~the~~ county, district, or
5 municipality in which ~~wherein~~ bonds ~~are declared~~ to have been
6 authorized may, ~~shall have the right to test~~ the legality of
7 the referendum and ~~of the declaration of the results~~ result
8 ~~thereof~~, by filing an action in the circuit court of the
9 county in which the referendum was held. The suit ~~action~~ shall
10 be brought against the county commissioners in the case of a
11 county or district referendum, or against the governing body
12 ~~authority~~ of the municipality in the case of a municipal
13 referendum. If the ~~In case any such~~ referendum or the
14 declaration of the results thereof is ~~shall be~~ adjudged to be
15 illegal and void in any such suit, the judgment shall have the
16 effect of nullifying the referendum. A ~~No~~ suit ~~shall be~~
17 ~~brought~~ to test the legality ~~validity~~ of a ~~any~~ bond referendum
18 must unless the suit shall be instituted within 60 days after
19 the declaration of the results ~~of the referendum~~.

20 (2) If ~~In the event~~ proceedings are ~~shall be~~ filed in
21 any court to validate such ~~the~~ bonds after their approval by
22 the voters, ~~which have been voted for, then~~ any such taxpayer
23 is required ~~shall be bound~~ to intervene in such validation
24 suit as the sole means to ~~and~~ contest the legality ~~validity~~ of
25 the ~~holding of the~~ referendum or the declaration of the
26 results thereof, ~~in which event~~ The exclusive jurisdiction to
27 determine the legality of such referendum or the declaration
28 of the results thereof is ~~shall be~~ vested in the court hearing
29 and determining the ~~said~~ validation proceedings. If the ~~said~~
30 bonds in the validation proceedings are ~~shall be~~ held valid on
31 final hearing or an intervention by the taxpayer is ~~shall be~~

1 interposed and held not to have been sustained, ~~then~~ the
2 judgment in the said validation proceedings ~~is shall be~~ final
3 and conclusive as to the legality and validity of the
4 referendum and of the declaration of the results. A thereof,
5 ~~and no~~ separate suit to test the legality of the referendum
6 and the declaration of the results is not same shall be
7 thereafter permissible thereafter.

8 Section 83. Section 100.331, Florida Statutes, is
9 amended to read:

10 100.331 Referendum for defeated bond issue.--If a any
11 ~~bond~~ referendum is called and held to approve for ~~approving~~
12 the issuance of bonds for a particular purpose and such
13 referendum does not result in the approval of the bonds, then
14 no other referendum for the approval of bonds for the same
15 purpose shall be called for at least 6 months.

16 Section 84. Section 100.342, Florida Statutes, is
17 amended to read:

18 100.342 Notice of ~~special~~ election or referendum.--In
19 any ~~special~~ election or referendum where notice to the voters
20 is not otherwise provided for, including any municipal
21 election or referendum, the election official responsible for
22 conducting the election or referendum shall provide there
23 ~~shall be~~ at least 30 days' notice of the election or
24 referendum by publication in a newspaper of general
25 circulation in the county, district, or municipality, as
26 appropriate the case may be. The publication shall be made at
27 least twice, once in the fifth week and once in the third week
28 prior to the week in which the election or referendum is to be
29 held. If there is not a no newspaper of general circulation
30 in the county, district, or municipality, the notice must
31 ~~shall~~ be conspicuously posted in at least no less than five

1 places within the territorial limits of the county, district,
2 or municipality.

3 Section 85. Section 100.351, Florida Statutes, is
4 amended to read:

5 100.351 Referendum election; certificate of results to
6 division ~~Department of State.~~--~~If Whenever~~ an election is held
7 under a referendum provision of an act of the Legislature, the
8 election officials of the governmental unit in which the
9 election is held shall certify the results ~~thereof~~ to the
10 division ~~Department of State, which shall enter such results~~
11 ~~upon the official record of the act requiring such election on~~
12 ~~file in the office of the Department of State.~~

13 Section 86. Section 100.3605, Florida Statutes, is
14 amended to read:

15 100.3605 Conduct of municipal elections.--

16 (1) The Florida Election Code, chapters 97-106, shall
17 govern the conduct of a municipality's election in the absence
18 of an applicable special act, charter, or ordinance provision.
19 No charter or ordinance provision shall be adopted which
20 conflicts with or exempts a municipality from any provision in
21 the ~~Florida Election~~ code that expressly applies to
22 municipalities.

23 (2) The governing body of a municipality may, by
24 ordinance, change the dates for qualifying and for the
25 election of members of the governing body of the municipality
26 and provide for the orderly transition of office resulting
27 from such date changes.

28 Section 87. Section 100.361, Florida Statutes, is
29 amended to read:

30 100.361 Municipal recall.--

31

1 (1) RECALL PETITIONS AND STATEMENTS ~~PETITION~~.--Any
2 member of the governing body of a municipality or charter
3 county, hereinafter referred to in this section as
4 "municipality," may be removed from office by the voters
5 ~~electors~~ of the municipality. However, a petition to recall a
6 member of the governing body of a municipality may not be
7 filed until the member has served at least one-fourth of the
8 member's term of office. If ~~When~~ the official represents a
9 district and is elected only by voters ~~electors~~ residing in
10 that district, only voters ~~electors~~ from that district are
11 eligible to sign the petition to recall that official and are
12 entitled to vote in the recall election. If ~~When~~ the official
13 represents a district and is elected at-large by the voters
14 ~~electors~~ of the municipality, all voters ~~electors~~ of the
15 municipality are eligible to sign the petition to recall that
16 official and are entitled to vote in the recall election. As
17 ~~Where~~ used in this section, the term "district" means ~~shall be~~
18 ~~construed to mean~~ the area ~~or region~~ of a municipality from
19 which a member of the governing body is elected by the voters
20 ~~electors~~ from that ~~such~~ area ~~or region~~. Members may be removed
21 from office by the following procedure:

22 (a) A petition entitled the "Recall Petition and
23 Statement of Grounds for Recall" shall be prepared naming the
24 person sought to be recalled and containing a statement of the
25 grounds for recall in not more than 200 words limited solely
26 to the grounds specified in paragraph (c) ~~(b)~~. If more than
27 one member of the governing body is sought to be recalled,
28 ~~whether such member is elected by the electors of a district~~
29 ~~or by the electors of the municipality at-large,~~ a separate
30 recall petition shall be prepared for each member ~~sought to be~~
31 recalled.

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

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

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

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

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

30 6. In a municipality or district of 25,000 or more
31 voters ~~registered electors~~, the petition shall be signed by at

1 ~~least 1,000 electors or by~~ 5 percent of the total number of
2 voters registered in ~~electors of~~ the municipality or district
3 as of the preceding municipal election, ~~whichever is greater.~~
4 (b) ~~The voters~~ Electors of the municipality or
5 district making charges contained in the statement of grounds
6 for recall and those eligible voters signing the "Recall
7 Petition and Statement of Grounds for Recall" ~~recall petition~~
8 shall constitute ~~be designated as~~ the "committee." A specific
9 person shall be designated in the petition as chair of the
10 committee to act for the committee. ~~Electors of the~~
11 ~~municipality or district are eligible to sign the petition.~~
12 Signatures and oaths of witnesses shall be executed as
13 provided in paragraph ~~(d)~~ (c). All signatures shall be
14 obtained within a period of 30 days, and the petition shall be
15 filed within 30 days after the date the first signature is
16 obtained on the petition.
17 (c) ~~(b)~~ The grounds for removal of elected municipal
18 officials shall, for the purposes of this section act, be
19 limited to any one or more of the following ~~and must be~~
20 ~~contained in the petition:~~
21 1. Malfeasance. †
22 2. Misfeasance. †
23 3. Neglect of duty. †
24 4. Drunkenness. †
25 5. Incompetence. †
26 6. Permanent inability to perform official duties. †
27 and
28 7. Conviction of a felony involving moral turpitude.
29 (d) ~~(c)~~ Each voter ~~elector~~ of the municipality signing
30 a petition shall sign his or her name ~~in ink or indelible~~
31 ~~pencil~~ as registered in the office of the supervisor ~~of~~

1 ~~elections and indicate shall state on the petition~~ his or her
2 ~~place of~~ residence and voting precinct. Each petition shall
3 contain appropriate lines for the signature, printed name, and
4 street address of the voter ~~elector~~ and an oath, to be
5 executed by a witness thereof, verifying ~~the fact that the~~
6 witness saw each person signing ~~sign the counterpart of the~~
7 ~~petition, that each signature appearing thereon is the genuine~~
8 ~~signature of the person it purports to be, and that the~~
9 ~~petition was signed in the presence of the witness on the date~~
10 indicated.

11 (e)1.(d) The chair of the committee shall file the
12 petition ~~shall be filed~~ with the auditor or clerk of the
13 municipality ~~or charter county~~, or the ~~his or her~~ equivalent
14 official, hereinafter referred to as "clerk". A petition
15 cannot be amended after it has been filed with the clerk., by
16 ~~the person designated as chair of the committee, and,~~

17 2. When the petition is filed, the clerk shall submit
18 the such petition to the county supervisor of ~~elections~~ who
19 shall, within ~~a period of not more than 30 days after the~~
20 ~~petition is filed with the supervisor~~, determine whether the
21 petition contains the required number of valid signatures. ~~The~~
22 ~~petition cannot be amended after it is filed with the clerk.~~
23 The supervisor shall be paid by the ~~persons or~~ committee
24 seeking verification ~~the sum of 10 cents for each name~~
25 checked.

26 (f)(e) If the supervisor determines ~~it is determined~~
27 that the petition does not contain the required number of
28 valid signatures, the clerk shall so certify to the governing
29 body of the municipality ~~or charter county~~ and file the
30 petition without taking further action, and the matter shall
31 be at an end. No additional names may be added to the

1 petition, and the petition may ~~shall~~ not be used in any other
2 proceeding.

3 (g)~~(f)~~ If the supervisor determines ~~it is determined~~
4 that the petition has the required number of valid signatures,
5 ~~then~~ the clerk shall at once serve upon the person sought to
6 be recalled a certified copy of the petition. Within 5 days
7 after service, the person sought to be recalled may file with
8 the clerk a ~~defensive~~ statement of defense of not more than
9 200 words. The clerk shall, within 5 days, prepare a copy
10 ~~sufficient number of typewritten, printed, or mimeographed~~
11 ~~copies~~ of the recall petition and ~~defensive~~ statement of
12 defense, including ~~as well as~~ the names, addresses, and oaths
13 on the original petition, and deliver them to the ~~person who~~
14 ~~has been designated as~~ chair of the committee ~~and take his or~~
15 ~~her receipt therefor.~~ That copy ~~Such prepared copies~~ shall be
16 entitled "Recall Petition and Statement of Defense" and shall
17 contain lines and spaces for signatures and printed names of
18 voters, registered electors, place of residence address,
19 ~~election~~ precinct number, and date of signing, together with
20 oaths to be executed by the witnesses which conform to ~~the~~
21 ~~provisions of paragraph(d)(c).~~ The clerk shall deliver forms
22 sufficient for ~~to carry the~~ signatures of 30 percent of the
23 voters registered electors.

24 (h)~~(g)~~ Upon receipt of the "Recall Petition and
25 Statement of Defense," the committee may circulate it ~~them~~ to
26 obtain the signatures of 15 percent of the voters ~~electors~~.
27 Any voter ~~elector~~ who signs a recall petition has ~~shall have~~
28 the right to demand in writing that his or her name be
29 stricken from the petition. A written demand signed by the
30 voter ~~elector~~ shall be filed with the clerk and upon receipt
31 of the demand the clerk shall strike the name of the voter

1 ~~elector~~ from the petition and place his or her initials to the
2 side of the signature stricken. However, a ~~no~~ signature may
3 not be stricken after the clerk has delivered the "Recall
4 Petition and Statement of Defense" to the supervisor ~~of~~
5 ~~elections~~ for verification.

6 (i)~~(h)~~ Within 60 days after delivery of the "Recall
7 Petition and Statement of Defense" to the chair, the chair
8 shall file with the clerk the "Recall Petition and Statement
9 of Defense" that ~~which~~ bears the signatures of voters
10 ~~electors~~. The clerk shall assemble all signed petitions, check
11 to see that each petition is properly verified by the oath of
12 a witness, and submit such petitions to the ~~county~~ supervisor
13 ~~of elections~~, who shall determine the number of valid
14 signatures, ~~purge the names withdrawn~~, certify within 30 days
15 whether 15 percent of the voters ~~qualified electors~~ of the
16 municipality have signed the petitions, and report his or her
17 findings to the governing body. The supervisor shall be paid
18 by the ~~persons or~~ committee seeking verification ~~the sum of~~ 10
19 cents for each name checked.

20 (j)~~(i)~~ The clerk shall notify in writing the person
21 sought to be recalled, the chair of the committee, and the
22 governing body of the percentage of valid signatures. If the
23 petitions do not contain the required number of signatures,
24 ~~the clerk shall report such fact to the governing body and~~
25 ~~file the petitions,~~ the proceedings shall be terminated, and
26 the petitions may ~~shall~~ not again be used again.

27 (k) The clerk shall preserve all papers relating to
28 the recall attempt for 2 years after they are filed. ~~If the~~
29 ~~signatures do amount to at least 15 percent of the qualified~~
30 ~~electors, the clerk shall serve notice of that fact upon the~~
31 ~~person sought to be recalled and deliver to the governing body~~

1 ~~a certificate as to the percentage of qualified voters who~~
2 ~~signed.~~

3 (2) RECALL ELECTION.--If the notice required in
4 paragraph (1)(j) indicates that the petition contained the
5 required number of valid signatures,~~if the person designated~~
6 ~~in the petition files with the clerk, within 5 days after the~~
7 ~~last-mentioned notice, his or her written resignation, the~~
8 ~~clerk shall at once notify the governing body of that fact,~~
9 ~~and the resignation shall be irrevocable. The governing body~~
10 ~~shall then proceed to fill the vacancy according to the~~
11 ~~provisions of the appropriate law. In the absence of a~~
12 ~~resignation,~~the chief judge of the judicial circuit in which
13 the municipality is located shall set ~~fix~~ a date ~~day~~ for
14 holding a recall election ~~for the removal of those not~~
15 ~~resigning. The~~ Any such election shall be held not less than
16 30 days or more than 60 days after delivery of the notice in
17 paragraph (1)(j)~~expiration of the 5-day period last-mentioned~~
18 and at the same time as any other general or special election
19 held within the period.~~7~~ but If ~~no~~ such an election is not
20 scheduled to be held within that period, the judge shall call
21 a special recall election ~~to be held within the period~~
22 ~~aforsaid.~~

23 (3) BALLOTS.--The ballots at the recall election shall
24 conform to the following: With respect to each person whose
25 removal is sought, the question shall be submitted: "Should
26 ~~shall~~ be removed from the office of by recall?"
27 ~~immediately~~ Following each question there shall be printed on
28 the ballots the following ~~two propositions in the order here~~
29 ~~set forth:~~

30 "... (name of person) ... should be removed from office."
31

1 "... (name of person)... should not be removed from
2 office."

3 (4) FILLING OF VACANCIES; SPECIAL ELECTIONS.--

4 (a) If an election is held for the recall of members
5 elected only at-large, candidates to succeed them for the
6 unexpired terms shall be voted upon at the same election and
7 shall be elected in the same manner as provided by the
8 appropriate law for the election of candidates at general
9 elections. Candidates may ~~shall~~ not be elected to succeed any
10 particular member. If only one member is removed, the
11 candidate receiving the highest number of votes shall be
12 declared elected to fill the vacancy. If more than one member
13 is removed, candidates equal in number to the number of
14 members removed and receiving the next highest number of
15 votes, in succession, shall be declared elected to fill the
16 vacancies; and, among the successful candidates, those
17 receiving the greatest number of votes shall be declared
18 elected for the longest terms. Cases of ties, and all other
19 matters not ~~herein~~ specially provided for in this section,
20 shall be determined by the rules governing elections
21 generally.

22 (b) If an election is held for the recall of members
23 elected only from districts or for the recall of members
24 elected at-large and members elected from districts, and two
25 or more members are recalled, candidates to succeed them for
26 the unexpired terms shall be voted upon at a special election
27 called by the chief judge of the judicial circuit in which the
28 districts are located not less than 30 days or more than 60
29 days following ~~after the expiration of~~ the recall election.
30 ~~The qualifying period, for purposes of this section, shall be~~
31 ~~established by the chief judge of the judicial circuit after~~

1 ~~consultation with the clerk.~~ Any candidate seeking election
2 to fill the unexpired term of a recalled district municipal
3 official shall reside in the district represented by the
4 recalled official ~~and qualify for office in the manner~~
5 ~~required by law.~~ Each candidate receiving the highest number
6 of votes for each office in the special ~~district recall~~
7 election shall be declared elected ~~to fill the unexpired term~~
8 ~~of the recalled official.~~ However, if at the recall election
9 only one member is voted to be removed from office, this
10 paragraph does not apply and the single vacancy created shall
11 be filled by the governing body according to law. ~~Candidates~~
12 ~~seeking election to fill a vacancy created by the removal of a~~
13 ~~municipal official shall be subject to the provisions of~~
14 ~~chapter 106.~~

15 (c) For the purposes of this section, the qualifying
16 period shall be established by the chief judge of the judicial
17 circuit after consultation with the clerk. Candidates seeking
18 election to fill a vacancy created by the removal of a
19 municipal official shall qualify for office in the manner
20 required by law and are subject to the provisions of chapter
21 106. ~~When an election is held for the recall of members of the~~
22 ~~governing body composed of both members elected at-large and~~
23 ~~from districts, candidates to succeed them for the unexpired~~
24 ~~terms shall be voted upon at a special election as provided in~~
25 ~~paragraph (b).~~

26 (d) ~~However, in any recall election held pursuant to~~
27 ~~paragraph (b) or paragraph (c), if only one member is voted to~~
28 ~~be removed from office, the vacancy created by the recall~~
29 ~~shall be filled by the governing body according to the~~
30 ~~provisions of the appropriate law for filling vacancies.~~

31

1 (5) EFFECT OF RESIGNATIONS.--If the member of the
2 governing body sought to be ~~being~~ recalled resigns from office
3 effective prior to the recall election, the remaining members
4 shall fill the vacancy created as provided by ~~according to the~~
5 ~~appropriate law for filling vacancies~~. If all of the members
6 of the governing body are sought to be recalled and all of ~~the~~
7 ~~members~~ resign effective prior to the recall election, the
8 recall election shall be canceled, and a special election
9 shall be called to fill the unexpired terms of the resigning
10 members. If all of the members of the governing body are
11 sought to be recalled and any of the members resign effective
12 prior to the recall election, the proceedings for the recall
13 of members not resigning and the election of successors to
14 fill the unexpired terms shall continue and have the same
15 effect as though there had been no resignation.

16 (6) INELIGIBILITY FOR APPOINTMENT ~~WHEN PETITION MAY BE~~
17 ~~FILED.~~--A ~~No petition to recall any member of the governing~~
18 ~~body of a municipality shall be filed until the member has~~
19 ~~served one-fourth of his or her term of office. No person~~
20 ~~removed by a recall, or resigning after a petition has been~~
21 ~~filed against him or her, is ineligible shall be eligible to~~
22 ~~be appointed to the governing body within a period of 2 years~~
23 ~~after the date of such recall or resignation. The clerk shall~~
24 ~~preserve in his or her office all papers comprising or~~
25 ~~connected with a petition for recall for a period of 2 years~~
26 ~~after they were filed. This method of removing members of the~~
27 ~~governing body of a municipality is in addition to such other~~
28 ~~methods now or hereafter provided by the general laws of this~~
29 ~~state.~~

30 (7) PROHIBITIONS; PENALTIES ~~OFFENSES RELATING TO~~
31 ~~PETITIONS.~~--

1 (a) ~~A No~~ person may not ~~shall~~ impersonate another,
2 purposely write his or her name or residence falsely in the
3 signing of any petition for recall or forge any name thereto,
4 or sign any paper with knowledge that he or she is not a voter
5 ~~qualified elector~~ of the municipality. ~~No expenditures for~~
6 ~~campaigning for or against an officer being recalled shall be~~
7 ~~made until the date on which the recall election is to be held~~
8 ~~is publicly announced. The committee and the officer being~~
9 ~~recalled shall be subject to chapter 106. No person shall~~
10 ~~employ or pay another to accept employment or payment for~~
11 ~~circulating or witnessing a recall petition. Any person~~
12 ~~violating any of the provisions of this subsection commits~~
13 ~~section shall be deemed guilty of a misdemeanor of the second~~
14 ~~degree~~ punishable and shall, upon conviction, be punished as
15 provided in s. 775.082 or s. 775.083 by law.

16 (8) APPLICABILITY OF CHAPTER 106.--The committee and
17 the officer sought to be recalled are subject to chapter 106.
18 The committee shall register as a political committee prior to
19 obtaining signatures on any petition.

20 (9)(a)(8) INTENT.--It is the intent of the Legislature
21 that the recall procedures provided in this section act shall
22 be uniform statewide. However, the method of removing members
23 of the governing body of a municipality provided in this
24 section is in addition to such other methods now or hereafter
25 provided by the general laws of this state. Therefore,

26 (b) Any all municipal charter or and special law that
27 is provisions which are contrary to the provisions of this
28 section is act are hereby repealed to the extent of the this
29 conflict.

30 (c)(9) PROVISIONS APPLICABLE.--The provisions of This
31 section applies act shall apply to municipalities cities and

1 charter counties regardless of whether ~~or not~~ they have
2 adopted recall provisions.

3 Section 88. Section 100.151, Florida Statutes, is
4 transferred, renumbered as section 100.375, Florida Statutes,
5 and amended to read:

6 100.375 ~~100.151~~ Special elections called by local
7 governing bodies, notice.--County commissioners or the
8 governing body authority of a municipality may ~~shall~~ not call
9 a any special election until notice is given to the supervisor
10 ~~of elections~~ and his or her consent obtained as to a date when
11 the election may be held ~~registration books can be available~~.

12 Section 89. Section 100.391, Florida Statutes, is
13 created to read:

14 100.391 Election expenses.--

15 (1) For purposes of this section, the term "election
16 expenses" includes, but is not limited to, expenditures for
17 all paper supplies such as envelopes, instructions to voters,
18 oaths, affirmations, reports, ballots, ballot instructions for
19 absentee voters, postage, and notices to voters;
20 advertisements for registration closings, testing of voting
21 equipment, sample ballots, and polling places; forms used to
22 qualify candidates; polling site rental and equipment delivery
23 and pickup; data-processing time and supplies; election
24 records retention; and labor, including those costs uniquely
25 associated with the preparation of absentee ballots, poll
26 workers, and election-night canvass.

27 (2)(a) Except as otherwise provided in paragraph (b),
28 the expenses of holding all elections for federal, state,
29 county, and school district offices necessarily incurred shall
30 be paid out of the treasury of the county.

31

1 (b) Whenever a special election or special primary is
2 held as required in s. 100.101 but is not held in conjunction
3 with a regularly scheduled primary or general election, each
4 county incurring expenses resulting from such election shall
5 be reimbursed by the state. Reimbursement shall be based upon
6 actual expenses as filed by the supervisor with the county
7 governing body. The division shall verify the expenses of each
8 such special election and each such special primary and
9 authorize payment for reimbursement to each county affected.

10 (3) Notwithstanding any special law to the contrary,
11 the expenses of holding a special district or community
12 development district election, or the district's proportionate
13 share of regular election expenses, as the case may be, shall
14 be paid out of the district's treasury. This paragraph applies
15 to any district, whether created by or pursuant to special or
16 general law, which is a special district as defined in s.
17 189.403(1) or a community development district as defined in
18 s. 190.003(6).

19 (4) Notwithstanding any special law to the contrary,
20 the expenses of holding a municipal election, or the
21 municipality's proportionate share of regular election
22 expenses, as the case may be, shall be paid out of the
23 municipality's treasury.

24 (5) Notwithstanding any special law to the contrary,
25 the supervisor may impose an interest penalty on any amount
26 due and owing to him or her from a special district, community
27 development district, or municipality if payment is not made
28 within 30 days after receipt of the bill or within 10 working
29 days after the required time authorized by interlocal
30 agreement. The rate of interest shall be the rate established
31 under s. 55.03.

1 Section 90. Sections 100.081 and 100.102, Florida
2 Statutes, are repealed.

3 Section 91. Section 101.015, Florida Statutes, is
4 transferred, renumbered as section 101.0002, Florida Statutes,
5 and amended to read:

6 101.0002 ~~101.015~~ Standards for voting systems.--

7 (1) The division ~~Department of State~~ shall adopt rules
8 that ~~which~~ establish minimum standards for hardware and
9 software for ~~electronic and electromechanical~~ voting systems.

10 Such rules shall contain standards for:

- 11 (a) Functional requirements;
12 (b) Performance levels;
13 (c) Physical and design characteristics;
14 (d) Documentation requirements; and
15 (e) Evaluation criteria.

16 ~~(2) Each odd-numbered year the Department of State~~
17 ~~shall review the rules governing standards and certification~~
18 ~~of voting systems to determine the adequacy and effectiveness~~
19 ~~of such rules in assuring that elections are fair and~~
20 ~~impartial.~~

21 ~~(2)(3)~~ The division ~~Department of State~~ shall adopt
22 rules to achieve and maintain the maximum degree of
23 correctness, impartiality, and efficiency of the procedures of
24 voting, including write-in voting, and of counting,
25 tabulating, and recording votes by voting systems used in this
26 state.

27 ~~(3)(4)~~(a) The division ~~Department of State~~ shall adopt
28 rules establishing minimum security standards for voting
29 systems.

30 (b) Each supervisor ~~of elections~~ shall establish
31 written procedures to ensure ~~assure~~ accuracy and security in

1 his or her county, and such procedures shall be reviewed in
2 each odd-numbered year by the division ~~Department of State~~.

3 (c) Each supervisor ~~of elections~~ shall submit any
4 revisions to the security procedures to the division
5 ~~Department of State~~ at least 45 days before the first election
6 in which they are to take effect.

7 (d) Upon concluding its review of the security
8 provisions pursuant to paragraph (b) or any revision under
9 paragraph (c), the division shall notify the supervisor of the
10 results.

11 (4)(5)(a) The division ~~Department of State~~ shall adopt
12 rules which establish standards for provisional approval of
13 hardware and software for innovative use of ~~electronic and~~
14 ~~electromechanical~~ voting systems. Such rules shall contain
15 standards for:

- 16 1. Functional requirements;
- 17 2. Performance levels;
- 18 3. Physical and design characteristics;
- 19 4. Documentation requirements;
- 20 5. Evaluation criteria;
- 21 6. Audit capabilities; and
- 22 7. Consideration of prior use of a system.

23 (b) A voting system shall be provisionally approved
24 for ~~a total of~~ no more than 2 years, and the division may
25 ~~Department of State has the authority to~~ revoke such approval.
26 The division may not grant provisional approval of a system
27 that supersedes ~~shall not be granted by the Department of~~
28 ~~State to supersede~~ certification requirements of this section.

29 (c)1. A ~~No~~ provisionally approved system may not be
30 used in any election, including any municipal election,
31 without the authorization of the division ~~Department of State~~.

1 2. An application for use of a provisionally approved
2 system shall be submitted at least 120 days prior to the
3 intended use by the supervisor ~~of elections~~ or municipal
4 elections official. Such application shall request
5 authorization for use of the system in a specific election.
6 Each application shall state the election, the number of
7 precincts, and the number of anticipated voters for which the
8 system is requested for use.

9 3. The division ~~Department of State~~ shall authorize or
10 deny authorization of the use of the provisionally approved
11 system for the specific election and shall notify the
12 supervisor ~~of elections~~ or municipal elections official in
13 writing of the authorization or denial of authorization, along
14 with the reasons therefor, within 45 days after receipt of the
15 application.

16 (d) A contract for the use of a provisionally approved
17 system for a specific election may be entered into with the
18 approval of the division ~~Department of State~~. A ~~No~~ contract
19 for title to a provisionally approved system may not be
20 entered into.

21 (e) The use of any provisionally approved system is
22 ~~shall be~~ valid for all purposes.

23 ~~(6) All electronic and electromechanical voting~~
24 ~~systems purchased on or after January 1, 1990, must meet the~~
25 ~~minimum standards established under subsection (1). All~~
26 ~~electronic and electromechanical voting systems in use on or~~
27 ~~after July 1, 1993, must meet the minimum standards~~
28 ~~established under subsection (1) or subsection (5).~~

29 (5)(7) ~~The division of Elections~~ shall review the
30 rules governing standards and certification of voting systems
31 to certification standards and ensure that new technologies

1 are available for selection by boards of county commissioners
2 which meet the requirements for voting systems and meet user
3 standards. The division of ~~Elections~~ shall continuously review
4 the rules ~~voting systems certification standards~~ to ensure
5 that new technologies are appropriately certified for all
6 elections in a timely manner and to determine the adequacy and
7 effectiveness of such rules in assuring that elections are
8 fair and impartial. The division shall also develop methods to
9 determine the will of the public with respect to voting
10 systems.

11 Section 92. Section 101.5606, Florida Statutes, as
12 amended by section 18 of chapter 2001-40, Laws of Florida, is
13 transferred, renumbered as section 101.0003, Florida Statutes,
14 and amended to read:

15 101.0003 ~~101.5606~~ Requirements for approval of
16 systems.--A ~~No electronic or electromechanical~~ voting system
17 may not ~~shall~~ be approved by the division ~~Department of State~~
18 unless it ~~is so constructed that~~:

19 (1) ~~It~~ Permits and requires voting in secrecy.

20 (2) ~~It~~ Permits each voter ~~elector~~ to vote at any
21 election for all candidates ~~persons~~ and offices for whom and
22 for which the voter ~~elector~~ is lawfully entitled to vote, and
23 no others; to vote for as many candidates ~~persons~~ for an
24 office as the voter ~~elector~~ is entitled to vote for; and to
25 vote for or against any issue ~~question~~ upon which the voter
26 ~~elector~~ is entitled to vote.

27 (3) Immediately rejects ~~The automatic tabulating~~
28 ~~equipment shall be set to reject a ballot and provide the~~
29 ~~elector an opportunity to correct the ballot where the number~~
30 of votes for an office or measure exceeds the number which the
31

1 voter is entitled to cast or where the tabulating equipment
2 reads the ballot as a ballot with no votes cast.

3 (4) Accepts a rejected ballot pursuant to subsection
4 (3) if a voter chooses to cast the ballot, but records no vote
5 for any office or issue that has been overvoted or undervoted.

6 ~~For rejected ballots that voters choose to cast, the automatic~~
7 ~~tabulating equipment will be set to accept the ballot and~~
8 ~~reject all votes for any office or measure when the number of~~
9 ~~votes therefor exceeds the number which the voter is entitled~~
10 ~~to cast or when the voter is not entitled to cast a vote for~~
11 ~~the office or measure.~~

12 (5) ~~It~~ Is capable of correctly counting votes.

13 (6) ~~It~~ Permits each voter at a primary election to
14 vote only for the candidates seeking nomination by the major
15 political party in which such voter is registered, for any
16 candidate for nonpartisan office, and for any issue question
17 upon which the voter is entitled to vote.

18 (7) ~~At presidential elections it~~ Permits each voter
19 elector, by one operation, to vote at a presidential election
20 for all presidential electors ~~of a party or for all~~
21 ~~presidential electors~~ of candidates for President and Vice
22 President ~~with no party affiliation.~~

23 (8) ~~It~~ Provides a method for write-in voting.

24 (9) For each precinct,~~It~~ is capable of accumulating a
25 count of the specific number of ballots tallied ~~for a~~
26 ~~precinct~~, accumulating total votes by candidate for each
27 office, and accumulating total votes for and against each
28 ~~question and issue of the ballots tallied for a precinct.~~

29 (10) ~~It~~ Is capable of tallying votes from ballots of
30 different political parties from the same precinct, in the
31 case of a primary election.

1 (11) ~~It~~ Is capable of ~~automatically~~ producing precinct
2 totals in printed, marked, or punched form, or a combination
3 thereof.

4 (12) If it is of a type that ~~which~~ registers votes
5 electronically, permits ~~it will permit~~ each voter to change
6 his or her vote for any candidate or issue ~~upon any question~~
7 appearing on the ~~official~~ ballot up to the time that the voter
8 takes the final step to register his or her vote and to have
9 the vote computed.

10 (13) ~~It~~ Is capable of providing records from which the
11 operation of the voting system may be audited.

12 (14) ~~It~~ Uses a precinct-count tabulation system.

13 (15) ~~It~~ Does not use an apparatus or device for the
14 piercing of ballots by the voter.

15 Section 93. Section 101.5605, Florida Statutes, is
16 transferred, renumbered as section 101.0004, Florida Statutes,
17 and amended to read:

18 101.0004 ~~101.5605~~ Examination and approval of
19 equipment.--

20 (1) The division ~~Department of State~~ shall publicly
21 examine all makes of ~~electronic or electromechanical~~ voting
22 systems submitted to it and determine whether the systems
23 comply with the requirements of s. 101.0003 ~~s. 101.5606~~.

24 (2)(a) Any person owning or interested in a ~~an~~
25 ~~electronic or electromechanical~~ voting system may submit it to
26 the division ~~Department of State~~ for examination. The voting
27 system ~~vote counting segment~~ shall be certified after a
28 satisfactory evaluation ~~testing~~ has been performed in
29 accordance with rules adopted by the division ~~according to~~
30 ~~electronic industry standards~~. This evaluation ~~testing~~ shall
31 include, but is not limited to, testing of all software

1 required for the voting system's operation; the ballot reader;
2 the rote processor, especially in its logic and memory
3 components; the digital printer; the fail-safe operations; the
4 counting center environmental requirements; and the equipment
5 reliability estimate. For the purpose of assisting in
6 evaluating ~~examining~~ the system, the division ~~department~~ shall
7 employ or contract for services of at least one individual who
8 is expert in one or more fields of data processing, mechanical
9 engineering, and public administration and shall require from
10 the individual a written report of his or her examination.

11 (b) The person submitting a system for approval ~~or the~~
12 ~~board of county commissioners of any county seeking approval~~
13 ~~of a given system~~ shall reimburse the division ~~Department of~~
14 ~~State~~ in an amount equal to the actual costs incurred by the
15 division ~~department~~ in evaluating ~~examining~~ the system. Such
16 reimbursement shall be made whether or not the system is
17 approved by the division ~~department~~.

18 (c) Neither the Secretary of State nor any examiner
19 shall have any pecuniary interest in any voting system
20 ~~equipment~~.

21 (d) The division ~~Department of State~~ shall approve or
22 disapprove any voting system submitted to it within 90 days
23 after the date of ~~its initial~~ submission of all materials
24 required by the division.

25 (3)(a) Within 30 days after completing the evaluation
26 ~~examination~~ and upon approval of any ~~electronic or~~
27 ~~electromechanical~~ voting system, the division ~~Department of~~
28 ~~State~~ shall make and maintain a report that ~~on the system,~~
29 ~~together with a written or printed description and drawings~~
30 ~~and photographs~~ clearly identifies ~~identifying~~ the system and
31 its ~~the~~ operation ~~thereof~~. As soon as practicable after

1 completion of its evaluation ~~such filing~~, the division
2 ~~department~~ shall send a notice of certification or
3 noncertification and, upon request, a copy of the report to
4 the governing bodies of the respective counties of the state.
5 Any voting system that is not approved by the division may not
6 ~~be does not receive the approval of the department shall not~~
7 ~~be adopted for or used at any election.~~

8 (b) After a voting system has been approved by the
9 division ~~Department of State~~, any change or improvement in the
10 system must ~~is required to~~ be approved by the division
11 ~~department~~ prior to the adoption of such change or improvement
12 by any county. ~~If any such change or improvement does not~~
13 ~~comply with the requirements of this act, the department shall~~
14 ~~suspend all sales of the equipment or system in the state~~
15 ~~until the equipment or system complies with the requirements~~
16 ~~of this act.~~

17 (4) The division ~~Department of State~~ may at any time
18 reevaluate ~~reeexamine~~ any system, or any part thereof, which
19 has previously been approved for the purpose of updating the
20 certification of the system.

21 Section 94. Section 101.56042, Florida Statutes, is
22 transferred, renumbered as section 101.0005, Florida Statutes,
23 and amended to read:

24 101.0005 ~~101.56042~~ Punch card type systems
25 prohibited.--~~Effective September 2, 2002,~~A voting system that
26 uses an apparatus or device for the piercing of ballots by the
27 voter may not be used in this state.

28 Section 95. Section 101.5607, Florida Statutes, is
29 transferred, renumbered as section 101.0006, Florida Statutes,
30 and amended to read:

31

1 101.0006 ~~101.5607~~ Division ~~Department of State~~ to
2 maintain voting system information; prepare software.--

3 (1)(a) Copies of the program codes and ~~the user and~~
4 ~~operator manuals~~ and copies of all software and any other
5 information, specifications, or documentation required by the
6 division ~~Department of State~~ relating to an approved
7 ~~electronic or electromechanical~~ voting system and its
8 equipment must be filed with the division ~~Department of State~~
9 by the supervisor ~~of elections~~ at the time of purchase or
10 implementation. Any such information or materials that are not
11 on file with and approved by the division ~~Department of State~~,
12 including any updated or modified materials, may not be used
13 in an election. In addition, the supervisor shall provide
14 copies of user and operator manuals at the request of the
15 division.

16 (b) Within 24 hours after the completion of any logic
17 and accuracy test conducted pursuant to s. 101.0015 ~~s.~~
18 ~~101.5612~~, the supervisor ~~of elections~~ shall send by certified
19 mail to the division ~~Department of State~~ a copy of the
20 tabulation program that ~~which~~ was used in the logic and
21 accuracy testing.

22 (c) The division ~~Department of State~~ may, at any time,
23 review the voting system of any county to ensure compliance
24 with this chapter ~~the Electronic Voting Systems Act~~.

25 (d) Section 119.07(3)(o) applies to all software on
26 file with the division ~~Department of State~~.

27 (2)(a) The division ~~Department of State~~ may develop
28 software for use with a ~~an electronic or electromechanical~~
29 voting system. The standards and examination procedures
30 developed for software apply to all software developed by the
31 division ~~Department of State~~.

1 (b) Software prepared by the division ~~Department of~~
2 ~~State~~ is a public record pursuant to chapter 119 and shall be
3 provided at the actual cost of duplication.

4 Section 96. Section 101.292, Florida Statutes, as
5 amended by section 10 of chapter 2001-40, Laws of Florida, is
6 transferred, renumbered as section 101.0007, Florida Statutes,
7 and amended to read:

8 101.0007 ~~101.292~~ Definitions ~~ss. 101.292-101.295.~~--As
9 used in ss. 101.0007-101.0009, the term ~~ss. 101.292-101.295,~~
10 ~~the following terms shall have the following meanings:~~

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

15 (2) "Voting equipment" means ~~electronic or~~
16 ~~electromechanical~~ voting systems, voting devices, and
17 automatic tabulating equipment as defined in s. 97.021 ~~s.~~
18 ~~101.5603~~, as well as materials, parts, or other equipment
19 necessary for the operation and maintenance of such systems
20 and devices, ~~the individual or combined retail value of which~~
21 ~~is in excess of the threshold amount for CATEGORY TWO~~
22 ~~purchases provided in s. 287.017.~~

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

25 Section 97. Section 101.293, Florida Statutes, is
26 transferred, renumbered as section 101.0008, Florida Statutes,
27 and amended to read:

28 101.0008 ~~101.293~~ Purchase of voting equipment;
29 competitive sealed bids and proposals required.--

30 (1) Any purchase of voting equipment by a governing
31 body, the individual or combined retail value of which is in

1 excess of the threshold amount for CATEGORY TWO purchases
2 provided in s. 287.017, ~~by a governing body~~ shall be by means
3 of competitive sealed bids or competitive sealed proposals
4 from at least two bidders, except under the following
5 conditions:

6 (a) If a majority of the governing body finds ~~agrees~~
7 ~~by vote~~ that an emergency situation exists in regard to the
8 purchase of such equipment and ~~to the extent~~ that the
9 potential benefits derived from competitive sealed bids or
10 competitive sealed proposals are outweighed by the detrimental
11 effects of a delay in the acquisition of such equipment; or

12 (b) If a majority of the governing body finds that
13 there is only ~~but~~ a single source from which suitable
14 equipment may be obtained.

15
16 ~~If either of these exceptions apply such conditions are found~~
17 ~~to exist~~, the chair of the governing body shall certify to the
18 division of Elections the circumstances justifying the
19 ~~situation and conditions requiring an exception to the~~
20 ~~competitive sealed bidding and competitive sealed proposal~~
21 ~~requirements of this section. Such certification shall be~~
22 ~~maintained on file by the division.~~

23 (2) The division of Elections of the Department of
24 State shall adopt rules establishing ~~establish~~ bidding
25 procedures for carrying out ss. 101.0007-101.0009, which shall
26 be followed by the provisions and the intent of ss.
27 ~~101.292-101.295, and each governing body shall follow the~~
28 ~~procedures so established.~~

29 Section 98. Section 101.294, Florida Statutes, is
30 transferred, renumbered as section 101.0009, Florida Statutes,
31 and amended to read:

1 101.0009 ~~101.294~~ Purchase and sale of voting
2 equipment.--

3 ~~(1) The division of Elections of the Department of~~
4 ~~State shall adopt uniform rules for the purchase, use, and~~
5 ~~sale of voting equipment in the state. A~~ No governing body may
6 not ~~shall~~ purchase or cause to be purchased any voting
7 equipment unless such equipment has been certified for use in
8 this state by the division ~~Department of State.~~

9 ~~(2) Any governing body contemplating the purchase or~~
10 ~~sale of voting equipment shall notify the Division of~~
11 ~~Elections of such considerations. The division shall attempt~~
12 ~~to coordinate the sale of excess or outmoded equipment by one~~
13 ~~county with purchases of necessary equipment by other~~
14 ~~counties.~~

15 ~~(3) The division shall inform the governing bodies of~~
16 ~~the various counties of the state of the availability of new~~
17 ~~or used voting equipment and of sources available for~~
18 ~~obtaining such equipment.~~

19 Section 99. Section 101.591, Florida Statutes, is
20 transferred, renumbered as section 101.0011, Florida Statutes,
21 and amended to read:

22 101.0011 ~~101.591~~ Voting system audit.--

23 (1) The Legislature, upon specific appropriation and
24 directive, may provide for an independent audit of the voting
25 system in any county. Within 30 days after its completion
26 ~~completing the audit~~, the person conducting the audit shall
27 furnish a copy of the audit to the supervisor ~~of elections~~ and
28 the board of county commissioners of the county.

29 (2) An audit conducted pursuant to subsection (1)
30 shall consist of a study and evaluation of the voting system
31 used during any primary, general, municipal, or presidential

1 preference primary election to provide reasonable assurance
2 that the system is properly controlled, can accurately count
3 votes, provides adequate safeguards against unauthorized
4 manipulation and fraud, and complies with the requirements of
5 law and rules of the division ~~Department of State~~.

6 Section 100. Section 101.5612, Florida Statutes, is
7 transferred, renumbered as section 101.0015, Florida Statutes,
8 and amended to read:

9 101.0015 ~~101.5612~~ Testing of tabulating equipment.--

10 (1) All ~~electronic or electromechanical~~ voting systems
11 shall be thoroughly tested at the conclusion of maintenance
12 and programming. Tests shall be sufficient to determine
13 whether ~~that~~ the voting system is properly programmed, the
14 election is correctly defined on the voting system, and all of
15 the voting system input, output, and communication devices are
16 working properly.

17 (2) On any day not more than 10 days prior to the
18 election day, the supervisor or municipal election official,
19 as applicable, ~~of elections~~ shall have the automatic
20 tabulating equipment publicly tested to ascertain that it the
21 ~~equipment~~ will correctly count the votes cast for all offices
22 and on all issues ~~measures~~. Public notice of the time and
23 place of the test shall be given at least 48 hours prior
24 thereto by publication once in one or more newspapers of
25 general circulation in the county ~~or, if there is no newspaper~~
26 ~~of general circulation in the county, by posting such notice~~
27 ~~in at least four conspicuous places in the county~~. The
28 supervisor or the municipal election ~~elections~~ official may,
29 at the time of qualifying, give written notice of the time and
30 location of such public preelection test to each candidate
31 qualifying with that officer ~~office~~ and obtain a signed

1 receipt that such notice has been given. The division
2 ~~Department of State~~ shall give written notice to each
3 statewide candidate at the time of qualifying, or immediately
4 at the end of qualifying, that the tabulating ~~voting~~ equipment
5 will be tested and advise each such candidate to contact the
6 ~~county supervisor of elections~~ as to the time and location of
7 the public preelection test. The supervisor or the municipal
8 election ~~elections~~ official shall, at least 15 days prior to
9 an election, send written notice by certified mail to the
10 county ~~party~~ chair of each political party and to all
11 candidates for other than statewide office whose names appear
12 on the ballot in the county and who did not receive written
13 notification from the supervisor or municipal election
14 ~~elections~~ official at the time of qualifying, stating the time
15 and location of the public preelection test of the automatic
16 tabulating equipment. At least one member of the canvassing
17 board ~~shall convene, and each member of the canvassing board~~
18 shall certify to the accuracy of the test. ~~For the test, the~~
19 ~~canvassing board may designate one member to represent it.~~The
20 test shall be open to representatives of the political
21 parties, the press, and the public. Each political party may
22 designate one person ~~with expertise in the computer field~~ who
23 shall be allowed in the central counting room when all tests
24 are being conducted and when the official votes are being
25 counted. Such designee may ~~shall~~ not interfere with the normal
26 operation of the canvassing board.

27 (3) For ~~electronic or electromechanical~~ voting systems
28 configured to tabulate absentee ballots at a central or
29 regional site, the public testing shall be conducted by
30 processing a preaudited group of ballots so produced as to
31 record a predetermined number of valid votes for each

1 candidate and on each issue measure and to include one or more
2 ballots for each office which contain overvotes ~~have activated~~
3 ~~voting positions in excess of the number allowed by law~~ in
4 order to test the ability of the automatic tabulating
5 equipment to reject such votes. If any error is detected, the
6 cause therefor shall be corrected and an errorless count shall
7 be made before the automatic tabulating equipment is approved.
8 The test shall be repeated and errorless results achieved
9 immediately before the start of the official count of the
10 ballots and again after the completion of the official count.
11 The programs and ballots used for testing shall be sealed and
12 retained under the custody of the county canvassing board.

13 (4)(a)1. For ~~electronic or electromechanical voting~~
14 ~~systems configured to include electronic or electromechanical~~
15 tabulation devices that ~~which~~ are distributed to the
16 precincts, all or a sample of the devices to be used in the
17 election shall be publicly tested. If a sample is to be
18 tested, the sample shall consist of a random selection of at
19 least 5 percent or 10 of the devices, whichever is greater.
20 The test shall be conducted by processing a group of ballots,
21 causing the device to output results for the ballots
22 processed, and comparing the output of results to the results
23 expected for the ballots processed. The group of ballots
24 shall be produced so as to record a predetermined number of
25 valid votes for each candidate and on each issue measure and
26 to include for each office one or more ballots that contain
27 overvotes ~~which have activated voting positions in excess of~~
28 ~~the number allowed by law~~ in order to test the ability of the
29 tabulating device to reject such votes.

30 2. If any tested tabulating device is found to have an
31 error in tabulation, it shall be deemed unsatisfactory. For

1 each device deemed unsatisfactory, the canvassing board shall
2 take steps to determine the cause of the error, shall attempt
3 to identify and test other devices that could reasonably be
4 expected to have the same error, and shall test a number of
5 additional devices sufficient to determine that all devices
6 are satisfactory. Upon deeming any device unsatisfactory, the
7 canvassing board may require all devices to be tested or may
8 declare that all devices are unsatisfactory.

9 3. If the operation or output of any tested tabulation
10 device, such as spelling or the order of candidates on a
11 report, is in error, such problem shall be reported to the
12 canvassing board. The canvassing board shall then determine
13 if the reported problem warrants its deeming the device
14 unsatisfactory.

15 (b) At the completion of testing under this
16 subsection, the canvassing board or its representative, the
17 representatives of the political parties, and the candidates
18 or their representatives who attended the test shall witness
19 the resetting of each device that passed to a preelection
20 state of readiness and the sealing of each device that passed
21 in such a manner as to secure its state of readiness until the
22 opening of the polls.

23 (c) The canvassing board or its representative shall
24 execute a written statement setting forth the tabulation
25 devices tested, the results of the testing, the protective
26 counter numbers, if applicable, of each tabulation device, the
27 number of the seal securing each tabulation device at the
28 conclusion of testing, any problems reported to the board as a
29 result of the testing, and whether each device tested is
30 satisfactory or unsatisfactory.

31

1 (d) Any tabulating device deemed unsatisfactory shall
2 be reprogrammed, repaired, or replaced and shall be made
3 available for retesting. Such device must be determined by the
4 canvassing board or its representative to be satisfactory
5 before it may be used in any election. The canvassing board or
6 its representative shall announce at the close of the first
7 testing the date, place, and time that any unsatisfactory
8 device will be retested or may, at the option of the board,
9 notify by telephone each person who was present at the first
10 testing as to the date, place, and time that the retesting
11 will occur.

12 (e) Records must be kept of all preelection testing of
13 ~~electronic or electromechanical~~ tabulation devices used in any
14 election. Such records are to be present and available for
15 inspection and reference during public preelection testing by
16 any person in attendance during such testing. The need of the
17 canvassing board for access to such records during the testing
18 shall take precedence over the need of other attendees to
19 access such records so that the work of the canvassing board
20 will not be delayed or hindered. Records of testing must
21 include, for each device, the name of each person who tested
22 the device and the date, place, time, and results of each
23 test. Records of testing shall be retained as part of the
24 official records of the election in which any device was used.

25 Section 101. Section 101.001, Florida Statutes, is
26 transferred, renumbered as section 101.0031, Florida Statutes,
27 and amended to read:

28 101.0031 ~~101.001~~ Precincts and polling places;
29 boundaries.--

30 (1) The board of county commissioners in each county,
31 upon recommendation and approval of the supervisor, shall

1 alter or create precincts for voting in the county. Each
2 precinct shall be numbered and, as nearly as practicable,
3 composed of contiguous and compact areas. The supervisor shall
4 designate a polling place at a suitable location within each
5 precinct. The precinct may ~~shall~~ not be changed thereafter
6 except with the consent of the supervisor and a majority of
7 the members of the board of county commissioners. ~~The board of~~
8 ~~county commissioners and the supervisor may have precinct~~
9 ~~boundaries conform to municipal boundaries in accordance with~~
10 ~~the provisions of s. 101.002, but, in any event, the~~
11 ~~registration books shall be maintained in such a manner that~~
12 ~~there may be determined therefrom the total number of electors~~
13 ~~in each municipality.~~

14 (2) When in any election there are fewer than 25
15 registered voters ~~electors~~ of the only political party having
16 candidates on the ballot at any precinct, such precinct may be
17 combined with other adjoining precincts upon the
18 recommendation of the supervisor and the approval of the
19 county commissioners. Notice of the combination of precincts
20 shall be given in the same manner as provided in s. 101.004(2)
21 ~~s. 101.71(2)~~.

22 (3) Each supervisor ~~of elections~~ shall maintain a
23 ~~suitable~~ map or series of maps drawn to a scale no smaller
24 than 3 miles to the inch which ~~and~~ clearly delineates
25 ~~delineating~~ all major observable features such as roads,
26 streams, and railway lines and which shows ~~showing~~ the current
27 geographical boundaries of each precinct, representative
28 district, and senatorial district, and other type of election
29 district in the county ~~subject to the elections process in~~
30 ~~this code~~. The supervisor ~~of elections~~ shall notify the
31 division ~~Secretary of State~~ in writing within 30 days after ~~of~~

1 any reorganization of precincts and shall furnish a copy of
2 the map showing the current geographical boundaries and
3 designation of each new precinct.

4 (4) Within 10 days after ~~there is~~ any change in the
5 division, number, or boundaries of the precincts, or the
6 location of the polling places, the supervisor ~~of elections~~
7 shall make in writing an accurate description of any new or
8 altered precincts, setting forth the boundary lines and shall
9 identify the location of each new or altered polling place. A
10 copy of the document describing such changes shall be posted
11 at the supervisor's office.

12 Section 102. Section 101.71, Florida Statutes, as
13 amended by section 25 of chapter 2001-40, Laws of Florida, is
14 transferred, renumbered as section 101.004, Florida Statutes,
15 and amended to read:

16 101.004 ~~101.71~~ Polling place.--

17 (1) There shall be in each precinct in each county one
18 polling place that is ~~which shall be~~ accessible to the public
19 on election day and is managed by an election ~~a board of~~
20 ~~inspectors and clerk of election. Only one elector shall be~~
21 ~~allowed to enter any voting booth at a time; no one except~~
22 ~~inspectors shall be allowed to speak to the elector while~~
23 ~~casting his or her vote; and no inspector shall speak to or~~
24 ~~interfere with the elector concerning his or her voting,~~
25 ~~except to perform the duties as such inspector.~~
26 ~~Notwithstanding any other provision of this chapter, this~~
27 ~~section shall be applicable where the computer method of~~
28 ~~voting is in use, and adequate provision shall be made for the~~
29 ~~privacy of the elector while casting his or her vote.~~

30 (2) Notwithstanding ~~the provisions of~~ subsection (1),
31 whenever the supervisor ~~of elections of any county~~ determines

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

27 (3) ~~In cases of emergency and~~ When time does not
28 permit compliance with subsection (2), the supervisor ~~of~~
29 ~~elections~~ shall designate a new polling place, which shall be
30 accessible to the public on election day. The supervisor ~~and~~
31 shall post ~~cause~~ a notice ~~to be posted~~ at the old polling

1 place advising the voters ~~electors~~ of the location of the new
2 polling place.

3 (4) Each polling place shall be conspicuously
4 identified by a sign, on or near the premises of the polling
5 place, designating the polling place by precinct number. The
6 ~~Such~~ sign shall be ~~large enough to be~~ clearly visible from to
7 ~~occupants of passing vehicular traffic on~~ roadways contiguous
8 to the polling place, with letters no smaller than 3 inches
9 high, and shall be displayed at all times while the polls are
10 open on any election day.

11 (5) Public, tax-supported buildings shall be made
12 available for use as polling places upon the request of the
13 supervisor ~~of elections~~.

14 Section 103. Section 101.715, Florida Statutes, is
15 transferred, renumbered as section 101.006, Florida Statutes,
16 and amended to read:

17 101.006 ~~101.715~~ Accessibility of polling places to the
18 elderly and physically disabled ~~handicapped~~.--

19 ~~(1) Each polling place shall be accessible to, and~~
20 ~~usable by, elderly persons and by physically handicapped~~
21 ~~persons by complying, when necessary, with the following~~
22 ~~standards of accessibility:~~

23 ~~(a) Doors, entrances, and exits used to gain access~~
24 ~~to, or egress from, the polling place shall have a minimum~~
25 ~~width of 29 inches.~~

26 ~~(b) Any curb adjacent to the main entrance to a~~
27 ~~polling place shall have curb cuts or temporary ramps.~~

28 ~~(c) Any stairs necessarily used to enter the polling~~
29 ~~place shall have a temporary handrail and ramp.~~

30 ~~(d) At the polling place, no barrier shall impede the~~
31 ~~path of the physically handicapped to the voting booth.~~

1 ~~(2)~~ Polling places which are of a temporary nature are
2 exempt from compliance with ~~s. 255.21~~.

3 (1)~~(3)~~ Each supervisor of elections shall only select
4 as polling places only, sites that ~~which~~ meet the standards of
5 accessibility prescribed in the Americans with Disabilities
6 Act Accessibility Guidelines, and any exceptions to
7 accessibility guidelines, as adopted under ss. 553.501-553.513
8 ~~subsection (1)~~, except that the supervisor may select a site
9 not meeting the standards if:

10 (a) No acceptable and accessible site exists within
11 the precinct or other designated voting area, ~~and~~

12 ~~(b)~~ it is anticipated that the site will be brought
13 into compliance with such standards in the foreseeable future,
14 or the site will be temporarily made to comply with the
15 standards for the time during which the polls are open; or.

16 (b) The site is of a temporary nature.

17 (2)~~(4)~~ Any supervisor of elections who selects as a
18 polling place a site that ~~which~~ does not meet the standards
19 prescribed in subsection (1) shall report such selection to
20 the board of county commissioners. The report must ~~shall~~
21 expressly state that the supervisor has determined that such
22 polling place can be made accessible to, and usable by,
23 elderly persons and by physically disabled ~~handicapped~~ persons
24 in the foreseeable future by affirmative governmental action.

25 (3)~~(5)~~ Each board of county commissioners that ~~which~~
26 receives a report from a supervisor pursuant to subsection (2)
27 ~~(4)~~ shall take affirmative action to bring the selected
28 polling place into compliance with the standards prescribed in
29 subsection (1).

30 (4)~~(6)~~ Each district school board and each
31 municipality shall cooperate with the board of county

1 commissioners in its respective county in implementing ~~the~~
2 ~~provisions of~~ this section.

3 Section 104. Section 102.014, Florida Statutes, is
4 transferred, renumbered as section 101.022, Florida Statutes,
5 and amended to read:

6 101.022 ~~102.014~~ Poll worker recruitment and
7 training.--

8 (1) The supervisor ~~of elections~~ shall conduct training
9 for inspectors, clerks, and deputy sheriffs prior to each
10 primary, general, and special election for the purpose of
11 instructing such persons in their duties and responsibilities
12 as election officials. A certificate may be issued by the
13 supervisor ~~of elections~~ to each person completing such
14 training. A No person may not ~~shall~~ serve as an inspector,
15 clerk, or deputy sheriff for an election unless such person
16 has completed the training as required. A clerk may not work
17 at the polls unless he or she demonstrates a working knowledge
18 of the laws and procedures relating to voter registration,
19 voting system operation, balloting and polling place
20 procedures, and problem-solving and conflict-resolution
21 skills.

22 (2) A person who has attended previous training
23 conducted within 2 years before the election may be appointed
24 by the supervisor to fill a vacancy on election day. If no
25 person with prior training is available to fill such vacancy,
26 the supervisor ~~of elections~~ may fill such vacancy in
27 accordance with ~~the provisions of~~ subsection (3) from among
28 persons who have not received the training required by this
29 section.

30 (3) In the case of absence or refusal to act on the
31 part of any inspector or clerk at any precinct on the day of

1 an election, the supervisor shall appoint a replacement who
2 meets the qualifications prescribed in s. 101.025(2)~~s.~~
3 ~~102.012(2)~~. The inspector or clerk so appointed shall be a
4 member of the same political party as the clerk or inspector
5 whom he or she replaces.

6 (4) Each supervisor ~~of elections~~ shall be responsible
7 for training inspectors and clerks, subject to the following
8 minimum requirements:

9 (a) A ~~No~~ clerk may not ~~shall be entitled to~~ work at
10 the polls unless he or she has had a minimum of 6 hours of
11 training during a general election year, at least 2 hours of
12 which must occur after June 1 of that year.

13 (b) An ~~No~~ inspector may not ~~shall~~ work at the polls
14 unless he or she has had a minimum of 3 hours of training
15 during a general election year, at least 1 hour of which must
16 occur after June 1 of that year.

17 (5) The division ~~Department of State~~ shall create a
18 uniform polling place procedures manual and adopt the manual
19 by rule. Each supervisor ~~of elections~~ shall ensure that the
20 manual is available in hard copy or electronic form in every
21 precinct in the supervisor's jurisdiction on election day.
22 The manual shall guide inspectors, clerks, and deputy sheriffs
23 in the proper implementation of election procedures and laws.
24 The manual shall be indexed by subject, and written in plain,
25 clear, unambiguous language. The manual shall provide
26 specific examples of common problems encountered at the polls
27 on election day, and detail specific procedures for resolving
28 those problems. The manual shall include, without limitation:

29 (a) Regulations governing solicitation by individuals
30 and groups at the polling place;

31

- 1 (b) Procedures to be followed with respect to voters
2 whose names are not on the precinct register;
3 (c) Proper operation of the voting system;
4 (d) Ballot handling procedures;
5 (e) Procedures governing spoiled ballots;
6 (f) Procedures to be followed after the polls close;
7 (g) Rights of voters at the polls;
8 (h) Procedures for handling emergency situations;
9 (i) Procedures for dealing with irate voters;
10 (j) The handling and processing of provisional
11 ballots; and
12 (k) Security procedures.
13

14 The division ~~Department of State~~ shall revise the manual as
15 necessary to address new procedures in law or problems
16 encountered by voters and poll workers at the precincts.

17 (6) Supervisors ~~of elections~~ shall work with the
18 business and local community to develop public-private
19 programs to ensure the recruitment of skilled inspectors and
20 clerks.

21 Section 105. Section 102.012, Florida Statutes, as
22 amended by section 27 of chapter 2001-40, Laws of Florida, is
23 transferred, renumbered as section 101.025, Florida Statutes,
24 and amended to read:

25 101.025 ~~102.012~~ Election boards; appointment and
26 qualification; election materials ~~Inspectors and clerks to~~
27 ~~conduct elections.--~~

28 (1) ~~The supervisor of elections of each county, At~~
29 ~~least 20 days prior to the holding of any election, the~~
30 supervisor shall appoint one ~~two~~ election board ~~boards~~ for
31 each precinct in the county ~~and; however, the supervisor of~~

1 ~~elections~~ may, ~~in any election,~~ appoint additional one
2 election boards as board if the supervisor has reason to
3 ~~believe that only one is necessary.~~ The supervisor shall
4 determine the number of members of each election board for the
5 efficient operation of the precinct. Where two or more
6 precincts share a polling room, the supervisor may appoint one
7 election board for all precincts at that polling room.The
8 clerk shall be in charge of, and responsible for, seeing that
9 the election board carries out its duties and
10 responsibilities. Prior to the opening of the polls,each
11 member of the election board ~~inspector and each clerk~~ shall
12 ~~take and~~ subscribe to a written ~~an~~ oath ~~or affirmation,~~ which
13 ~~shall be written or printed, to the effect~~ that he or she will
14 perform the duties of inspector or clerk, as applicable of
15 ~~election, respectively,~~ according to law and without favor or
16 prejudice to any political party, and will endeavor to prevent
17 all fraud, deceit, or abuse in conducting the election. The
18 oath may be administered by any other member of the election
19 board and ~~taken before an officer authorized to administer~~
20 ~~oaths or before any of the persons who are to act as~~
21 ~~inspectors, one of them to swear the others, and one of the~~
22 ~~others sworn thus, in turn, to administer the oath to the one~~
23 ~~who has not been sworn.~~ The oaths shall be returned to the
24 supervisor with the election poll list ~~and the returns of the~~
25 ~~election to the supervisor.~~ In all questions that ~~may~~ arise
26 before the members of an election board, the decision of a
27 majority ~~of them~~ shall decide the question. The supervisor is
28 ~~of elections of each county shall be~~ responsible for the
29 attendance of, and diligent performance of ~~his or her~~ duties
30 by each clerk and inspector.
31

1 (2) Each member of the election board shall be able to
2 read and write the English language and shall be a voter
3 ~~registered qualified elector~~ of the county in which the member
4 is appointed or a person who has preregistered to vote,
5 pursuant to s. 98.013(1)(b)~~s. 97.041(1)(b)~~, in the county in
6 which the member is appointed. No election board shall be
7 composed solely of members of one political party; however, in
8 any primary in which only one party has candidates appearing
9 on the ballot, all members ~~clerks and inspectors~~ may be of
10 that party. Any person whose name appears as an opposed
11 candidate for any office shall not be eligible to serve on an
12 election board.

13 (3) The supervisor shall furnish the ~~inspectors of~~
14 election board at ~~for~~ each precinct with the precinct register
15 ~~registration books~~ divided alphabetically as will best
16 facilitate the holding of an election. The supervisor shall
17 also furnish ~~to the inspectors of election at the polling~~
18 ~~place at each precinct~~ with ~~in the supervisor's county~~ a
19 sufficient number of forms and blanks for use on election day.

20 ~~(4)(a) The election board of each precinct shall~~
21 ~~attend the polling place by 6 a.m. of the day of the election~~
22 ~~and shall arrange the furniture, stationery, and voting~~
23 ~~equipment.~~

24 ~~(b) An election board shall conduct the voting,~~
25 ~~beginning and closing at the time set forth in s. 100.011. If~~
26 ~~more than one board has been appointed, the second board~~
27 ~~shall, upon the closing of the polls, come on duty and count~~
28 ~~the votes cast. In such case, the first board shall turn over~~
29 ~~to the second board all closed ballot boxes, registration~~
30 ~~books, and other records of the election at the time the~~
31 ~~boards change. The second board shall continue counting until~~

1 ~~the count is complete or until 7 a.m. the next morning, and,~~
2 ~~if the count is not completed at that time, the first board~~
3 ~~that conducted the election shall again report for duty and~~
4 ~~complete the count. The second board shall turn over to the~~
5 ~~first board all ballots counted, all ballots not counted, and~~
6 ~~all registration books and other records and shall advise the~~
7 ~~first board as to what has transpired in tabulating the~~
8 ~~results of the election.~~

9 ~~(5) In precincts in which there are more than 1,000~~
10 ~~registered electors, the supervisor of elections shall appoint~~
11 ~~additional election boards necessary for the election.~~

12 ~~(6) In any precinct in which there are fewer than 300~~
13 ~~registered electors, it is not necessary to appoint two~~
14 ~~election boards, but one such board will suffice. Such board~~
15 ~~shall be composed of at least one inspector and one clerk.~~

16 Section 106. Section 102.021, Florida Statutes, is
17 transferred, renumbered as section 101.027, Florida Statutes,
18 and amended to read:

19 101.027 ~~102.021~~ Compensation of inspectors, clerks,
20 and deputy sheriffs.--

21 ~~(1) Each inspector, and each clerk, of any election~~
22 ~~and each deputy sheriff serving at a precinct shall be paid~~
23 ~~for such service his or her services by the supervisor of~~
24 ~~elections, and each inspector who delivers the returns to the~~
25 ~~county seat shall receive such sums as the supervisor of~~
26 ~~elections shall determine.~~

27 ~~(2) Inspectors and clerks of election and deputy~~
28 ~~sheriffs serving at the precincts may receive compensation and~~
29 ~~travel expenses, as provided in s. 112.061, for attending the~~
30 ~~poll worker training required by s. 101.022 s. ~~102.014~~.~~

31

1 Section 107. Section 100.011, Florida Statutes, is
2 transferred, renumbered as section 101.033, Florida Statutes,
3 and amended to read:

4 101.033 ~~100.011~~ Opening and closing of polls, ~~all~~
5 ~~elections; expenses.--~~

6 (1) For all elections held in this state, including
7 municipal, school district, and other district elections, the
8 polls shall be open from ~~at the voting places at~~ 7:00 a.m., ~~on~~
9 ~~the day of the election, and shall be kept open~~ until 7:00
10 p.m. on the day of the election., ~~of the same day, and~~ The
11 time shall be regulated by the customary time in standard use
12 in the county seat of the locality. The clerk ~~inspectors~~ shall
13 announce ~~make public proclamation of~~ the opening and closing
14 of the polls. ~~During the election and canvass of the votes,~~
15 ~~the ballot box shall not be concealed.~~

16 ~~(2) The time of opening and closing of the polls shall~~
17 ~~be observed in all elections held in this state, including~~
18 ~~municipal and school elections.~~

19 ~~(3) The expenses of holding all elections for county~~
20 ~~and state offices necessarily incurred shall be paid out of~~
21 ~~the treasury of the county or state, as the case may be, in~~
22 ~~the same manner and by the same officers as in general~~
23 ~~elections.~~

24 ~~(4)(a) The provisions of any special law to the~~
25 ~~contrary notwithstanding, the expenses of holding a special~~
26 ~~district or community development district election, or the~~
27 ~~district's proportionate share of regular election costs, as~~
28 ~~the case may be, shall be paid out of the district's treasury~~
29 ~~and in the same manner as in general elections. This~~
30 ~~subsection applies to any district, whether created by or~~
31 ~~pursuant to special or general law, which is a special~~

1 ~~district as defined in s. 200.001(8)(c) or a community~~
2 ~~development district as defined in s. 190.003(6).~~

3 ~~(b) The provisions of any special law to the contrary~~
4 ~~notwithstanding, the supervisor of elections may impose an~~
5 ~~interest penalty on any amount due and owing to him or her~~
6 ~~from a special district or community development district if~~
7 ~~payment is not made within 30 days from receipt of the bill or~~
8 ~~within 10 working days of the required time authorized by~~
9 ~~interlocal agreement. The rate of such interest shall be the~~
10 ~~rate established pursuant to s. 55.03.~~

11 ~~(c) The provisions of any special law to the contrary~~
12 ~~notwithstanding, all independent and dependent special~~
13 ~~district elections, with the exception of community~~
14 ~~development district elections, shall be conducted in~~
15 ~~accordance with the requirements of ss. 189.405 and 189.4051.~~

16 Section 108. Section 101.035, Florida Statutes, is
17 created to read:

18 101.035 Duties of election board; opening polls and
19 conducting elections; maintenance of order; closing polls;
20 tabulating results.--

21 (1) An election board at each precinct shall attend
22 the polling place by 6 a.m. of the day of the election to
23 prepare the polling place for voting and shall open the polls
24 at the time set forth in s. 101.033 and conduct the voting in
25 accordance with the provisions of this code.

26 (2)(a) Each election board is fully authorized to
27 maintain order at the polls and enforce obedience to its
28 lawful commands during an election and the canvass of the
29 votes.

30 (b) The sheriff shall deputize a deputy sheriff for
31 each polling place. The deputy sheriff shall be present during

1 the time the polls are open and until the election is
2 completed, shall be subject to all lawful commands of the
3 clerk or any inspector, and shall maintain good order. The
4 deputy may summon assistance from bystanders when necessary to
5 maintain peace and order at the polls.

6 (3) The election board of each precinct shall cause
7 the voting devices to be put in order, set, adjusted, and made
8 ready for voting when delivered to the polling places. Before
9 the opening of the polls, the election board shall compare the
10 ballots or the ballot information used in the voting devices
11 with the sample ballots to ensure that the names, numbers, and
12 letters, if any, agree and shall certify thereto on forms
13 provided by the supervisor.

14 (4) A member of the election board shall periodically
15 examine the face of each voting device to determine whether
16 the device has been damaged or tampered with.

17 (5) The election board conducting the voting at each
18 precinct shall close the polls at the time set forth in s.
19 101.033 and shall then proceed to tabulate the vote and
20 proclaim the results as provided in the code. All ballot
21 boxes, ballots, and paper of all kinds used in the election
22 shall be sealed and immediately transmitted to the
23 supervisor's office. Precinct registers may not be placed in
24 the ballot boxes, but shall be returned with the other
25 materials.

26 Section 109. Section 102.031, Florida Statutes, is
27 transferred, renumbered as section 101.037, Florida Statutes,
28 and amended to read:

29 101.037 ~~102.031~~ ~~Maintenance of good order at polls;~~
30 ~~authorities; persons allowed in polling rooms; unlawful~~
31 ~~Solicitation at the polls of voters.--~~

1 ~~(1) Each election board shall possess full authority~~
2 ~~to maintain order at the polls and enforce obedience to its~~
3 ~~lawful commands during an election and the canvass of the~~
4 ~~votes.~~

5 ~~(2) The sheriff shall deputize a deputy sheriff for~~
6 ~~each polling place who shall be present during the time the~~
7 ~~polls are open and until the election is completed, who shall~~
8 ~~be subject to all lawful commands of the clerk or inspectors,~~
9 ~~and who shall maintain good order. The deputy may summon~~
10 ~~assistance from among bystanders to aid him or her when~~
11 ~~necessary to maintain peace and order at the polls.~~

12 ~~(1)(3)(a) A~~ No person may not, during voting hours,
13 enter any polling room or polling place where the polling
14 place is also a polling room unless he or she is, during
15 voting hours except the following:

16 ~~(a)1.~~ An official poll watcher ~~watchers;~~

17 ~~(b)2.~~ A member of the election board ~~inspectors;~~

18 ~~3.~~ Election clerks;

19 ~~(c)4.~~ The supervisor of elections or a ~~his or her~~
20 deputy supervisor;

21 ~~(d)5.~~ A person ~~Persons~~ there to vote, a person ~~persons~~
22 in the care of a voter, or a person ~~persons~~ caring for a ~~such~~
23 voter;

24 ~~(e)6.~~ A law enforcement officer ~~officers~~ or emergency
25 services ~~service~~ personnel there with permission of the clerk
26 or a majority of the inspectors; or

27 ~~(f)7.~~ A person, whether or not a ~~registered~~ voter, who
28 is assisting with or participating in a simulated election for
29 minors, as approved by the supervisor ~~of elections.~~

30 ~~(2)(b)~~ The restriction in this ~~section~~ subsection ~~does~~
31 not apply where the polling room is in an area commonly

1 traversed by the public in order to gain access to businesses
2 or homes or in an area traditionally used ~~utilized~~ as a public
3 area for discussion.

4 ~~(3)(c)~~ A ~~No~~ person, political committee, committee of
5 continuous existence, or other group or organization may not
6 solicit voters within 50 feet of the entrance to any polling
7 place, or polling room where the polling place is also a
8 polling room, on the day of any election.

9 ~~(a)1.~~ Solicitation may ~~shall~~ not be restricted if:

10 1.a. Conducted from a separately marked area within
11 the 50-foot zone so as not to disturb, hinder, impede,
12 obstruct, or interfere with voter access to the polling place
13 or polling room entrance, ~~and~~

14 ~~b.~~ the solicitation activities and subject matter are
15 clearly and easily identifiable by the voters as an activity
16 in which they may voluntarily participate; or

17 2.c. Conducted on property within the 50-foot zone
18 which is a residence, established business, private property,
19 sidewalk, park, or property traditionally used ~~utilized~~ as a
20 public area for discussion.

21 ~~(b)2.~~ Solicitation is ~~shall~~ not ~~be~~ permitted within
22 the 50-foot zone on a public sidewalk or other similar means
23 of access to the polling room if it is clearly identifiable to
24 the members of the election board ~~poll workers~~ that the
25 solicitation is impeding, obstructing, or interfering with
26 voter access to the polling room or polling place.

27 ~~(4)(d)~~ For the purpose of this section ~~subsection~~, the
28 term "solicit" includes ~~shall include~~, but is not ~~be~~ limited
29 to, seeking or attempting to seek any vote, fact, opinion, or
30 contribution; distributing or attempting to distribute any
31 political or campaign material, leaflet, or handout;

1 conducting a poll; seeking or attempting to seek a signature
2 on any petition; or ~~and~~ selling or attempting to sell any
3 item.

4 (5)~~(e)~~ Each supervisor ~~of elections~~ shall inform the
5 clerk of each precinct of the area within which soliciting is
6 unlawful, based on the particular characteristics of that
7 polling place. The supervisor or the clerk may take any
8 reasonable action necessary to ensure order at the polling
9 place ~~places~~ which shall include:

10 (a)1. Designating a specific area for soliciting
11 pursuant to ~~paragraph (c) of this subsection(3);~~ or

12 (b)2. Having disruptive and unruly persons removed by
13 law enforcement officers from the polling room or polling
14 place or from the 50-foot zone surrounding the polling place.

15 Section 110. Section 102.091, Florida Statutes, is
16 transferred, renumbered as section 101.039, Florida Statutes,
17 and amended to read:

18 101.039 ~~102.091~~ Duty of sheriff to watch for
19 violations; appointment of special officers.--The sheriff
20 shall exercise strict vigilance in the detection of any
21 violations of the code ~~election laws~~ and in apprehending the
22 violators. The Governor may appoint special officers to
23 investigate alleged violations of the code ~~election laws~~, when
24 ~~it is deemed necessary to see that violators of the election~~
25 ~~laws are apprehended and punished.~~

26 Section 111. Section 102.101, Florida Statutes, is
27 transferred, renumbered as section 101.043, Florida Statutes,
28 and amended to read:

29 101.043 ~~102.101~~ Sheriff and other officers not allowed
30 in polling place.--A ~~No~~ sheriff, deputy sheriff, police
31 officer, or other officer of the law is not ~~shall be~~ allowed

1 within the polling place without permission from the clerk ~~or~~
2 ~~a majority of the inspectors~~, except to vote ~~cast his or her~~
3 ~~ballot. Upon the failure of any of said officers to comply~~
4 ~~with this provision,~~The clerk or an inspector ~~the inspectors~~
5 ~~or any one of them~~ shall prepare ~~make~~ an affidavit for the
6 arrest of any ~~against such officer~~ violating this section ~~for~~
7 ~~his or her arrest.~~

8 Section 112. Section 101.131, Florida Statutes, is
9 transferred, renumbered as section 101.047, Florida Statutes,
10 and amended to read:

11 101.047 ~~101.131~~ Poll watchers ~~at polls.~~--

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

24 (2) Each political party and each candidate requesting
25 to have poll watchers shall designate, in writing, poll
26 watchers for each precinct prior to noon of the second Tuesday
27 preceding the election. The poll watchers for each precinct
28 shall be approved by the supervisor ~~of elections~~ on or before
29 the Tuesday before the election. The supervisor shall furnish
30 to each clerk ~~precinct~~ a list of the poll watchers designated
31 and approved for that clerk's ~~such~~ precinct.

1 (3) A ~~No~~ candidate, ~~or~~ sheriff, deputy sheriff, police
2 officer, or other law enforcement officer may not be
3 designated as a poll watcher.

4 Section 113. Section 101.58, Florida Statutes, as
5 amended by section 23 of chapter 2001-40, Laws of Florida, is
6 transferred, renumbered as section 101.049, Florida Statutes,
7 and amended to read:

8 101.049 ~~101.58~~ Supervising and observing registration
9 and election processes.--The division ~~Department of State~~ may,
10 at any time it deems necessary fit; upon the petition of 5
11 percent of the voters of the affected jurisdiction ~~registered~~
12 ~~electors~~; or upon the petition of any candidate, county
13 executive committee chair, state executive committee member
14 ~~committeeman or committeewoman~~, or state executive committee
15 chair, appoint one or more observers ~~deputies whose duties~~
16 ~~shall be~~ to watch ~~observe~~ and examine the registration and
17 election processes and the condition, custody, and operation
18 of the voting system ~~systems and equipment~~ in any county or
19 municipality. The observer ~~deputy~~ shall have access to all
20 registration ~~books and~~ records as well as any other records or
21 procedures relating to the voting process. A person may not
22 ~~The deputy may supervise preparation of the voting equipment~~
23 ~~and procedures for election, and it shall be unlawful for any~~
24 ~~person to~~ obstruct the observer ~~deputy~~ in the performance of
25 his or her duties ~~duty~~. The observer ~~deputy~~ shall file with
26 the division ~~Department of State~~ a report of his or her
27 findings and observations of the registration and election
28 processes in the county or municipality, and a copy of the
29 report shall also be filed with the clerk of the circuit court
30 of the ~~said~~ county. The compensation of observers ~~such~~
31 ~~deputies~~ shall be set fixed by the division. ~~Department of~~

1 ~~State;~~ and Costs incurred under this section shall be paid
2 from the annual operating appropriation made to the division
3 ~~Department of State.~~

4 Section 114. Section 101.24, Florida Statutes, as
5 amended by section 9 of chapter 2001-40, Laws of Florida, is
6 transferred, renumbered as section 101.053, Florida Statutes,
7 and amended to read:

8 101.053 ~~101.24~~ Ballot boxes and ballots.--Where
9 applicable, the supervisor ~~of elections~~ shall prepare for each
10 ~~polling place~~ one or more ballot boxes ~~box of sufficient size~~
11 to contain all the ballots of each ~~the particular~~ precinct.
12 Each, and the ballot box shall be plainly marked with the name
13 of the precinct ~~for which it is intended.~~ An additional ballot
14 ~~box, if necessary, may be supplied to any precinct.~~ Before
15 each election, the supervisor shall place in the ballot box or
16 ballot transfer container as many ballots as are required in
17 ~~s. 101.21.~~ After securely sealing the ballot box or ballot
18 transfer container, the supervisor shall send the ballot box
19 or ballot transfer container to the election board ~~clerk or~~
20 ~~inspector of election~~ of the precinct in which it is to be
21 used. During the election and canvass of the votes, the ballot
22 box may not be concealed. ~~The clerk or inspector shall be~~
23 ~~placed under oath or affirmation to perform his or her duties~~
24 ~~faithfully and without favor or prejudice to any political~~
25 ~~party.~~

26 Section 115. Section 101.72, Florida Statutes, is
27 transferred, renumbered as section 101.055, Florida Statutes,
28 and amended to read:

29 101.055 ~~101.72~~ Booths.--

30 ~~(1) In any county in which voting booths or~~
31 ~~compartments are used,~~ The supervisor ~~of elections~~ shall

1 provide at least one voting booth ~~or compartment~~ for each 125
2 voters registered electors in the county. The supervisor of
3 ~~elections~~ shall determine the actual number of booths or
4 ~~compartments~~ to be used in each precinct at each election. In
5 determining the number of booths or ~~compartments~~ to be used in
6 each precinct, the supervisor shall take into consideration
7 the traditional voting patterns of such precinct and shall
8 furnish the number of booths or ~~compartments~~ necessary to
9 efficiently handle ~~efficiently~~ the number of anticipated
10 voters electors in the precinct. Each booth or ~~compartment~~
11 shall be ~~furnished with a shelf or table for the convenience~~
12 ~~of electors in preparing their ballots and shall be so~~
13 arranged so that it ~~is will be~~ impossible for a voter one
14 ~~elector~~ in one compartment to see a voter ~~an elector~~ in
15 another in the act of marking his or her ballot. Each booth
16 ~~voting table or shelf~~ shall be kept supplied with conveniences
17 for marking the ballots, if necessary.

18 ~~(2) If a county utilizes a voting system which does~~
19 ~~not require the use of a voting booth or compartment as an~~
20 ~~integral part of voting, the minimum number of booths or~~
21 ~~compartments need not be provided.~~

22 Section 116. Section 101.041, Florida Statutes, is
23 transferred, renumbered as section 101.057, Florida Statutes,
24 and amended to read:

25 101.057 ~~101.041~~ Secret voting.--In all elections,
26 including municipal elections held on any subject which may be
27 ~~submitted to a vote, and for all or any state, county,~~
28 ~~district, or municipal officers,~~ the voting shall be by
29 secret, ~~official~~ ballot printed and distributed as provided by
30 this code, and no vote shall be received or counted in any
31 election, ~~except as prescribed by this code.~~

1 Section 117. Section 101.045, Florida Statutes, is
2 transferred, renumbered as section 101.059, Florida Statutes,
3 and amended to read:

4 101.059 ~~101.045~~ Where voters may vote ~~Electors must be~~
5 ~~registered in precinct; provisions for residence or name~~
6 ~~change.--~~

7 (1)(a) A voter may not ~~No person shall be permitted to~~
8 ~~vote in any election precinct or district other than the one~~
9 ~~in which the voter person has his or her legal residence and~~
10 ~~in which the person is registered.~~

11 (b) A voter who has a permanent address within a
12 municipality may vote in all elections of that municipality,
13 the provisions of any special act or local charter
14 notwithstanding.

15 (c) A voter who does not have a permanent address in
16 the county, but who intends to remain a voter of the county,
17 shall be assigned to the precinct in which the office of the
18 supervisor is located. Such voter may not vote in any
19 municipal election.

20 (2) A voter who changes his or her legal residence to
21 another county in this state from the county in which he or
22 she is registered as a voter after registration is closed for
23 any general, primary, or special election may vote absentee in
24 the county of his or her former residence in that election for
25 President, Vice President, United States Senator, statewide
26 offices, and statewide issues. Such voter may not vote in the
27 county of his or her former legal residence after the general
28 election.

29 (3) A person registered to vote in this state who
30 moves to another state and is prohibited by the laws of that
31 state from voting for the offices of President and Vice

1 President of the United States may vote absentee in the county
2 of his or her former legal residence for those offices.

3 ~~However, a person temporarily residing outside the county~~
4 ~~shall be registered in the precinct in which the main office~~
5 ~~of the supervisor, as designated by the supervisor, is located~~
6 ~~when the person has no permanent address in the county and it~~
7 ~~is the person's intention to remain a resident of Florida and~~
8 ~~of the county in which he or she is registered to vote. Such~~
9 ~~persons who are registered in the precinct in which the main~~
10 ~~office of the supervisor, as designated by the supervisor, is~~
11 ~~located and who are residing outside the county with no~~
12 ~~permanent address in the county shall not be registered~~
13 ~~electors of a municipality and therefore shall not be~~
14 ~~permitted to vote in any municipal election.~~

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

20
21 ~~Change of Legal Residence of Registered~~
22 ~~Voter~~
23

24 ~~Under penalties for false swearing, I, ... (Name of voter) ...,~~
25 ~~swear (or affirm) that the former address of my legal~~
26 ~~residence was ... (Address of legal residence) ... in the~~
27 ~~municipality of ..., in ... County, Florida, and I was~~
28 ~~registered to vote in the ... precinct of ... County,~~
29 ~~Florida; that I have not voted in the precinct of my former~~
30 ~~registration in this election; that I now reside at~~
31 ~~... (Address of legal residence) ... in the Municipality of~~

1 ~~...., in County, Florida, and am therefore eligible to~~
2 ~~vote in the precinct of County, Florida; and I~~
3 ~~further swear (or affirm) that I am otherwise legally~~
4 ~~registered and entitled to vote.~~

5
6 ~~...(Signature of voter whose address of legal residence has~~
7 ~~changed)...~~

8
9 ~~(b) An elector whose name changes because of marriage~~
10 ~~or other legal process may be permitted to vote, provided such~~
11 ~~elector completes an affirmation in substantially the~~
12 ~~following form:~~

13
14 ~~Change of Name of Registered~~
15 ~~Voter~~

16
17 ~~Under penalties for false swearing, I, ...(New name of~~
18 ~~voter)...., swear (or affirm) that my name has been changed~~
19 ~~because of marriage or other legal process. My former name and~~
20 ~~address of legal residence appear on the registration books of~~
21 ~~precinct as follows:~~

22 ~~.....~~

23 ~~Address.....~~

24 ~~Municipality.....~~

25 ~~County.....~~

26 ~~Florida, Zip.....~~

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

28 ~~Name.....~~

29 ~~Address.....~~

30 ~~Municipality.....~~

31 ~~County.....~~

1 ~~Florida, Zip.....~~
2 ~~and I further swear (or affirm) that I am otherwise legally~~
3 ~~registered and entitled to vote.~~
4
5 ~~...(Signature of voter whose name has changed)...~~
6
7 ~~(c) Such affirmation, when completed and presented at~~
8 ~~the precinct in which such elector is entitled to vote, and~~
9 ~~upon verification of the elector's registration, shall entitle~~
10 ~~such elector to vote as provided in this subsection. If the~~
11 ~~elector's eligibility to vote cannot be determined, he or she~~
12 ~~shall be entitled to vote a provisional ballot, subject to the~~
13 ~~requirements and procedures in s. 101.048. Upon receipt of an~~
14 ~~affirmation certifying a change in address of legal residence~~
15 ~~or name, the supervisor shall as soon as practicable make the~~
16 ~~necessary changes in the registration records of the county to~~
17 ~~indicate the change in address of legal residence or name of~~
18 ~~such elector.~~
19 ~~(d) Instead of the affirmation contained in paragraph~~
20 ~~(a) or paragraph (b), an elector may complete a voter~~
21 ~~registration application that indicates the change of name or~~
22 ~~change of address of legal residence.~~
23 ~~(e) A request for an absentee ballot pursuant to s.~~
24 ~~101.62 which indicates that the elector has had a change of~~
25 ~~address of legal residence from that in the supervisor's~~
26 ~~records shall be sufficient as the notice to the supervisor of~~
27 ~~change of address of legal residence required by this section.~~
28 ~~Upon receipt of such request for an absentee ballot from an~~
29 ~~elector who has changed his or her address of legal residence,~~
30 ~~the supervisor shall provide the elector with the proper~~
31

1 ~~ballot for the precinct in which the elector then has his or~~
2 ~~her legal residence.~~

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

13 Section 118. Section 101.657, Florida Statutes, is
14 transferred, renumbered as section 101.062, Florida Statutes,
15 and amended to read:

16 101.062 ~~101.657~~ Early voting absentee ballots in
17 person.--

18 ~~(1)~~ Notwithstanding s. 101.059, any voter qualified
19 and registered elector may pick up and vote a an absentee
20 ballot, when available, in person at the office of, and under
21 the supervision of, the supervisor of elections. Before
22 receiving the ballot, the voter elector must present a Florida
23 driver's license, a Florida identification card issued under
24 s. 322.051, or another form of picture identification approved
25 by the division Department of State. If the voter elector
26 fails to furnish the required identification, or if the
27 supervisor is in doubt as to the identity of the voter
28 elector, the supervisor must follow the procedure prescribed
29 in s. 101.103 s. 101.49.

30 ~~(2) As an alternative to the provisions of ss. 101.64~~
31 ~~and 101.65, the supervisor of elections may allow an elector~~

1 ~~to cast an absentee ballot in the main or branch office of the~~
2 ~~supervisor by depositing the voted ballot in a voting device~~
3 ~~used by the supervisor to collect or tabulate ballots. The~~
4 ~~results or tabulation may not be made before the close of the~~
5 ~~polls on election day.~~

6 (1)~~(a)~~ The voter ~~elector~~ must provide picture
7 identification and must complete an In-Office Voter
8 Certificate in substantially the following form:

9

10 IN-OFFICE VOTER CERTIFICATE

11

12 I, , am a qualified ~~elector in this election~~ and
13 registered voter of County, Florida. I do solemnly swear
14 or affirm that I am the person so listed on the voter
15 registration records ~~rolls~~ of County and that I reside at
16 the listed address. I understand that if I commit or attempt
17 to commit fraud in connection with voting, vote a fraudulent
18 ballot, or vote more than once in an election I could be
19 convicted of a felony of the third degree and both fined up to
20 \$5,000 and imprisoned for up to 5 years. I understand that my
21 failure to sign this certificate and have my signature
22 witnessed invalidates my ballot.

23

24

25 . . . (Voter's Signature) . . .

26

27 . . . (Address) . . .

28

29 . . . (City/State) . . .

30

31 . . . (Name of Witness) . . .

1
2 ... (Signature of Witness) ...

3
4 ... (Type of identification provided) ...

5
6 (2)(b) Any voter ~~elector~~ may challenge any other voter
7 ~~an elector~~ seeking to cast an early absentee ballot under the
8 provisions of s. 101.111. Any challenged ballot must be placed
9 and sealed in a provisional regular absentee ballot envelope,
10 and the oaths required pursuant to s. 101.111 shall be affixed
11 to the outside of the envelope. The canvassing board shall
12 review the ballot and decide the validity of the ballot by
13 majority vote.

14 (3)(c) The canvass of returns for ballots cast under
15 this subsection shall be substantially the same as votes cast
16 by voters ~~electors~~ in precincts, as provided in s. 102.135 ~~s.~~
17 ~~101.5614~~. The results or tabulation of early voted ballots may
18 not be made before the close of the polls on election day.

19 Section 119. Section 101.063, Florida Statutes, is
20 created to read:

21 101.063 Change of residence or name at polls.--

22 (1) A voter who moves from one precinct to another in
23 the county in which the voter is registered may be permitted
24 to vote in the precinct to which he or she has moved his or
25 her legal residence, provided the voter completes an
26 affirmation in substantially the following form:

27
28 Change of Legal Residence of Voter
29
30 Under penalties for false swearing, I, ... (Name of voter) ...,
31 swear (or affirm) that my former address of legal residence

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

10
11 ...(Signature of voter whose address of legal residence has
12 changed)...

13
14 (2) A voter whose name changes because of marriage or
15 other legal process may be permitted to vote, provided that
16 such voter completes an affirmation in substantially the
17 following form:

18
19 Change of Name of Voter

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

26
27 Name

28 Address

29 City

30 County

31 Florida, Zip

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

2 Name

3 Address

4 City

5 County

6 Florida, Zip

7

8 And I further swear (or affirm) that I am otherwise legally
9 registered and entitled to vote.

10

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

12 (3) An affirmation required under this section, when
13 completed and presented at the precinct in which the voter is
14 entitled to vote, entitles the voter to vote as provided in
15 this section. If a voter's eligibility to vote cannot be
16 determined, he or she is entitled to vote a provisional
17 ballot, subject to the requirements and procedures in s.
18 101.083. Upon receipt of an affirmation certifying a change in
19 address of legal residence or name, the supervisor shall as
20 soon as practicable make the necessary changes in the
21 registration records of the county to indicate the change in
22 address of legal residence or name of the voter.

23 (4) Instead of the affirmation contained in subsection
24 (1) or subsection (2), a voter may complete a voter
25 registration application that indicates the change of name or
26 change of legal residence.

27 Section 120. Section 101.075, Florida Statutes, is
28 created to read:

29 101.075 Precinct registers.--

30 (1) A computer printout shall be used at the polls as
31 a precinct register. The precinct register shall contain the

1 date of the election, the precinct number, and the following
2 information concerning each voter of that precinct: last name,
3 first name, and middle name or initial; political party
4 affiliation; residence address; registration number; date of
5 birth; gender; and race or ethnicity, if that information is
6 known to the supervisor; whether the voter needs assistance in
7 voting; and such other information as to readily identify the
8 voter. The precinct register shall also contain a space for
9 the voter's signature and a space for the initials of the
10 witnessing clerk or inspector.

11 (2) The precinct register shall be available for
12 inspection during regular voting hours by poll watchers,
13 except that the inspector may regulate access to the precinct
14 register to ensure that such inspection does not interfere
15 with the orderly operation of the polling place.

16 Section 121. Section 101.079, Florida Statutes, is
17 created to read:

18 101.079 Signature verification upon entering polling
19 place.--

20 (1) When a person appears at the polling place to
21 vote, the clerk or inspector shall require the voter to
22 present a Florida driver's license, a Florida identification
23 card issued under s. 322.051, or other form of picture
24 identification approved by the division. A member of the
25 election board shall check the precinct register to determine
26 if the person is registered to vote in that precinct.

27 (a) If the person's name appears on the precinct
28 register, the clerk or inspector shall require that voter to
29 sign his or her name on the space provided on the precinct
30 register. The clerk or inspector shall then compare that
31 signature to the signature of the identification provided by

1 the voter. If satisfied as to the identity of the voter, the
2 clerk or inspector shall enter his or her initials on the
3 space provided on the precinct register next to the voter's
4 signature and allow the voter to proceed to vote.

5 (b)1. If the person's name does not appear on the
6 precinct register, the person may have his or her name
7 restored if the supervisor is otherwise satisfied that the
8 person is validly registered, that the person's name has been
9 erroneously omitted from the precinct register, and that the
10 person is entitled to have his or her name restored. If
11 satisfied as to the person's previous registration, the
12 supervisor shall allow the voter to vote.

13 2. If the voter's name is not in the precinct register
14 and his or her eligibility to vote cannot be determined, the
15 voter is entitled to vote a provisional ballot pursuant to s.
16 101.083.

17 (2) If the person fails to furnish the required
18 identification, or if the clerk or inspector is in doubt as to
19 the identity of the voter, the clerk or inspector shall follow
20 the procedure prescribed in s. 101.103.

21 (3) The inspector shall prevent any person from voting
22 a second time when the inspector has reason to believe that
23 the person has voted.

24 Section 122. Section 101.048, Florida Statutes, is
25 transferred, renumbered as section 101.083, Florida Statutes,
26 and amended to read:

27 101.083 ~~101.048~~ Provisional ballots.--

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

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

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

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

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

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

25
26 STATE OF FLORIDA
27 COUNTY OF

28
29 I do solemnly swear (or affirm) that my name is;
30 that my date of birth is; that I am registered to vote
31 and at the time I registered I resided at, in the

1 municipality of , in County, Florida; that I am a
2 ~~qualified~~ voter of the county and have not voted in this
3 election.

4(Signature of Voter)

5(Current Address)

6

7 Sworn to and subscribed before me this day of ,
8(year)

9(Clerk or Inspector of Election)

10

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

14

15 (4) In counties where the voting system does not use
16 ~~utilize~~ a paper ballot, the supervisor ~~of elections~~ shall
17 provide the appropriate provisional ballots to each polling
18 place.

19

20 Section 123. Section 101.49, Florida Statutes, as
21 amended by section 14 of chapter 2001-40, Laws of Florida, is
22 transferred, renumbered as section 101.103, Florida Statutes,
23 and amended to read:

24 101.103 ~~101.49~~ Procedure of election officers where
25 signatures differ.--

26

27 (1) Whenever any clerk or inspector reasonably, ~~upon a~~
28 ~~just comparison of the signatures, doubts that the identity of~~
29 ~~a voter signature of any elector who presents himself or~~
30 ~~herself at the polls to vote is the same as the signature of~~
31 ~~the elector affixed in the registration book, the clerk or~~
inspector shall deliver to the person an affidavit which shall
be in substantially the following form:

1
2 STATE OF FLORIDA,
3 COUNTY OF

4 I do solemnly swear (or affirm) that my name is;
5 that I am years old; that I was born in the State of
6; that I am registered to vote, and at the time I
7 registered I resided on Street, in the municipality of
8, County of, State of Florida; that I am a qualified
9 voter of the county and state ~~aforsaid~~ and have not voted in
10 this election.

11(Signature of voter)...

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

14(Clerk or inspector of election)...

15 Precinct No.
16 County of

17

18 (2) The person shall fill out, in his or her own
19 handwriting or with assistance from a member of the election
20 board, the form and make an affidavit to the facts stated in
21 the filled-in form; such affidavit shall then be sworn to and
22 subscribed before one of the inspectors or clerks of the
23 election who is authorized to administer the oath. Whenever
24 the affidavit is made and filed with the clerk or inspector,
25 the person shall then be admitted to cast his or her vote, but
26 if the person fails or refuses to make out or file such
27 affidavit, then he or she shall not be permitted to vote.

28 Section 124. Section 101.111, Florida Statutes, is
29 amended to read:
30
31

1 101.111 Person desiring to vote may be challenged;
2 challenger to execute oath; oath of person challenged ~~elector~~;
3 determination of challenge.--

4 (1) When the right ~~to vote~~ of any person ~~who desires~~
5 to vote is challenged ~~questioned~~ by any voter ~~elector~~ or poll
6 watcher, the challenge shall be made in ~~reduced to~~ writing
7 ~~with an oath~~ as provided in this section and, ~~giving reasons~~
8 ~~for the challenge, which shall be~~ delivered to the clerk or
9 ~~inspector. Any elector or authorized poll watcher challenging~~
10 ~~an elector at an election shall execute the oath set forth~~
11 ~~below:~~

12
13 OATH OF PERSON ENTERING CHALLENGE

14
15 State of Florida
16 County of

17
18 I, ...(print name)..., ~~do solemnly swear or affirm~~ that I am
19 registered to vote in County, Florida; that my date of
20 birth is; my name is; that I am a member of the
21 ~~party; that I am years old; that I was born in the state~~
22 ~~of or the country of; that my address of legal~~
23 ~~residence is on street, in the municipality of; and~~
24 that I have reason to believe that is attempting to vote
25 illegally and the reasons for my belief are as follows ~~set~~
26 ~~forth herein to wit:~~

27
28
29 ...(Signature of person challenging voter)...

1 Sworn and subscribed to before me this day of,
2 ...(year)....
3(Clerk of election)...

4
5 (2) Before a person who is challenged ~~elector~~ is
6 permitted to vote ~~by any officer or person in charge of~~
7 ~~admission to the polling place~~, the challenged person's
8 ~~elector's~~ right to vote shall be determined in accordance with
9 ~~the provisions of~~ subsection (3). The clerk ~~or inspector~~
10 shall immediately deliver to the person challenged ~~elector~~ a
11 copy of the oath of the person entering the challenge and
12 shall request that the person challenged ~~elector~~ to execute
13 the following oath affidavit:

14
15 OATH OF PERSON CHALLENGED ~~VOTER~~

16
17 State of Florida
18 County of

19
20 I, ...(print name)... ~~do solemnly swear or affirm~~ that I am
21 registered to vote in precinct of County, Florida,
22 and that I am not entitled to vote in any other precinct for
23 this election; ~~my name is~~ that I am a member of the
24 party; that my date of birth is ~~I am~~ years old; ~~that I~~
25 ~~was born in the state of or the country of~~ and that
26 my address of legal residence is on street, in the
27 municipality of, in this the precinct of
28 county; ~~that I personally made application for registration~~
29 ~~and signed my name and that I am a qualified voter, and I am~~
30 ~~not registered to vote in any other precinct other than the~~
31 ~~one in which I am presently seeking to vote.~~

1 as to the identity of such person, the clerk or inspector
2 shall compare the person's appearance with the description
3 entered upon the precinct register opposite the person's name.
4 The clerk or inspector shall then proceed as in other cases to
5 determine whether the challenged person may vote.

6 Section 125. Section 101.051, Florida Statutes, is
7 transferred, renumbered as section 101.113, Florida Statutes,
8 and amended to read:

9 101.113 ~~101.051~~ Voters ~~Electors~~ seeking assistance in
10 casting ballots; oath to be executed; forms to be furnished.--

11 (1) A voter ~~Any elector applying to vote in any~~
12 ~~election~~ who is eligible for ~~requires~~ assistance in voting to
13 ~~vote~~ by reason of ~~blindness, disability, or inability to read~~
14 or write may request the assistance of two members of the
15 election board officials or some other person of the voter's
16 choosing to assist him or her in voting. Such person may not
17 be the voter's ~~elector's own choice, other than the elector's~~
18 ~~employer, an agent of the voter's employer, or an officer or~~
19 ~~agent of the voter's his or her union, to assist the elector~~
20 ~~in casting his or her vote. Any such elector, Before entering~~
21 ~~retiring to the voting booth, the voter~~ may have one person of
22 ~~such persons~~ read over to him or her, without suggestion or
23 interference, ~~the titles of the offices to be filled, and the~~
24 candidates for those offices, therefor and the issues on the
25 ballot. After requesting assistance, the voter and those
26 assisting the voter ~~elector requests the aid of the two~~
27 ~~election officials or the person of the elector's choice, they~~
28 shall proceed ~~retire~~ to the voting booth for the purpose of
29 marking ~~casting~~ the ballot ~~elector's vote~~ according to the
30 voter's ~~elector's~~ choice.

31

1
2
3(Signature of voter)...

4
5 Sworn and subscribed to before me this day of,
6 ...(year)....
7(Signature of Official Administering Oath)...

8
9 (6) If a voter is unable to execute the declaration
10 because of his or her disability or inability to read or
11 write, the official administering the oath shall do so orally,
12 if possible, and complete the declaration and note those facts
13 on the declaration.

14 ~~(5) The supervisor of elections shall deliver a~~
15 ~~sufficient number of these forms to each precinct, along with~~
16 ~~other election paraphernalia.~~

17 Section 126. Section 101.031, Florida Statutes, is
18 transferred, renumbered as section 101.115, Florida Statutes,
19 and amended to read:

20 101.115 ~~101.031~~ The Voter's Bill of Rights and
21 Responsibilities ~~Instructions for electors.--~~

22 (1)(a) The division shall provide to the supervisor at
23 least two sets of the Voter's Bill of Rights and
24 Responsibilities for each precinct, which shall be displayed
25 at each polling place on election day.

26 ~~(1) The Department of State, or in case of municipal~~
27 ~~elections the governing body of the municipality, shall print,~~
28 ~~in large type on cards, instructions for the electors to use~~
29 ~~in voting. It shall provide not less than two cards for each~~
30 ~~voting precinct for each election and furnish such cards to~~
31 ~~each supervisor upon requisition. Each supervisor of~~

1 ~~elections shall send a sufficient number of these cards to the~~
2 ~~precincts prior to an election. The election inspectors shall~~
3 ~~display the cards in the polling places as information for~~
4 ~~electors. The cards shall contain information about how to~~
5 ~~vote and such other information as the Department of State may~~
6 ~~deem necessary. The cards must also include the list of rights~~
7 ~~and responsibilities afforded to Florida voters, as described~~
8 ~~in subsection (2).~~

9 ~~(b)(2) The supervisor of elections in each county~~
10 ~~shall have posted at each polling place in the county The~~
11 ~~Voter's Bill of Rights and Responsibilities shall be in the~~
12 ~~following form:~~

13
14 VOTER'S BILL OF RIGHTS

15
16 Each registered voter in this state has the right to:

- 17 1. Vote and have his or her vote accurately counted.
- 18 2. Cast a vote if he or she is in line when the polls
- 19 are closing.
- 20 3. Ask for and receive assistance in voting.
- 21 4. Receive up to two replacement ballots if he or she
- 22 makes a mistake prior to the ballot being cast.
- 23 5. An explanation if his or her registration is in
- 24 question.
- 25 6. If his or her registration is in question, cast a
- 26 provisional ballot.
- 27 7. Prove his or her identity by signing an affidavit
- 28 if election officials doubt the voter's identity.
- 29 8. Written instructions to use when voting, and, upon
- 30 request, oral instructions in voting from elections officers.

31

1 9. Vote free from coercion or intimidation by
2 elections officers or any other person.

3 10. Vote on a voting system that is in working
4 condition and that will allow votes to be accurately cast.

5
6 VOTER RESPONSIBILITIES
7

8 Each registered voter in this state has the
9 responsibility to:

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

21 ~~(2)(3)~~ Nothing in This section does not shall give
22 rise to a legal cause of action.

23 ~~(4) In case any elector, after entering the voting~~
24 ~~booth, shall ask for further instructions concerning the~~
25 ~~manner of voting, two election officers who are not both~~
26 ~~members of the same political party, if present, or, if not,~~
27 ~~two election officers who are members of the same political~~
28 ~~party, shall give such instructions to such elector, but no~~
29 ~~officer or person assisting an elector shall in any manner~~
30 ~~request, suggest, or seek to persuade or induce any elector to~~
31 ~~vote for or against any particular ticket, candidate,~~

1 ~~amendment, question, or proposition. After giving the elector~~
2 ~~instructions and before the elector has voted, the officers or~~
3 ~~persons assisting the elector shall retire, and such elector~~
4 ~~shall vote in secret.~~

5 Section 127. Section 101.5611, Florida Statutes, is
6 transferred, renumbered as section 101.118, Florida Statutes,
7 and amended to read:

8 101.118 ~~101.5611~~ Instructions for voters to
9 electors.--

10 (1) The division shall provide the supervisor with at
11 least two sets of general voting instructions for each
12 precinct. Both sets of instructions shall be displayed at each
13 polling place on election day. ~~For the instruction of voters~~
14 ~~on election day, the supervisor of elections shall provide at~~
15 ~~each polling place one instruction model illustrating the~~
16 ~~manner of voting with the system. Each such instruction model~~
17 ~~shall show the arrangement of party rows, office columns, and~~
18 ~~questions to be voted on. Such model shall be located at a~~
19 ~~place which voters must pass to reach the official voting~~
20 ~~booth.~~

21 ~~(2) Before entering the voting booth each voter shall~~
22 ~~be offered instruction in voting by use of the instruction~~
23 ~~model, and the voter shall be given ample opportunity to~~
24 ~~operate the model by himself or herself. In instructing~~
25 ~~voters, no precinct official may show partiality to any~~
26 ~~political party or candidate.~~

27 ~~(2)(3)~~ (2) The supervisor of elections shall have posted
28 at each polling place a notice that reads: "A person who
29 commits or attempts to commit any fraud in connection with
30 voting, votes a fraudulent ballot, or votes more than once in
31

1 an election can be convicted of a felony of the third degree
2 and fined up to \$5,000 and/or imprisoned for up to 5 years."

3 (3) Before entering the voting booth, each voter shall
4 be offered instruction in the proper use of the voting system
5 and the manner of casting ballots.

6 (4) If a voter, after entering the voting booth, asks
7 for further instruction with respect to the manner of voting,
8 two members of the election board who are not members of the
9 same political party, if possible, shall give such instruction
10 to the voter. A member of the election board instructing a
11 voter may not suggest, or seek to persuade or induce, the
12 voter to vote for or against any particular candidate or
13 issue. After giving the voter instruction and before the voter
14 has voted, the members of the election board shall leave the
15 voting booth.

16 Section 128. Section 101.51, Florida Statutes, is
17 amended to read:

18 101.51 Voters ~~Electors~~ to occupy booth alone; time
19 allowed.--

20 (1) When a person ~~the elector~~ presents himself or
21 herself to vote, a member of the election board ~~official~~ shall
22 ascertain whether the person's ~~elector's~~ name is in upon the
23 precinct register of electors, and, if so, he or she shall be
24 allowed ~~the elector's name appears and no challenge~~
25 ~~interposes, or, if interposed, be not sustained, one of the~~
26 ~~election officials stationed at the entrance shall announce~~
27 ~~the name of the elector and permit him or her to enter the~~
28 ~~booth or compartment to cast his or her vote, allowing only~~
29 ~~one elector at a time to pass through to vote, unless the~~
30 person's right to vote is successfully challenged. Only one
31 voter at a time shall occupy a voting booth. A voter may not

1 allow another person in the booth, except to receive
2 assistance as provided in s. 101.113.~~No elector, while~~
3 ~~casting his or her ballot, shall occupy a booth or compartment~~
4 ~~longer than 5 minutes or be allowed to occupy a booth or~~
5 ~~compartment already occupied or to speak with anyone, except~~
6 ~~as provided by s. 101.051, while in the polling place.~~

7 (2) A voter may not occupy a booth longer than 5
8 minutes.~~If a voter an elector~~ requires longer than 5 minutes,
9 ~~he or she, then~~ upon offering a sufficient reason, ~~he or she~~
10 may be granted a longer period of time by the election board
11 ~~officials in charge.~~ After ~~casting his or her vote, the~~
12 ~~elector shall at once leave the polling room by the exit~~
13 ~~opening and shall not be permitted to reenter on any pretext~~
14 ~~whatever.~~After the voter ~~elector~~ has voted, or declined or
15 failed to vote within 5 minutes or by the end of any
16 authorized extension of that period, he or she shall
17 immediately leave ~~withdraw from~~ the polling place and may not
18 reenter it for any reason. If the voter ~~elector~~ refuses to
19 leave after the time allowed ~~lapse of 5 minutes,~~ he or she
20 shall be removed by the election officials.

21 Section 129. Section 101.5608, Florida Statutes, is
22 transferred, renumbered as section 101.557, Florida Statutes,
23 and amended to read:

24 101.557 ~~101.5608~~ Spoiled ballots ~~Voting by electronic~~
25 ~~or electromechanical method; procedures.--~~

26 ~~(1) Each elector desiring to vote shall be identified~~
27 ~~to the clerk or inspector of the election as a duly qualified~~
28 ~~elector of such election and shall sign his or her name in ink~~
29 ~~or indelible pencil to an identification blank, signature~~
30 ~~slip, precinct register, or ballot stub on which the ballot~~
31 ~~serial number may be recorded. The inspector shall compare~~

1 ~~the signature with the signature on the identification~~
2 ~~provided by the elector. If the inspector is reasonably sure~~
3 ~~that the person is entitled to vote, the inspector shall~~
4 ~~provide the person with a ballot.~~

5 ~~(2) When an electronic or electromechanical voting~~
6 ~~system utilizes a ballot card or paper ballot, the following~~
7 ~~procedures shall be followed:~~

8 ~~(a) After receiving a ballot from an inspector, the~~
9 ~~elector shall, without leaving the polling place, retire to a~~
10 ~~booth or compartment and mark the ballot. After preparing his~~
11 ~~or her ballot, the elector shall place the ballot in a secrecy~~
12 ~~envelope with the stub exposed or shall fold over that portion~~
13 ~~on which write-in votes may be cast, as instructed, so that~~
14 ~~the ballot will be deposited in the ballot box without~~
15 ~~exposing the voter's choices. Before the ballot is deposited~~
16 ~~in the ballot box, the inspector shall detach the exposed stub~~
17 ~~and place it in a separate envelope for audit purposes; when a~~
18 ~~fold-over ballot is used, the entire ballot shall be placed in~~
19 ~~the ballot box.~~

20 ~~(b) For voting systems using paper ballots, any voter~~
21 ~~who spoils his or her ballot or makes an error may return the~~
22 ~~ballot to the election official and secure another ballot,~~
23 ~~except that in no case shall a voter be furnished more than~~
24 ~~three ballots. If the vote tabulation device has rejected a~~
25 ~~ballot, the ballot shall be considered spoiled and a new~~
26 ~~ballot shall be provided to the voter unless the voter chooses~~
27 ~~to cast the rejected ballot. The election official, without~~
28 ~~examining the original ballot, shall state the possible~~
29 ~~reasons for the rejection and direct the voter to the~~
30 ~~instructions ~~instruction model~~ provided at the precinct~~
31 ~~pursuant to s. 101.118 ~~s. 101.5611~~. A spoiled ballot shall be~~

1 preserved, without examination, in an envelope provided for
2 that purpose. ~~The stub shall be removed from the ballot and~~
3 ~~placed in an envelope.~~

4 ~~(c) The supervisor of elections shall prepare for each~~
5 ~~polling place at least one ballot box to contain the ballots~~
6 ~~of a particular precinct, and each ballot box shall be plainly~~
7 ~~marked with the name of the precinct for which it is intended.~~

8 ~~(3) The Department of State shall promulgate rules~~
9 ~~regarding voting procedures to be used when an electronic or~~
10 ~~electromechanical voting system is of a type which does not~~
11 ~~utilize a ballot card or paper ballot.~~

12 ~~(4) In any election in which a write-in candidate has~~
13 ~~qualified for office, the supervisor of elections shall~~
14 ~~provide for write-in voting pursuant to rules adopted by the~~
15 ~~Division of Elections.~~

16 Section 130. Section 101.6101, Florida Statutes, is
17 reenacted to read:

18 101.6101 Short title.--Sections 101.6101-101.6107 may
19 be cited as the "Mail Ballot Election Act."

20 Section 131. Section 101.6102, Florida Statutes, is
21 amended to read:

22 101.6102 Mail ballot elections; limitations.--

23 (1)(a) An election may be conducted by mail ballot if:

24 1. The election is a referendum election at which all
25 or a portion of the voters ~~qualified electors~~ of one of the
26 following subdivisions of government are the only voters
27 ~~electors~~ eligible to vote:

28 a. Counties;

29 b. Cities;

30 c. School districts covering no more than one county;

31 or

1 d. Special districts;

2 2. The governing body responsible for calling the
3 election and the supervisor ~~of elections~~ responsible for the
4 conduct of the election authorize the use of mail ballots for
5 the election; and

6 3. The division ~~Secretary of State~~ approves a written
7 plan for the conduct of the election, submitted by the
8 supervisor, which shall include a written timetable for the
9 conduct of the election, ~~submitted by the supervisor of~~
10 ~~elections~~.

11 (b) ~~In addition~~, An annexation referendum that ~~which~~
12 includes only voters ~~qualified electors~~ of one county may also
13 be voted on by mail ballot election. If a mail ballot election
14 is authorized for a municipal annexation referendum, the
15 provisions of ss. 101.6101-101.6107 shall control over any
16 conflicting provisions of s. 171.0413.

17 (2) The following elections may not be conducted by
18 mail ballot:

19 (a) An election at which any candidate is nominated,
20 elected, retained, or recalled; or

21 (b) An election held on the same date as another
22 election, other than a mail ballot election, in which the
23 voters ~~qualified electors~~ of that political subdivision are
24 eligible to cast ballots.

25 (3) The supervisor is ~~of elections shall be~~
26 responsible for the conduct of any election held under ss.
27 101.6101-101.6107.

28 (4) The county canvassing board is responsible for
29 canvassing the votes of all mail ballot elections.

30
31

1 (5)~~(4)~~ The costs of a mail ballot election shall be
2 borne by the jurisdiction initiating the calling of the
3 election, unless otherwise provided by law.

4 ~~(5) Nothing in this section shall be construed to~~
5 ~~prohibit the use of a mail ballot election in a municipal~~
6 ~~annexation referendum requiring separate vote of the~~
7 ~~registered electors of the annexing municipality and of the~~
8 ~~area proposed to be annexed. If a mail ballot election is~~
9 ~~authorized for a municipal annexation referendum, the~~
10 ~~provisions of ss. 101.6101-101.6107 shall control over any~~
11 ~~conflicting provisions of s. 171.0413.~~

12 Section 132. Section 101.6103, Florida Statutes, is
13 amended to read:

14 101.6103 Mail ballot election procedure.--

15 (1) Except as otherwise provided in subsection(7)
16 ~~(6)~~, the supervisor of elections shall mail all official
17 ballots with a secrecy envelope, a return mailing envelope,
18 and instructions sufficient to describe the voting process to
19 each voter ~~elector~~ entitled to vote in the election not sooner
20 than the 20th day before the election and not later than the
21 10th day before the date of the election. All such ballots
22 shall be mailed by first-class mail. Ballots shall be
23 addressed to each voter ~~elector~~ at the address appearing in
24 the registration records and placed in an envelope which is
25 prominently marked "Do Not Forward."

26 (2) Upon receipt of the ballot, the voter ~~elector~~
27 shall mark the ballot, place it in the secrecy envelope, sign
28 the return mailing envelope supplied with the ballot, and
29 comply with the instructions provided with the ballot. The
30 voter ~~elector~~ shall mail, deliver, or have delivered the
31 marked ballot so that it reaches the supervisor ~~of elections~~

1 no later than 7 p.m. on the day of the election. The ballot
2 must be returned in the return mailing envelope.

3 (3) The return mailing envelope shall contain a
4 statement in substantially the following form:

5
6 VOTER'S CERTIFICATE

7
8 I, ...(Print Name)..., do solemnly swear (or affirm)
9 that I am a qualified voter in this election and that I have
10 not and will not vote more than one ballot in this election.

11 I understand that failure to sign this certificate ~~and~~
12 ~~give my residence address~~ will invalidate my ballot.

13 ...(Signature)...

14 ...(Residence Address)...

15
16 (4) If the ballot is destroyed, spoiled, lost, or not
17 received by the voter ~~elector~~, the voter ~~elector~~ may obtain a
18 replacement ballot from the supervisor ~~of elections~~ as
19 provided in this subsection. A voter ~~An elector~~ seeking a
20 replacement ballot shall sign a sworn statement that the
21 ballot was destroyed, spoiled, lost, or not received and
22 present such statement to the supervisor ~~of elections~~ prior to
23 7 p.m. on the day of the election. The supervisor ~~of~~
24 ~~elections~~ shall keep a record of each replacement ballot
25 provided under this subsection.

26 (5) A ballot shall be counted only if:

27 (a) It is returned in the return mailing envelope;

28 (b) The voter's ~~elector's~~ signature has been verified
29 as provided in ~~this~~ subsection (6); and

30 (c) It is received by the supervisor ~~of elections~~ not
31 later than 7 p.m. on the day of the election.

1 (6) The supervisor ~~of elections~~ shall verify the
2 signature of each voter ~~elector~~ on the return mailing envelope
3 with the signature on the voter's ~~elector's~~ registration
4 records. Such verification may commence at any time prior to
5 the canvass of votes. The supervisor ~~of elections~~ shall
6 safely keep the ballot unopened in the supervisor's ~~his or her~~
7 office until the county canvassing board canvasses the vote.
8 If the supervisor ~~of elections~~ determines that a voter ~~an~~
9 ~~elector~~ to whom a replacement ballot has been issued under
10 subsection (4) has voted more than once, the canvassing board
11 shall determine which ballot, if any, is to be counted.

12 ~~(7)(6)~~ With respect to absentee voters ~~absent electors~~
13 overseas and other absentee voters entitled to vote in the
14 election, the supervisor ~~of elections~~ shall mail a ~~an official~~
15 ballot with a secrecy envelope, a return mailing envelope, and
16 instructions sufficient to describe the voting process to each
17 such voter ~~elector~~ on a date sufficient to allow the voter
18 ~~such elector~~ time to vote in the election and to have his or
19 her marked ballot reach the supervisor by 7 p.m. on the day of
20 the election.

21 Section 133. Section 101.6104, Florida Statutes, is
22 amended to read:

23 101.6104 Challenge of votes.--If any voter ~~elector~~
24 present for the canvass of votes believes that any ballot is
25 illegal due to any defect apparent on the voter's certificate,
26 the voter ~~elector~~ may, at any time before the ballot is
27 removed from the envelope, file with the canvassing board a
28 protest against the canvass of such ballot, specifying the
29 reason he or she believes the ballot to be illegal. A ~~No~~
30 challenge based upon any defect on the voter's certificate may
31

1 ~~not shall~~ be accepted after the ballot has been removed from
2 the return mailing envelope.

3 Section 134. Section 101.6105, Florida Statutes, is
4 amended to read:

5 101.6105 Absentee voting.--The provisions of the
6 ~~election~~ code relating to absentee voting and absentee ballots
7 shall apply to elections under ss. 101.6101-101.6107 only
8 insofar as they do not conflict with the provisions of ss.
9 101.6101-101.6107.

10 Section 135. Section 101.6106, Florida Statutes, is
11 reenacted to read:

12 101.6106 Application of other election laws.--All laws
13 that are applicable to general elections are applicable to
14 mail ballot elections to the extent applicable.

15 Section 136. Section 101.6107, Florida Statutes, is
16 amended to read:

17 101.6107 Division ~~Department of State~~ to adopt
18 rules.--The division ~~Department of State~~ shall adopt rules
19 governing the procedures and forms necessary to implement ss.
20 101.6101-101.6107.

21 Section 137. Section 101.62, Florida Statutes, is
22 amended to read:

23 101.62 Request for absentee ballots.--

24 (1)(a) The supervisor may accept a request for an
25 absentee ballot from a voter ~~an elector~~ in person or in
26 writing. One request is ~~shall be deemed~~ sufficient to receive
27 an absentee ballot for all elections that ~~which~~ are held
28 within a calendar year, unless the voter ~~elector~~ or the
29 voter's ~~elector's~~ designee indicates at the time the request
30 is made the elections for which the voter ~~elector~~ desires to
31 receive an absentee ballot. Such request may be considered

1 canceled when any first-class mail sent by the supervisor to
2 the voter ~~elector~~ is returned as undeliverable.

3 (b) The supervisor may accept a written or telephonic
4 request for an absentee ballot from the voter ~~elector~~, or, if
5 directly instructed by the voter ~~elector~~, a member of the
6 voter's ~~elector's~~ immediate family, or the voter's ~~elector's~~
7 legal guardian. For purposes of this section, the term
8 "immediate family" has the same meaning as specified in
9 paragraph(3)(d)~~(4)(b)~~. The person making the request must
10 disclose:

11 1. The name of the voter ~~elector~~ for whom the ballot
12 is requested;

13 2. The voter's ~~elector's~~ address;

14 3. The voter's ~~elector's~~ date of birth;

15 4. The requester's name;

16 5. The requester's address;

17 6. The requester's driver's license number, if
18 available;

19 7. The requester's relationship to the voter ~~elector~~;
20 and

21 8. The requester's signature (written requests only).

22 ~~(2) If a request for an absentee ballot is received~~
23 ~~after the Friday before the election by the supervisor of~~
24 ~~elections from an absent elector overseas, the supervisor~~
25 ~~shall send a notice to the elector acknowledging receipt of~~
26 ~~his or her request and notifying the elector that the ballot~~
27 ~~will not be forwarded due to insufficient time for return of~~
28 ~~the ballot by the required deadline.~~

29 ~~(2)(3)~~ For each request for an absentee ballot
30 received, the supervisor shall record the date the request was
31 made, the date the absentee ballot was delivered or mailed,

1 the date the ballot was received by the supervisor, and such
2 other information the supervisor considers ~~he or she may deem~~
3 necessary. This information is ~~shall be~~ confidential and
4 exempt from ~~the provisions of~~ s. 119.07(1) and shall be made
5 available to or reproduced only for a canvassing board, an
6 election official, a political party or official thereof, a
7 candidate who has filed qualification papers and is opposed in
8 an upcoming election, and registered political committees or
9 registered committees of continuous existence, for political
10 purposes only.

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

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

14 (3)(b) As soon as the remainder of the absentee
15 ballots are printed, the supervisor shall provide an absentee
16 ballot by one of the following means to each voter who has
17 requested an absentee elector by whom a request for that
18 ballot has been made by one of the following means:

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

23 1.a. The voter ~~elector~~ is absent from the county and
24 does not plan to return before the day of the election;

25 2.b. The voter ~~elector~~ is temporarily unable to occupy
26 the residence because of hurricane, tornado, flood, fire, or
27 other emergency or natural disaster; or

28 3.c. The voter ~~elector~~ is in a hospital,
29 assisted-living facility, nursing home, short-term medical or
30 rehabilitation facility, or correctional facility,

31

1 in which case the supervisor shall mail the ballot by
2 nonforwardable, return-if-undeliverable mail to any other
3 address the voter ~~elector~~ specifies in the request.

4 (b)2. By forwardable mail to a voter ~~voters~~ who is ~~are~~
5 entitled to vote by absentee ballot under the Uniformed and
6 Overseas Citizens Voting Act.

7 (c)3. By personal delivery to the voter ~~elector~~, upon
8 presentation of the identification required in s. 101.062 ~~s.~~
9 ~~101.657~~.

10 (d)4. By delivery to a designee on election day or up
11 to 4 days prior to the day of an election. Any voter ~~elector~~
12 may designate in writing a person to pick up the ballot for
13 the voter ~~elector~~; however, the person designated may not pick
14 up more than two absentee ballots per election, other than the
15 designee's own ballot, except that additional ballots may be
16 picked up for members of the designee's immediate family. For
17 purposes of this section, the term "immediate family" means
18 the designee's spouse or the parent, child, grandparent, or
19 sibling of the designee or of the designee's spouse. The
20 designee shall provide to the supervisor the written
21 authorization by the voter ~~elector~~ and a picture
22 identification of the designee and must complete an affidavit.
23 The designee shall state in the affidavit that the designee is
24 authorized by the voter ~~elector~~ to pick up that ballot and
25 shall indicate if the voter ~~elector~~ is a member of the
26 designee's immediate family and, if so, the relationship. The
27 division ~~department~~ shall prescribe the form of the affidavit.
28 If the supervisor is satisfied that the designee is authorized
29 to pick up the ballot and that the signature of the voter
30 ~~elector~~ on the written authorization matches the signature of
31

1 the voter ~~elector~~ on file, the supervisor shall give the
2 ballot to that designee for delivery to the voter ~~elector~~.

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

8 (4)~~(6)~~ Nothing other than the materials necessary to
9 vote absentee shall be mailed or delivered with any absentee
10 ballot.

11 Section 138. 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 absentee voter ~~absent elector~~ shall enclose his or her marked
18 ballot; and a mailing envelope, into which the absentee voter
19 ~~absent elector~~ shall then place the secrecy envelope, which
20 shall be addressed to the supervisor and also bear on the back
21 side a certificate in substantially the following form:

22
23 Note: Please Read Instructions Carefully Before
24 Marking Ballot and Completing Voter's Certificate.

25
26 VOTER'S CERTIFICATE

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

1 101.65 Instructions to absentee voters ~~absent~~
2 ~~electors~~.--The supervisor shall enclose with each absentee
3 ballot separate printed instructions in substantially the
4 following form:
5
6 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.
7 1. ~~VERY IMPORTANT~~. In order to ensure that your
8 absentee ballot will be counted, it should be completed and
9 returned as soon as possible so that it can reach the
10 supervisor of elections of the county in which your precinct
11 is located no later than 7 p.m. on the day of the election.
12 2. Mark your ballot in secret as instructed on the
13 ballot. You must mark your own ballot unless you are unable to
14 do so because of ~~blindness, disability, or inability to read~~
15 or write.
16 3. Place your marked ballot in the enclosed secrecy
17 envelope.
18 4. Insert the secrecy envelope into the enclosed
19 mailing envelope which is addressed to the supervisor.
20 5. Seal the mailing envelope and completely fill out
21 the Voter's Certificate on the back of the mailing envelope.
22 6. ~~VERY IMPORTANT~~. In order for your absentee ballot
23 to be counted, you must sign your name on the line above
24 (Voter's Signature).
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. Mail, deliver, or have delivered the completed
2 mailing envelope. Be sure there is sufficient postage if
3 mailed.

4 10. ~~FELONY NOTICE~~. It is a felony under Florida law to
5 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 to vote more than once in an election, or to vote under any
9 other circumstances making your ballot false or fraudulent.

10 Section 140. Section 101.655, Florida Statutes, is
11 amended to read:

12 101.655 Supervised voting by absentee voters ~~absent~~
13 ~~electors~~ in certain facilities.--

14 (1) The supervisor ~~of elections of a county~~ shall
15 provide supervised voting for absentee voters ~~absent electors~~
16 residing in any assisted living facility, as defined in s.
17 400.402, or nursing home facility, as defined in s. 400.021,
18 within that county at the request of any administrator of such
19 a facility. Such request for supervised voting in the facility
20 shall be made by submitting a written request to the
21 supervisor ~~of elections~~ no later than 21 days prior to the
22 election for which that request is submitted. The request
23 shall specify the name and address of the facility and the
24 names name of the voters ~~electors~~ who wish to vote absentee in
25 that election. If the request contains the names of fewer
26 than five voters, the supervisor ~~of elections~~ is not required
27 to provide supervised voting.

28 (2) The supervisor ~~of elections~~ may, in the absence of
29 a request from the administrator of a facility, provide for
30 supervised voting in the facility for those persons who have
31 requested absentee ballots. The supervisor ~~of elections~~ shall

1 notify the administrator of the facility that supervised
2 voting will occur.

3 (3) The supervisor ~~of elections~~ shall, in cooperation
4 with the administrator of the facility, select a date and time
5 when the supervised voting will occur.

6 (4) The supervisor ~~of elections~~ shall designate
7 supervised voting teams to provide the services prescribed by
8 this section. Each supervised voting team shall include at
9 least two persons. Each supervised voting team must include
10 representatives of more than one political party; however, in
11 any primary election to nominate party nominees in which only
12 one major political party has candidates appearing on the
13 ballot, all supervised voting team members may be of that
14 political party. A ~~No~~ candidate may not provide supervised
15 voting services.

16 (5) The supervised voting team shall deliver the
17 ballots to the respective absentee voters ~~absent electors~~, and
18 each member of the team shall jointly supervise the voting of
19 the ballots. If any voter ~~elector~~ requests assistance in
20 voting, the oath prescribed in s. 101.113 ~~s. 101.051~~ shall be
21 completed and the voter ~~elector~~ may receive the assistance of
22 two members of the supervised voting team or some other person
23 of the voter's choosing ~~elector's choice~~ to assist the voter
24 ~~elector~~ in casting the ~~elector's~~ ballot.

25 (6) Before providing assistance, the supervised voting
26 team shall disclose to the voter ~~elector~~ that the ballot may
27 be retained to vote at a later time and that the voter ~~elector~~
28 has the right to seek assistance in voting from some other
29 person of the voter's choosing ~~elector's choice~~ without the
30 presence of the supervised voting team.

31

1 (7) If any voter ~~elector~~ declines to vote a ballot or
2 is unable to vote a ballot, the supervised voting team shall
3 mark the ballot "refused to vote" or "unable to vote."

4 (8) After the ballots have been voted or marked in
5 accordance with the provisions of this section, the supervised
6 voting team shall deliver the ballots to the supervisor of
7 ~~elections~~, who shall retain them pursuant to s. 101.725 ~~s.~~
8 ~~101.67~~.

9 Section 141. Section 101.661, Florida Statutes, is
10 amended to read:

11 101.661 Voting absentee ballots.--All voters ~~electors~~
12 must personally mark or designate their choices on the
13 absentee ballot, except:

14 (1) Voters ~~Electors~~ who require assistance to vote
15 because of ~~blindness, disability, or inability to read or~~
16 write. Such voter, who may have some person of the voter's
17 choosing ~~elector's choice~~, other than the voter's ~~elector's~~
18 employer, an agent of the voter's employer, or an officer or
19 agent of the voter's ~~elector's~~ union, mark the voter's
20 ~~elector's~~ choices or assist the voter ~~elector~~ in marking his
21 or her choices on the ballot.

22 (2) As otherwise provided in s. 101.113 ~~s. 101.051~~ or
23 s. 101.655.

24 Section 142. Section 101.665, Florida Statutes, is
25 transferred, renumbered as section 101.6931, Florida Statutes,
26 and amended to read:

27 101.6931 ~~101.665~~ Administration of oaths; military
28 personnel, federal employees, and other absentee
29 registrants.--For the purposes of this code, oaths may be
30 administered and attested by any commissioned officer in the
31 active service of the Armed Forces, any member of the Merchant

1 Marine of the United States designated for this purpose by the
2 Secretary of Commerce, any civilian official empowered by
3 state or federal law to administer oaths, any supervisor of
4 elections, deputy supervisor of elections, or employee of the
5 supervisor at the supervisor's express direction of elections
6 ~~when designated by the supervisor of elections~~, or any
7 civilian employee designated by the head of any department or
8 agency of the United States, except when this code requires an
9 oath to be administered and attested by another official
10 specifically named.

11 Section 143. Section 101.694, Florida Statutes, is
12 amended to read:

13 101.694 Mailing of ballots after ~~upon~~ receipt of
14 federal postcard application.--

15 (1) After ~~Upon~~ receipt of a federal postcard
16 application for an absentee ballot executed by a person whose
17 registration is in order or whose application is sufficient to
18 register or update the registration of that person, the
19 supervisor shall mail to the applicant a ballot, when ~~if~~ the
20 ballots are available ~~for mailing~~.

21 (2) After ~~Upon~~ receipt of a federal postcard
22 application for an absentee ballot executed by a person whose
23 registration is not in order and whose application is
24 insufficient to register or update the registration of that
25 person, the supervisor shall follow the procedure set forth in
26 s. 98.039 ~~s. 97.073~~.

27 (3) ~~There shall be printed across the face of Each~~
28 envelope in which a ballot is sent to a federal postcard
29 applicant, or is returned by such applicant to the supervisor,
30 shall have two parallel horizontal red bars, each one-quarter
31 ~~inch wide, extending from one side of the envelope to the~~

1 ~~other side, with an intervening space of one quarter inch, the~~
2 ~~top bar to be 1 1/4 inches from the top of the envelope, and~~
3 ~~with the words "Official Election Balloting Material via Air~~
4 ~~Mail," or similar language, between the bars. There shall be~~
5 printed in the upper right corner of each such envelope, in a
6 box, the words "Free of U. S. Postage, including Air Mail."
7 All other specifications shall ~~printing on the face of each~~
8 ~~envelope shall be in red, and there shall be printed in red in~~
9 ~~the upper left corner of each ballot envelope an appropriate~~
10 ~~inscription or blanks for return address of sender.~~
11 ~~Additional specifications may~~ be prescribed by rule of the
12 division of ~~Elections~~ upon recommendation of the presidential
13 designee under the Uniformed and Overseas Citizens Absentee
14 Voting Act. Otherwise, the envelopes shall be the same as
15 those used in sending ballots to, or receiving them from,
16 other absentee voters.

17 ~~(4) Cognizance shall be taken of the fact that~~
18 ~~absentee ballots and other materials such as instructions and~~
19 ~~envelopes are to be carried via air mail, and, to the maximum~~
20 ~~extent possible, such ballots and materials shall be reduced~~
21 ~~in size and weight of paper. The same ballot shall be used,~~
22 ~~however, as is used by other absentee voters.~~

23 Section 144. Section 100.025, Florida Statutes, is
24 transferred, renumbered as section 101.6945, Florida Statutes,
25 and amended to read:

26 101.6945 ~~100.025~~ Voters ~~Citizens~~ residing overseas;
27 notice of elections.--A voter ~~citizen of this state~~ who is
28 residing overseas may notify the supervisor of ~~elections~~ in
29 the county where he or she is registered of his or her
30 overseas address and e-mail address, if available. ~~and,~~
31 ~~thereafter,~~The supervisor shall notify such voter at each

1 address provided ~~citizen~~ at least 90 days prior to each
2 ~~regular~~ primary and general election ~~elections~~ and when
3 possible prior to any special election so that such voter
4 ~~citizen~~ may follow the procedures for absentee voting ~~provided~~
5 ~~by law~~.

6 Section 145. Section 101.6951, Florida Statutes, is
7 amended to read:

8 101.6951 State write-in ballot.--

9 (1) An overseas voter may request, not earlier than
10 180 days before a general election, a state write-in absentee
11 ballot from the supervisor ~~of elections~~ in the county of
12 registration. In order to receive a state write-in ballot, the
13 voter shall state that due to military or other contingencies
14 that preclude normal mail delivery, the voter cannot vote an
15 absentee ballot during the normal absentee voting period.
16 State write-in absentee ballots shall be made available to
17 voters 90 to 180 days prior to a general election. The
18 division ~~Department of State~~ shall prescribe by rule the form
19 of the state write-in ballot.

20 (2) In completing the ballot, the overseas voter may
21 designate his or her choice by writing in the name of the
22 candidate or by writing in the name of a political party, in
23 which case the ballot must be counted for the candidate of
24 that political party, if there is such a party candidate on
25 the ballot.

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

31

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

4 Section 146. Section 101.6952, Florida Statutes, is
5 amended to read:

6 101.6952 Absentee ballots for overseas voters.--

7 (1)(a) At least 35 days before the first primary
8 election, the supervisor must mail an absentee ballot to each
9 overseas voter who has made a proper request for an absentee
10 ballot. At least 45 days before the second primary and general
11 election, the supervisor must mail an advance absentee ballot
12 to such persons requesting absentee ballots for those
13 elections.

14 1. The advance absentee ballot for the second primary
15 shall be the same as the first primary absentee ballot as to
16 the names of candidates, except that for any offices where
17 there are only two candidates, those offices and all major
18 political party executive committee offices shall be omitted.

19 2. The advance absentee ballot for the general
20 election shall be the same as the regular general election
21 ballot, except as provided in s. 99.063(4) and, except where
22 major political party nominations were not made in the first
23 primary, the names of the candidates placing first and second
24 in the first primary election shall be printed on the advance
25 ballot.

26 (b) The advance absentee ballot shall be of a
27 different color for each election and also a different color
28 from the absentee ballots for the first primary, second
29 primary, and general election.

30 (c) The supervisor shall mail an advance absentee
31 ballot for the second primary and general election to each

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

10 (d) The division shall prescribe rules for a ballot to
11 be sent to overseas voters if the Elections Canvassing
12 Commission is unable to certify the results of an election for
13 a state office in time to comply with the provisions of this
14 subsection.

15 (2)(1) If an overseas voter's request for an absentee
16 ballot includes an e-mail address, the supervisor ~~of elections~~
17 shall inform the voter of the names of candidates who will be
18 on the ballots via electronic transmission. The supervisor ~~of~~
19 ~~elections~~ shall e-mail to the voter the list of candidates for
20 the primary and general election not later than 30 days before
21 each election.

22 (3) Unless an absentee ballot is able to be
23 transmitted pursuant to s. 101.697, if a request for an
24 absentee ballot is received after the Friday before the
25 election by the supervisor from an overseas voter, the
26 supervisor shall send a notice to the voter acknowledging
27 receipt of his or her request and notifying the voter that the
28 ballot will not be forwarded due to insufficient time for the
29 return of the ballot by the required deadline.

30 (4)(2) 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 147. Section 101.697, Florida Statutes, is
6 amended to read:

7 101.697 Electronic transmission of election
8 materials.--The division ~~Department of State~~ shall adopt rules
9 to authorize a supervisor ~~of elections~~ to accept a request for
10 an 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 148. Section 101.698, Florida Statutes, is
17 reenacted 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 149. Section 101.69, Florida Statutes, is
30 transferred, renumbered as section 101.699, Florida Statutes,
31 and amended to read:

1 101.699 ~~101.69~~ Voting in person; return of absentee
2 ballot.--~~The provisions of This code does not shall not be~~
3 ~~construed to prohibit a voter who has requested an absentee~~
4 ~~ballot for an election any elector~~ from voting in person at
5 the voter's ~~elector's~~ precinct on the day of the ~~an~~ election
6 if he or she returns the absentee ~~notwithstanding that the~~
7 ~~elector has requested an absentee ballot for that election.~~
8 ~~An elector who has received an absentee ballot, but desires to~~
9 ~~vote in person, shall return the ballot, whether voted or not,~~
10 to the election board in his or her ~~the elector's~~ precinct.
11 The returned ballot shall be marked "canceled" by the board
12 and placed with other canceled ballots. However, if the voter
13 ~~elector~~ is unable to return the ballot, the voter ~~elector~~ may
14 vote a provisional ballot as provided in s. 101.083 ~~s.~~
15 ~~101.048.~~

16 Section 150. Section 101.67, Florida Statutes, is
17 transferred, renumbered as section 101.725, Florida Statutes,
18 and amended to read:

19 101.725 ~~101.67~~ Safekeeping of mailed ballots; deadline
20 for receiving absentee ballots.--

21 (1) The supervisor ~~of elections~~ shall ensure the
22 safety of all ~~safely keep in his or her office any~~ envelopes
23 received containing marked absentee ballots ~~of absent~~
24 ~~electors, and he or she~~ shall, before the canvassing of the
25 election returns, deliver the envelopes to the county
26 canvassing board along with the ~~his or her~~ file or list kept
27 regarding those ~~said~~ ballots.

28 (2) To be counted, an absentee ballot ~~All marked~~
29 ~~absent electors' ballots to be counted~~ must be received by the
30 supervisor by 7 p.m. the day of the election. Any absentee
31 ballot ~~All ballots~~ received thereafter shall be marked with

1 the time and date of receipt and filed in the supervisor's
2 office.

3 Section 151. Section 101.545, Florida Statutes, is
4 transferred, renumbered as section 101.727, Florida Statutes,
5 and amended to read:

6 101.727 ~~101.545~~ Retention and destruction of certain
7 election materials.--All ballots, forms, and other election
8 materials shall be retained in the custody of the supervisor
9 ~~of elections~~ in accordance with the schedule approved by the
10 Division of Library and Information Services of the department
11 ~~of State~~. All unused ballots, forms, and other election
12 materials may, with the approval of the department ~~of State~~,
13 be destroyed by the supervisor after the election for which
14 such ballots, forms, or other election materials were to be
15 used.

16 Section 152. Section 101.731, Florida Statutes, is
17 amended to read:

18 101.731 Elections emergencies.--

19 (1) SHORT TITLE.--This section Sections 101.731-101.74
20 may be cited as the "Elections Emergency Act."

21 (2) DEFINITION.--As used in this section, the term
22 "emergency" means any occurrence, or threat thereof, whether
23 accidental, intentional, or due to natural causes, in war or
24 in peace, which results or may result in substantial injury or
25 harm to the population or substantial damage to or loss of
26 property to the extent that it will prohibit an election
27 official's ability to conduct a safe and orderly election.

28 (3) INTENT.--Because of the existing and continuing
29 possibility of an emergency or common disaster occurring
30 before or during a regularly scheduled or special election and
31 in order to ensure maximum citizen participation in the

1 electoral process, provide a safe and orderly procedure for
2 persons seeking to exercise their right to vote, generally
3 minimize to whatever degree possible a person's exposure to
4 danger during declared states of emergency, and protect the
5 integrity of the electoral process, it is found and declared
6 to be necessary to designate a procedure for the emergency
7 suspension or delay and rescheduling of elections.

8 (4) ELECTIONS EMERGENCY CONTINGENCY PLAN.--

9 (a) The Governor may, upon issuance of an executive
10 order declaring a state of emergency or impending emergency,
11 suspend or delay an election. The Governor may take such
12 action independently or at the request of the Secretary of
13 State, a supervisor from a county affected by the emergency
14 circumstances, or a municipal clerk from a municipality
15 affected by the emergency circumstances.

16 (b) The Governor, upon consultation with the Secretary
17 of State, shall reschedule any election suspended or delayed
18 due to an emergency. The election shall be held within 10 days
19 after the date of the suspended or delayed election or as soon
20 thereafter as is practicable. Notice of the election shall be
21 published at least once in a newspaper of general circulation
22 in the affected area and, where practicable, broadcast as a
23 public service announcement on radio and television stations
24 at least 1 week prior to the date the election is to be held.

25 (c) The division shall adopt, by rule, an elections
26 emergency contingency plan that shall give specific direction
27 to state and local election officials when an election has
28 been suspended or delayed due to an emergency. The contingency
29 plan shall be statewide in scope and shall address, but not be
30 limited to:

31

1 1. Providing a procedure for state and local election
2 officials to follow when an election has been suspended or
3 delayed to ensure notice of the suspension or delay to the
4 proper authorities, the voters, the communications media, poll
5 workers, and the custodians of polling places.

6 2. Providing a procedure for the orderly conduct of a
7 rescheduled election, whether municipal, county, district, or
8 statewide in scope; coordinating those efforts with the
9 appropriate election official and the members of the governing
10 body holding such election, if appropriate; and working with
11 the appropriate emergency management officials in determining
12 the safety of existing polling places or designating
13 additional polling places.

14 3. Providing a procedure for the release and
15 certification of election returns to the division for
16 elections suspended or delayed and subsequently rescheduled
17 under this section.

18 (5) TEMPORARY CHANGE OF POLLING PLACE IN CASE OF
19 EMERGENCY.--In case of an emergency existing in any precinct
20 at the time of the holding of any election, the supervisor may
21 establish, at any safe and convenient point outside such
22 precinct, an additional polling place for the voters of that
23 precinct to vote. The registration records of the affected
24 precinct shall be used at the newly established polling place.

25 Section 153. Section 100.241, Florida Statutes, is
26 transferred, renumbered as section 101.77, Florida Statutes,
27 and amended to read:

28 101.77 ~~100.241~~ Freeholder voting; election; penalties
29 for ineligible persons who vote as freeholders.--

30 (1) In any election or referendum in which only voters
31 ~~electors~~ who are freeholders are qualified to vote, the

1 precinct registers ~~regular registration books~~ covering the
2 precincts located within the geographical area in which the
3 election or referendum is to be held shall be used.

4 (2) Qualification and registration of voters ~~electors~~
5 participating in the ~~such an~~ election or referendum shall be
6 the same as prescribed for voting in other elections under
7 this code. ~~and,~~ In addition, each voter ~~such elector~~ shall
8 submit proof by affidavit made before an inspector that the
9 voter ~~elector~~ is a freeholder who is a voter ~~qualified elector~~
10 residing in the county, district, or municipality in which the
11 election or referendum is to be held.

12 (3) Each voter ~~registered elector~~ who makes a sworn
13 affidavit of ownership to the inspectors, giving ~~either~~ a
14 legal description, address, or location of property in the
15 voter's ~~elector's~~ name which is not wholly exempt from
16 taxation, shall be entitled to vote in the election or
17 referendum and shall be considered a freeholder.

18 (4) The actual costs of conducting the ~~such~~
19 ~~freeholders'~~ election or referendum shall be paid by the
20 county, district, or municipality requiring the election or
21 referendum ~~same~~ to be held.

22 (5) ~~It is unlawful for any~~ A person may not to vote in
23 any county, district, or other election or referendum that
24 ~~which~~ is limited to voters ~~a vote of the electors~~ who are
25 freeholders, unless such person is a freeholder and a voter
26 ~~qualified elector~~. Any person who violates ~~the provisions of~~
27 this subsection commits ~~is guilty of~~ a misdemeanor of the
28 first degree, punishable as provided in s. 775.082 or s.
29 775.083.

30 Section 154. Sections 101.002, 101.017, 101.21,
31 101.22, 101.23, Florida Statutes; section 101.34, Florida

1 Statutes, as amended by section 11 of chapter 2001-40, Laws of
2 Florida; sections 101.5601 and 101.5602, Florida Statutes;
3 section 101.5603, Florida Statutes, as amended by section 15
4 of chapter 2001-40, Laws of Florida; section 101.5604, Florida
5 Statutes, as amended by section 16 of chapter 2001-40, Laws of
6 Florida; and sections 101.5610, 101.5613, 101.5615, 101.635,
7 101.663, 101.732, 101.733, 101.74, and 101.75, Florida
8 Statutes, are repealed.

9 Section 155. Section 101.5614, Florida Statutes, as
10 amended by section 22 of chapter 2001-40, Laws of Florida, is
11 transferred, renumbered as section 102.135, Florida Statutes,
12 and amended to read:

13 102.135 ~~101.5614~~ Canvass of returns.--

14 (1) ~~In precincts in which an electronic or~~
15 ~~electromechanical voting system is used,~~As soon as the polls
16 are closed, the election board shall secure the voting devices
17 against further voting. The election board shall thereafter,
18 ~~open the ballot box~~ in the presence of members of the public
19 desiring to witness the proceedings,and count the number of
20 voted ballots, unused ballots, provisional ballots, and
21 spoiled ballots to ascertain whether such number corresponds
22 with the number of ballots issued ~~by the supervisor~~. If there
23 is a difference, this fact shall be reported in writing to the
24 county canvassing board together with the reasons,~~therefor~~ if
25 known. The total number of voted ballots shall be entered on
26 the forms provided. The proceedings of the election board at
27 the precinct after the polls have closed shall be open to the
28 public; however, no person except a member of the election
29 board shall touch any ballot or ballot container or interfere
30 with or obstruct the orderly count of the ballots.

31

1 (2) The division ~~Department of State~~ shall, in
2 accordance with s. 101.0002 ~~s. 101.015~~, adopt rules that
3 provide safeguards for the counting of votes at a precinct and
4 at a central or regional location.

5 (3) The results of ballots tabulated at precinct
6 locations may be transmitted to the main computer system for
7 the purpose of compilation of complete returns. The security
8 guidelines for transmission of returns shall conform to rules
9 adopted by the division ~~Department of State~~ pursuant to s.
10 101.0002 ~~s. 101.015~~.

11 ~~(4) If ballot cards are used, and separate write-in~~
12 ~~ballots or envelopes for casting write-in votes are used,~~
13 ~~write-in ballots or the envelopes on which write-in ballots~~
14 ~~have been cast shall be serially numbered, starting with the~~
15 ~~number one, and the same number shall be placed on the ballot~~
16 ~~card of the voter. This process may be completed at either~~
17 ~~the precinct by the election board or at the central counting~~
18 ~~location. For each ballot or ballot and ballot envelope on~~
19 ~~which write-in votes have been cast, the canvassing board~~
20 ~~shall compare the write-in votes with the votes cast on the~~
21 ~~ballot card; if the total number of votes for any office~~
22 ~~exceeds the number allowed by law, a notation to that effect,~~
23 ~~specifying the office involved, shall be entered on the back~~
24 ~~of the ballot card or in a margin if voting areas are printed~~
25 ~~on both sides of the ballot card. Such votes shall not be~~
26 ~~counted. All valid votes shall be tallied by the canvassing~~
27 ~~board.~~

28 ~~(4)(5)~~ If any paper ballot card of the type for which
29 the offices and measures are not printed directly on the card
30 is damaged or defective so that it cannot properly be counted
31 by the automatic tabulating equipment, a true duplicate copy

1 shall be made of the damaged ballot ~~card~~ in the presence of
2 witnesses and substituted for the damaged ballot. Likewise, a
3 duplicate ballot ~~card~~ shall be made of a ~~defective~~ ballot
4 containing an overvoted race or a marked ballot in which every
5 race is undervoted which shall ~~not~~ include all valid the
6 invalid votes. All duplicate ballot cards shall be clearly
7 labeled "duplicate," bear a serial number which shall be
8 recorded on the damaged or defective ballot card, and be
9 counted in lieu of the damaged or defective ballot. If any
10 ballot card of the type for which offices and measures are
11 printed directly on the card is damaged or defective so that
12 it cannot properly be counted by the automatic tabulating
13 equipment, a true duplicate copy may be made of the damaged
14 ballot card in the presence of witnesses and in the manner set
15 forth above, or the valid votes on the damaged ballot card may
16 be manually counted at the counting center by the canvassing
17 board, whichever procedure is best suited to the system used.
18 If any paper ballot is damaged or defective so that it cannot
19 be counted properly by the automatic tabulating equipment, the
20 ballot shall be counted manually at the counting center by the
21 canvassing board. The totals for all such ballots or ballot
22 cards counted manually shall be added to the totals for the
23 several precincts or election districts. No vote shall be
24 declared invalid or void if there is a clear indication on the
25 ballot that the voter has made a definite choice as determined
26 by the canvassing board, based on rules adopted by the
27 division pursuant to s. 102.144(5). All duplicate ballots
28 shall be clearly labeled "duplicate," bear a serial number
29 that is recorded on the defective ballot, and shall be counted
30 in lieu of the defective ballot. After duplicating a ballot,
31 the defective ballot shall be placed in an envelope provided

1 for that purpose, and the duplicate ballot shall be tallied
2 with the other ballots for that precinct.

3 (5)~~(6)~~ If there is no clear indication on the ballot
4 that the voter has made a definite choice for an office or
5 issue ~~ballot measure~~, the voter's ~~elector's~~ ballot may ~~shall~~
6 not be counted for that office or issue ~~measure~~, but the
7 ballot may ~~shall~~ not be invalidated as to those names or
8 issues that ~~measures which~~ are properly marked.

9 (6)~~(7)~~ Absentee ballots may be counted by automatic
10 tabulating equipment if they have been marked in a manner
11 which will enable them to be properly counted by such
12 equipment.

13 (7)~~(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 (8)~~(9)~~ Any supervisor ~~of elections~~, deputy supervisor
23 ~~of elections~~, canvassing board member, election board member,
24 or 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 156. Section 102.141, Florida Statutes, is
29 amended to read:

30 102.141 County canvassing board; duties.--
31

1 (1) The county canvassing board shall be composed of
2 the supervisor ~~of elections~~; a county court judge, who shall
3 act as chair; and the chair of the board of county
4 commissioners. ~~If in the event~~ any member of the county
5 canvassing board is unable to serve, is a candidate who has
6 opposition in the election being canvassed, or is an active
7 participant in the campaign or candidacy of any candidate who
8 has opposition in the election being canvassed, such member
9 shall be replaced as follows:

10 (a) If no county court judge is able or qualified to
11 serve ~~or if all are disqualified~~, the chief judge of the
12 judicial circuit in which the county is located shall appoint
13 as a substitute member a voter ~~qualified elector~~ of the county
14 who is not a candidate with opposition in the election being
15 canvassed and who is not an active participant in the campaign
16 or candidacy of any candidate with opposition in the election
17 being canvassed. In such event, the members of the county
18 canvassing board shall meet and elect a chair.

19 (b) If the supervisor ~~of elections~~ is unable to serve
20 or is disqualified, the chair of the board of county
21 commissioners shall appoint as a substitute member a member of
22 the board of county commissioners who is not a candidate with
23 opposition in the election being canvassed and who is not an
24 active participant in the campaign or candidacy of any
25 candidate with opposition in the election being canvassed.
26 However, the supervisor, ~~however,~~ shall act in an advisory
27 capacity to the canvassing board.

28 (c) If the chair of the board of county commissioners
29 is unable to serve or is disqualified, the board of county
30 commissioners shall appoint as a substitute member one of its
31 members who is not a candidate with opposition in the election

1 being canvassed and who is not an active participant in the
2 campaign or candidacy of any candidate with opposition in the
3 election being canvassed.

4 (d) If a substitute member cannot be appointed as
5 provided elsewhere in this subsection, the chief judge of the
6 judicial circuit in which the county is located shall appoint
7 as a substitute member a voter ~~qualified elector~~ of the county
8 who is not a candidate with opposition in the election being
9 canvassed and who is not an active participant in the campaign
10 or candidacy of any candidate with opposition in the election
11 being canvassed.

12 (2) The county canvassing board shall meet in a
13 building accessible to the public in the county where the
14 election occurred at a time and place to be designated by the
15 supervisor ~~of elections~~ to publicly canvass the absentee
16 ~~electors'~~ballots as provided for in s. 102.143 ~~s. 101.68~~ and
17 provisional ballots as provided by s. 101.083 ~~s. 101.048~~.
18 Public notice of the time and place at which the county
19 canvassing board shall meet to canvass the absentee ~~electors'~~
20 ballots and provisional ballots shall be given at least 48
21 hours prior thereto by publication once in one or more
22 newspapers of general circulation in the county or, if there
23 is no newspaper of general circulation in the county, by
24 posting such notice in at least four conspicuous places in the
25 county. As soon as the absentee ~~electors'~~ballots and the
26 provisional ballots are canvassed, the board shall proceed to
27 publicly canvass the vote given each candidate, ~~nominee,~~
28 constitutional amendment, or other issue ~~measure~~ submitted to
29 the voters ~~electorate~~ of the county, as shown by the returns
30 then on file in the office of the supervisor ~~of elections and~~
31 ~~the office of the county court judge.~~

1 (3) The canvass, except the canvass of absentee ballot
2 ~~electors~~ returns and the canvass of provisional ballots,
3 shall be made from the returns and certificates of the
4 inspectors and the clerk as signed and filed by them with the
5 ~~county court judge and supervisor.~~, respectively, and The
6 county canvassing board may ~~shall~~ not change the number of
7 votes cast ~~for a candidate, nominee, constitutional amendment,~~
8 ~~or other measure submitted to the electorate of the county,~~
9 ~~respectively, in any polling place,~~ as shown by the returns.
10 All returns shall be made to the board on or before 2 a.m. of
11 the day following the ~~any primary, general, special, or other~~
12 election.

13 (4) If the returns from any precinct are missing, if
14 there are any omissions on the returns from any precinct, or
15 if there is an obvious error on the ~~any such~~ returns from any
16 precinct, the canvassing board shall order a recount of the
17 returns from such precinct. Before canvassing such returns,
18 the canvassing board shall examine the tabulation of the
19 ballots cast in such precinct and determine whether the
20 returns correctly reflect the votes cast. If there is a
21 discrepancy between the returns and the tabulation of the
22 ballots cast, the tabulation ~~of the ballots cast~~ shall be
23 presumed correct and such votes shall be canvassed
24 accordingly.

25 (5)~~(4)~~ The canvassing board shall submit unofficial
26 returns to the division ~~Department of State~~ for each federal,
27 statewide, state, or multicounty office or issue ~~ballot~~
28 ~~measure~~ no later than noon on the day after the ~~any primary,~~
29 ~~general, special, or other~~ election.

30 (6)~~(5)~~ If the county canvassing board determines that
31 the unofficial returns may contain a counting error in which

1 the vote tabulation system failed to count votes that were
2 properly marked in accordance with the instructions on the
3 ballot, the county canvassing board shall:

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

6 (b) Request that the division ~~Department of State~~
7 verify the tabulation software. When the division ~~Department~~
8 ~~of State~~ verifies such software, the division ~~department~~ shall
9 compare the software used to tabulate the votes with the
10 software filed with the division ~~department~~ pursuant to s.
11 101.0006 ~~s. 101.5607~~ and check the election parameters.

12 ~~(7)(6)~~ If the unofficial returns reflect that a
13 candidate for any office was defeated or eliminated by
14 one-half of a percent or less of the votes cast for such
15 office, that a candidate for retention to a judicial office
16 was retained or not retained by one-half of a percent or less
17 of the votes cast on the question of retention, or that an
18 issue ~~a measure appearing on the ballot~~ was approved or
19 rejected by one-half of a percent or less of the votes cast on
20 such issue ~~measure~~, the board responsible for certifying the
21 results of the vote on such office ~~race~~ or issue ~~measure~~ shall
22 order a recount of the votes cast with respect to such office
23 or issue ~~measure~~. A recount need not be ordered with respect
24 to the returns for any office, however, if the candidate or
25 candidates defeated or eliminated from contention for such
26 office by one-half of a percent or less of the votes cast for
27 such office request in writing that a recount not be made.

28 (a) In counties with voting systems that use ~~ballot~~
29 ~~cards or paper~~ ballots, each canvassing board responsible for
30 conducting a recount shall put each ballot through the
31 automatic tabulating equipment ~~for each precinct in which the~~

1 ~~office or issue appeared on the ballot~~ and determine whether
2 the returns correctly reflect the votes cast. Immediately
3 before the start of the recount and after completion of the
4 count, a test of the tabulating equipment shall be conducted
5 as provided in s. 101.0015 ~~s. 101.5612~~. If the test indicates
6 no error, the recount tabulation of the ballots cast shall be
7 presumed correct and such votes shall be canvassed
8 accordingly. If an error is detected, the cause therefor
9 shall be ascertained and corrected and the recount repeated,
10 as necessary. The canvassing board shall immediately report
11 the error to the division, along with the cause of the error
12 and the corrective measures being taken, ~~to the Department of~~
13 ~~State~~. No later than 11 days after the election, the
14 canvassing board shall file a separate incident report with
15 the division ~~Department of State~~, detailing the resolution of
16 the matter and identifying any measures that will avoid a
17 future recurrence of the error.

18 (b) In counties with voting systems that do not use
19 ~~ballot cards or paper ballots~~, each canvassing board
20 responsible for conducting a recount shall examine the
21 counters on the precinct tabulators to ensure that the total
22 of the returns on the precinct tabulators equals the overall
23 election return. If there is a discrepancy between the overall
24 election return and the counters of the precinct tabulators,
25 the counters of the precinct tabulators are ~~shall be~~ presumed
26 correct and such votes shall be canvassed accordingly.

27 (c) The canvassing board shall submit a second set of
28 unofficial returns to the division ~~Department of State~~ for
29 each federal, statewide, state, or multicounty office or issue
30 ~~ballot measure~~ no later than noon on the second day after any
31 election in which a recount was conducted pursuant to this

1 subsection. If the canvassing board is unable to complete the
2 recount prescribed in this subsection by the deadline, the
3 second set of unofficial returns submitted by the canvassing
4 board shall be identical to the initial unofficial returns and
5 the submission shall also include a detailed explanation of
6 why it was unable to timely complete the recount. However, the
7 canvassing board shall complete the recount prescribed in this
8 subsection, along with any manual recount prescribed in s.
9 102.144 ~~s. 102.166~~, and certify election returns in accordance
10 with the requirements of this chapter.

11 (7) The canvassing board may employ such clerical help
12 to assist with the work of the board as it deems necessary,
13 with at least one member of the board present at all times,
14 until the canvass of the returns is completed. The clerical
15 help shall be paid from the same fund as ~~inspectors and~~ other
16 ~~necessary~~ election officials.

17 (8) At the same time that the results of an election
18 are certified to the division ~~Department of State~~, the county
19 canvassing board shall file a report with the division ~~of~~
20 ~~Elections~~ on the conduct of the election. The report shall
21 contain information relating to any problems incurred as a
22 result of equipment malfunctions ~~either~~ at the precinct level
23 or at a counting location, any difficulties or unusual
24 circumstances encountered by an election board or the
25 canvassing board, and any other additional information that
26 ~~which~~ the canvassing board feels should be made a part of the
27 official election record. Such reports shall be maintained on
28 file in the division ~~of Elections~~ and shall be available for
29 public inspection. The division shall use ~~utilize~~ the reports
30 submitted by the canvassing boards to determine what problems
31 may be likely to occur in other elections and disseminate such

1 information, along with possible solutions, to the supervisors
2 of elections.

3 Section 157. Section 101.68, Florida Statutes, is
4 transferred, renumbered as section 102.143, Florida Statutes,
5 and amended to read:

6 102.143 ~~101.68~~ Canvassing of absentee ballot.--

7 (1) Upon receipt of an absentee ~~The supervisor of the~~
8 ~~county where the absent elector resides shall receive the~~
9 ~~voted ballot, at which time~~ the supervisor may compare the
10 signature of the voter ~~elector~~ on the voter's certificate with
11 the signature of the voter ~~elector~~ in the registration records
12 ~~books~~ to determine whether the voter ~~elector~~ is duly
13 registered in the county and may record on the voter's
14 ~~elector's~~ registration record ~~certificate~~ that the voter
15 ~~elector~~ has voted. The supervisor shall ensure that ~~safely~~
16 ~~keep~~ the ballot remains ~~unopened in his or her office~~ until
17 the county canvassing board canvasses the vote.

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

1 closing of the polls on election day commits a felony of the
2 third degree, punishable as provided in s. 775.082, s.
3 775.083, or s. 775.084.

4 (b) To ensure that all absentee ballots to be counted
5 by the canvassing board are accounted for, the canvassing
6 board shall compare the number of ballots in its possession
7 with the number of requests for ballots received to be counted
8 according to the supervisor's file or list.

9 (c)1. The canvassing board shall, if the supervisor
10 has not already done so, compare the signature of the voter
11 ~~elector~~ on the voter's certificate with the signature of the
12 voter elector in the registration records books to see that
13 the voter elector is duly registered in the county and to
14 determine the legality of that absentee ballot. An absentee
15 ballot shall be considered illegal if it does not include the
16 signature of the voter elector, as shown by the registration
17 records, and the signature and address of an attesting
18 witness. However, an absentee ballot shall not be considered
19 illegal if the signature of the voter elector or attesting
20 witness does not cross the seal of the mailing envelope. If
21 the canvassing board determines that any ballot is illegal, a
22 member of the board shall, without opening the envelope, mark
23 across the face of the envelope: "rejected as illegal." The
24 envelope and the ballot ~~contained therein~~ shall be preserved
25 in the manner in which other voted that official ballots ~~voted~~
26 are preserved.

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

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

5 (d) The canvassing board shall record the ballot upon
6 the proper record, unless the ballot has been previously
7 recorded by the supervisor. The mailing envelopes shall be
8 opened and the secrecy envelopes shall be mixed so as to make
9 it impossible to determine which secrecy envelope came out of
10 which signed mailing envelope; however, ~~in any county in which~~
11 ~~an electronic or electromechanical voting system is used,~~ the
12 ballots may be sorted by ballot styles and the mailing
13 envelopes may be opened and the secrecy envelopes mixed
14 separately for each ballot style. ~~The votes on absentee~~
15 ~~ballots shall be included in the total vote of the county.~~

16 (3) The supervisor or the chair of the county
17 canvassing board shall, after the board convenes, have custody
18 of the absentee ballots until a final certification
19 ~~proclamation~~ is made as to the total vote received by each
20 candidate.

21 (4) The supervisor ~~of elections~~ shall, on behalf of
22 the county canvassing board, notify each voter ~~elector~~ whose
23 ballot was rejected as illegal because of a difference between
24 the voter's ~~elector's~~ signature on the ballot and that on the
25 voter's ~~elector's voter~~ registration record. The supervisor
26 shall mail a voter registration application to the voter
27 ~~elector~~ to be completed indicating the voter's ~~elector's~~
28 current signature. This section does not prohibit the
29 supervisor from providing additional methods for updating a
30 voter's ~~an elector's~~ signature.

31

1 Section 158. Section 102.166, Florida Statutes, is
2 transferred, renumbered as section 102.144, Florida Statutes,
3 and amended to read:

4 102.144 ~~102.166~~ Manual recounts.--

5 (1) If the second set of unofficial returns pursuant
6 to s. 102.141 indicates that a candidate for any office was
7 defeated or eliminated by one-quarter of a percent or less of
8 the votes cast for such office, that a candidate for retention
9 to a judicial office was retained or not retained by
10 one-quarter of a percent or less of the votes cast on the
11 question of retention, or that an issue ~~a measure appearing on~~
12 ~~the ballot~~ was approved or rejected by one-quarter of a
13 percent or less of the votes cast on such issue ~~measure~~, the
14 board responsible for certifying the results of the vote on
15 such race or issue ~~measure~~ shall order a manual recount of the
16 overvotes and undervotes cast in the entire geographic
17 jurisdiction of such office or issue ~~ballot measure~~.

18 (2)(a) If the second set of unofficial returns
19 pursuant to s. 102.141 indicates that a candidate for any
20 office was defeated or eliminated by between one-quarter and
21 one-half of a percent of the votes cast for such office, that
22 a candidate for retention to judicial office was retained or
23 not retained by between one-quarter and one-half of a percent
24 of the votes cast on the question of retention, or that an
25 issue ~~a measure appearing on the ballot~~ was approved or
26 rejected by between one-quarter and one-half of a percent of
27 the votes cast on such issue ~~measure~~, any such candidate, the
28 political party of such candidate, or any political committee
29 that supports or opposes such issue ~~ballot measure~~ is entitled
30 to a manual recount of the overvotes and undervotes cast in
31 the entire geographic jurisdiction of such office or issue if

1 ~~ballot measure, provided that~~ a request for a manual recount
2 is made by 5 p.m. on the second day after the election.

3 (b) For federal, statewide, state, and multicounty
4 races and ~~ballot~~ issues, requests for a manual recount shall
5 be made in writing to the ~~state~~ Elections Canvassing
6 Commission. For all other races and ~~ballot~~ issues, requests
7 for a manual recount shall be made in writing to the county
8 canvassing board.

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

13 (3)(a) Any hardware or software used to identify and
14 sort overvotes and undervotes for a given race or issue ~~ballot~~
15 ~~measure~~ must be certified by the division ~~Department of State~~
16 as part of the voting system pursuant to s. 101.0002 ~~s.~~
17 ~~101.015~~. Any such hardware or software must be capable of
18 simultaneously counting votes. For certified voting systems,
19 the division ~~department~~ shall certify such hardware or
20 software by July 1, 2002. If the division ~~department~~ is
21 unable to certify such hardware or software for a certified
22 voting system by July 1, 2002, the division ~~department~~ shall
23 adopt rules prescribing procedures for identifying and sorting
24 such overvotes and undervotes. The division's ~~department's~~
25 rules may provide for the temporary use of hardware or
26 software whose sole function is identifying and sorting
27 overvotes and undervotes.

28 (b) This subsection does not preclude the division
29 ~~department~~ from certifying hardware or software after July 1,
30 2002.

31

1 (c) Overvotes and undervotes shall be identified and
2 sorted while recounting ballots pursuant to s. 102.141, if the
3 hardware or software for this purpose has been certified or
4 the division's ~~department's~~ rules so provide.

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

6 (5)(a) A vote for a candidate or issue ~~ballot measure~~
7 shall be counted if there is a clear indication on the ballot
8 that the voter has made a definite choice.

9 (b) The division ~~Department of State~~ shall adopt
10 specific rules for each certified voting system prescribing
11 what constitutes a "clear indication on the ballot that the
12 voter has made a definite choice." The rules may not:

13 1. Exclusively provide that the voter must properly
14 mark or designate his or her choice on the ballot; or

15 2. Contain a catch-all provision that fails to
16 identify specific standards, such as "any other mark or
17 indication clearly indicating that the voter has made a
18 definite choice."

19 (6) Procedures for a manual recount are as follows:

20 (a) The county canvassing board shall appoint as many
21 counting teams of at least two voters ~~electors~~ as is necessary
22 to manually recount the ballots. A counting team must have,
23 when possible, members of at least two political parties. A
24 candidate involved in the race shall not be a member of the
25 counting team.

26 (b) If a counting team is unable to determine whether
27 the ballot contains a clear indication that the voter has made
28 a definite choice, the ballot shall be presented to the county
29 canvassing board for a determination.

30 (c) The division ~~Department of State~~ shall adopt
31 detailed rules prescribing additional recount procedures for

1 each certified voting system which shall be uniform to the
2 extent practicable. The rules shall address, at a minimum, the
3 following areas:

- 4 1. Security of ballots during the recount process;
- 5 2. Time and place of recounts;
- 6 3. Public observance of recounts;
- 7 4. Objections to ballot determinations;
- 8 5. Record of recount proceedings; and
- 9 6. Procedures relating to candidate and petitioner
10 representatives.

11 Section 159. Section 100.181, Florida Statutes, is
12 transferred, renumbered as section 102.145, Florida Statutes,
13 and amended to read:

14 102.145 ~~100.181~~ Determination of person elected.--The
15 person receiving the highest number of votes cast in a general
16 or special election for an office shall be elected to the
17 office. If ~~in case~~ two or more persons receive an equal and
18 highest number of votes for the same office, such persons
19 shall draw lots to determine who shall be elected to the
20 office.

21 Section 160. Section 102.151, Florida Statutes, is
22 amended to read:

23 102.151 County canvassing board to issue certificates;
24 supervisor to give notice to division ~~Department of~~
25 ~~State~~.--The county canvassing board shall make and sign
26 duplicate certificates containing the total number of votes
27 cast for each office and ~~person nominated or elected, the~~
28 ~~names of persons for whom such votes were cast, and the number~~
29 ~~of votes cast for each candidate~~ for that office ~~or nominee~~.
30 One of the ~~such~~ certificates ~~which relates to offices for~~
31 ~~which the candidates or nominees have been voted for in more~~

1 ~~than one county~~ shall be immediately transmitted to the
2 division ~~Department of State~~, and a duplicate shall be the
3 ~~second copy~~ filed in the supervisor's office. The supervisor
4 shall transmit to the division ~~Department of State~~,
5 immediately after the county canvassing board has canvassed
6 the returns of the election, a list containing the names and
7 mailing addresses of all county and district officers
8 nominated or elected and, the office for which each was
9 nominated or elected, ~~and the mailing address of each.~~

10 Section 161. Section 102.112, Florida Statutes, is
11 transferred, renumbered as section 102.153, Florida Statutes,
12 and amended to read:

13 102.153 ~~102.112~~ Deadline for submission of county
14 returns to the Division of Elections ~~Department of State~~.--

15 (1) The county canvassing board or a majority thereof
16 shall file the county returns for the election of a federal or
17 state officer and for and against each statewide issue with
18 the division ~~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 a primary election and by 5 p.m. on the 11th day
22 following the general election.

23 (3) If the returns are not received by the division
24 ~~department~~ by the time specified, such returns shall be
25 ignored and the results on file at that time shall be
26 certified by the Elections Canvassing Commission ~~department~~.

27 (4) If the returns are not received by the division
28 ~~department~~ due to an emergency, as defined in s. 101.731 ~~s.~~
29 ~~101.732~~, the Elections Canvassing Commission shall determine
30 the deadline by which the returns must be received.

31

1 Section 162. Section 102.155, Florida Statutes, is
2 amended to read:

3 102.155 Certificate of election.--The supervisor shall
4 give a certificate of election to each ~~any person the election~~
5 ~~of whom is certified as elected~~ by the county canvassing board
6 ~~a certificate of the person's election.~~ The division
7 ~~Department of State~~ shall give a certificate of election to
8 each ~~any person the election of whom is~~ certified as elected
9 by the Elections Canvassing Commission ~~state canvassing board~~
10 ~~a certificate of the person's election.~~ The certificate of
11 election is ~~which is issued to any person shall be~~ prima facie
12 evidence of the election of such person.

13 Section 163. Section 102.111, Florida Statutes, is
14 transferred, renumbered as section 102.159, Florida Statutes,
15 and amended to read:

16 102.159 ~~102.111~~ Elections Canvassing Commission.--

17 (1)(a) The Elections Canvassing Commission shall
18 consist of the Governor and two members of the Cabinet
19 selected by the Governor. If a member of the Elections
20 Canvassing Commission is unable to serve for any reason, the
21 Governor shall appoint a remaining member of the Cabinet. If
22 there is a further vacancy, the remaining members of the
23 commission shall agree on another elected official to fill the
24 vacancy. The Elections Canvassing Commission shall, as soon as
25 the official results are compiled from all counties, certify
26 the returns of the election and determine and declare who has
27 been elected for each federal, state, and multicounty office
28 and which statewide issues have passed.

29 (b)(2) ~~The division of Elections~~ shall provide the
30 staff services required by the Elections Canvassing
31 Commission.

1 (2) The Elections Canvassing Commission shall prepare
2 and sign a certificate of the results of the election for
3 presidential electors and federal officers and a separate
4 certificate of the results of the election for state officers
5 and statewide issues. Each certificate shall be written and
6 contain the total number of votes cast for each candidate for
7 each office and for and against each issue. Both certificates
8 shall be recorded by the division.

9 (3) If the Elections Canvassing Commission is unable
10 to determine the true vote for any office, nomination,
11 constitutional amendment, or other issue presented to the
12 voters, the commission shall so certify and may not include
13 the returns in its determination, canvass, and declaration. In
14 determining the true vote, the Elections Canvassing Commission
15 may not look beyond the county returns. The division shall
16 file all returns, together with other documents and papers,
17 received by it or the commission.

18 Section 164. Section 102.168, Florida Statutes, is
19 amended to read:

20 102.168 Contest of election.--

21 (1) The venue for contesting a nomination or election
22 or the results of an issue is the county in which the
23 candidate qualified or the county in which the issue was
24 submitted to the voters or, if the election or issue covered
25 more than one county, then Leon County.

26 (2)~~(1)~~ Except as provided in s. 102.171, the
27 certification of election or nomination of any person to
28 office, or of the result on any issue ~~question submitted by~~
29 ~~referendum~~, may be contested in the circuit court by any
30 unsuccessful candidate for such office or nomination thereto

31

1 or by any voter ~~elector~~ qualified to vote in the election
2 related to such candidacy, or by any taxpayer, respectively.

3 (3)~~(2)~~ Such contestant shall file a complaint,
4 together with the fees prescribed in chapter 28, with the
5 clerk of the circuit court within 10 days after midnight of
6 the date the last county canvassing board empowered to canvass
7 the returns certifies the results of the election being
8 contested.

9 (4)~~(3)~~ The complaint shall set forth the grounds on
10 which the contestant intends to establish his or her right to
11 such office or set aside the result of the election on an
12 issue ~~a submitted referendum~~. The grounds for contesting an
13 election under this section are:

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

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

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

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

29 (5)~~(4)~~ The canvassing board or Elections Canvassing
30 Commission shall be the proper party defendant, and the
31 successful candidate shall be an indispensable party to any

1 action brought to contest the election or nomination of a
2 candidate.

3 (6)~~(5)~~ A statement of the grounds of contest may not
4 be rejected, nor the proceedings dismissed, by the court for
5 any want of form if the grounds of contest provided in the
6 statement are sufficient to clearly inform the defendant of
7 the particular proceeding or cause for which the nomination or
8 election is contested.

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

22 (8)~~(7)~~ Any candidate, voter ~~qualified elector~~, or
23 taxpayer presenting such a contest to a circuit judge is
24 entitled to an immediate hearing. However, the court in its
25 discretion may limit the time to be consumed in taking
26 testimony, with a view therein to the circumstances of the
27 matter and to the proximity of any succeeding election.

28 (9)(a) If a judgment is entered finding the contestant
29 entitled to the office, and if the adverse party has been
30 commissioned or has entered upon the duties thereof or is
31 holding the office, then a judgment of ouster shall be entered

1 against such party. Upon presentation of a certified copy of
2 the judgment of ouster to the Governor, the Governor shall
3 revoke such commission and commission the person found in the
4 judgment to be entitled to the office.

5 (b) If a judgment is entered setting aside an issue,
6 the election with respect to such issue is void.

7 Section 165. Section 102.169, Florida Statutes, is
8 reenacted to read:

9 102.169 Quo warranto not abridged.--Nothing in this
10 code shall be construed to abrogate or abridge any remedy that
11 may now exist by quo warranto, but in such case the proceeding
12 prescribed in s. 102.168 shall be an alternative or cumulative
13 remedy.

14 Section 166. Section 102.171, Florida Statutes, is
15 amended to read:

16 102.171 Contest of election to Legislature.--The
17 jurisdiction to hear any contest of the election of a member
18 to either house of the Legislature is vested in the applicable
19 house, ~~as each house~~, pursuant to s. 2, Art. III of the State
20 Constitution, ~~is the sole judge of the qualifications,~~
21 ~~elections, and returns of its members.~~ Therefore, the
22 certification of election of any person to the office of
23 member of either house of the Legislature may only be
24 contested in the applicable house by an unsuccessful candidate
25 for such office, in accordance with the rules of that house.
26 This section does not apply to any contest of the nomination
27 of any person for the office of member of either house of the
28 Legislature at any primary or special primary election in
29 which only those voters ~~qualified electors~~ who are registered
30 members of the political party holding such primary election
31 may vote, as provided for in s. 5(b), Art. VI of the State

1 Constitution. This section does apply to any contest of a
2 primary or special primary election for the office of member
3 of either house of the Legislature in which all voters
4 ~~qualified electors~~ may vote, as provided for in s. 5(b), Art.
5 VI of the State Constitution, and the recipient of the most
6 votes is deemed to be elected according to applicable law.

7 Section 167. Section 101.572, Florida Statutes, is
8 transferred, renumbered as section 102.177, Florida Statutes,
9 and amended to read:

10 102.177 ~~101.572~~ Public inspection of ballots.--The
11 ~~official ballots and ballot cards~~ received from election
12 boards and removed from absentee ballot mailing envelopes
13 shall be open for public inspection or examination while in
14 the custody of the supervisor ~~of elections~~ or the county
15 canvassing board at any reasonable time, under reasonable
16 conditions. However, a person ~~no persons~~ other than the
17 supervisor, an employee of the supervisor, ~~of elections or his~~
18 ~~or her employees~~ or a member of the county canvassing board
19 may not ~~shall~~ handle any ~~official~~ ballot ~~or ballot card~~. The
20 supervisor ~~of elections~~ shall make a reasonable effort to
21 notify all candidates whose names appear on the ~~such~~ ballots
22 ~~or ballot cards~~ by telephone or otherwise of the time and
23 place of the or ballot cards by telephone or otherwise of the
24 time and place of the inspection or examination. All such
25 candidates, or their representatives, shall be allowed to be
26 present during the inspection or examination.

27 Section 168. Section 101.595, Florida Statutes, is
28 transferred, renumbered as section 102.181, Florida Statutes,
29 and amended to read:

30 102.181 ~~101.595~~ Analysis and reports of voter error.--

31

1 (1) No later than December 15 of each general election
2 year, the supervisor ~~of elections~~ in each county shall report
3 ~~on voter errors~~ to the division the total number of overvotes
4 and undervotes in the first race appearing on the ballot
5 pursuant to s. 100.094(2)Department of State, along with the
6 likely reasons for such overvotes and undervotes ~~the errors~~
7 and other information as may be useful in evaluating the
8 performance of the voting system and identifying problems with
9 ballot design and instructions which may have contributed to
10 voter confusion.

11 (2) The division ~~Department of State~~, upon receipt of
12 such information, shall prepare a public report on the
13 performance of each type of voting system. The report must
14 contain, but 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; and

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

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

26 Section 169. Sections 102.061, 102.071, 102.121,
27 102.131, 102.1682, and 102.1685, Florida Statutes, are
28 repealed.

29 Section 170. Section 103.101, Florida Statutes, is
30 transferred, renumbered as section 103.001, Florida Statutes,
31 and amended to read:

1 103.001 ~~103.101~~ Presidential preference primary.--

2 (1) Each major political party ~~other than a minor~~
3 ~~political party~~ shall, on the second Tuesday in March in each
4 year the number of which is a multiple of 4, elect one person
5 to be the candidate for nomination of such party for President
6 of the United States or select delegates to the national
7 nominating convention, as provided by party rule.

8 (2) There shall be a Presidential Candidate Selection
9 Committee composed of the Secretary of State, who shall be a
10 nonvoting chair; the Speaker of the House of Representatives;
11 the President of the Senate; the minority leader of each house
12 of the Legislature; and the chair of each major political
13 party required to have a presidential preference primary under
14 this section.

15 ~~(a)~~ By December 31 of the year preceding the Florida
16 presidential preference primary, each major political party
17 shall submit to the Secretary of State a list of its
18 presidential candidates to be placed on the presidential
19 preference primary ballot or candidates entitled to have
20 delegates appear on the presidential preference primary
21 ballot. The Secretary of State shall prepare and publish a
22 list of the names of the presidential candidates submitted.
23 The Secretary of State shall submit such list of names of
24 presidential candidates to the selection committee on the
25 first Tuesday after the first Monday in January each year a
26 presidential preference primary election is held. Each person
27 designated as a presidential candidate shall have his or her
28 name appear, or have his or her delegates' names appear, on
29 the presidential preference primary ballot unless all
30 committee members of the same political party as the candidate
31 agree to delete such candidate's name from the ballot. The

1 selection committee shall meet in Tallahassee on the first
2 Tuesday after the first Monday in January each year a
3 presidential preference primary is held. The selection
4 committee shall publicly announce and submit to the division
5 ~~Department of State~~ no later than 5 p.m. on the following day
6 the names of presidential candidates who shall have their
7 names appear, or who are entitled to have their delegates'
8 names appear, on the presidential preference primary ballot.
9 The division ~~Department of State~~ shall immediately notify each
10 presidential candidate designated by the committee. Such
11 notification shall be in writing, by registered mail, with
12 return receipt requested.

13 ~~(b) Any presidential candidate whose name does not~~
14 ~~appear on the list submitted to the Secretary of State may~~
15 ~~request that the selection committee place his or her name on~~
16 ~~the ballot. Such request shall be made in writing to the~~
17 ~~Secretary of State no later than the second Tuesday after the~~
18 ~~first Monday in January.~~

19 ~~(c) If a presidential candidate makes a request that~~
20 ~~the selection committee reconsider placing the candidate's~~
21 ~~name on the ballot, the selection committee will reconvene no~~
22 ~~later than the second Thursday after the first Monday in~~
23 ~~January to reconsider placing the candidate's name on the~~
24 ~~ballot. The Department of State shall immediately notify such~~
25 ~~candidate of the selection committee's decision.~~

26 (3) A candidate's name shall be printed on the
27 presidential preference primary ballot unless the candidate
28 submits to the Department of State, prior to the second
29 Tuesday after the first Monday in January, an affidavit
30 stating that he or she is not now, and does not presently
31 intend to become, a candidate for President at the upcoming

1 nominating convention. If a candidate withdraws pursuant to
2 this subsection, the division ~~Department of State~~ shall notify
3 the state executive committee that the candidate's name will
4 not be placed on the ballot. The division ~~Department of State~~
5 shall, no later than the third Tuesday after the first Monday
6 in January, certify to each supervisor ~~of elections~~ the name
7 of each candidate for major political party nomination to be
8 printed on the ballot.

9 (4) The names of candidates for major political party
10 nominations for President of the United States shall be
11 printed in alphabetical order on the official ballots for the
12 presidential preference primary. Such primary election and
13 shall be conducted ~~marked, counted, canvassed, returned, and~~
14 ~~proclaimed~~ in the same manner ~~and under the same conditions,~~
15 ~~so far as they are applicable,~~ as in other state elections.
16 If party rule requires the delegates' names to be printed on
17 the official presidential preference primary ballot, the name
18 of the presidential candidates for that political party may
19 not be printed separately, but the ballot may reflect the
20 presidential candidate to whom the delegate is pledged. If,
21 however, a major political party has only one presidential
22 candidate, neither the name of the candidate nor the names of
23 the candidate's delegates shall be printed on the ballot.

24 (5) The state executive committee of each major
25 political party, by rule adopted at least 120 days prior to
26 the presidential preference primary election, shall determine
27 the number, and establish procedures to be followed in the
28 selection, of delegates and delegate alternates from among
29 each candidate's supporters. A copy of such ~~any~~ rule adopted
30 by the executive committee shall be filed with the division
31 ~~Department of State~~ within 7 days after its adoption and shall

1 become a public record. The division ~~Department of State~~ shall
2 review the procedures and shall notify the state executive
3 committee of each major political party of any ballot
4 limitations. The division ~~Department of State~~ may adopt
5 ~~promulgate~~ rules governing for the orderly preparation ~~conduct~~
6 of the presidential preference primary ballot.

7 (6) Delegates must qualify no later than the second
8 Friday in January in the manner provided by party rule.

9 (7) All delegates shall be allocated as provided by
10 party rule.

11 (8) All names of candidates or delegates shall be
12 listed as directed by the division ~~Department of State~~.

13 Section 171. Section 103.021, Florida Statutes, is
14 amended to read:

15 103.021 ~~Nomination for~~ Presidential electors;
16 nomination and certification; vacancy.--Candidates for
17 ~~presidential electors shall be nominated in the following~~
18 ~~manner+~~

19 (1) The Governor shall nominate the presidential
20 electors of each political party and may. ~~He or she shall~~
21 nominate only the presidential electors recommended by the
22 state executive committee of the respective political party.
23 Each presidential ~~such~~ elector of a political party shall be a
24 voter ~~qualified elector~~ of the party he or she represents and
25 shall have ~~who has~~ taken an oath that he or she will vote for
26 the candidates of the political party that he or she is
27 nominated to represent. The Governor shall certify to the
28 division ~~Department of State~~ on or before September 1 of, ~~in~~
29 each presidential election year, the names of a number of
30 presidential electors for each political party equal to the
31

1 number of senators and representatives to which this state is
2 entitled ~~has in Congress.~~

3 (2) The names of the presidential electors may ~~shall~~
4 not be printed on the general election ballot, ~~but~~ The names
5 of the actual candidates for President and Vice President for
6 whom the presidential electors will vote if elected shall be
7 printed on the general election ballot ~~in the order in which~~
8 ~~the party of which the candidate is a nominee polled the~~
9 ~~highest number of votes for Governor in the last general~~
10 ~~election.~~

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

1 required number of persons to be certified as presidential
2 electors in the same manner as party candidates.

3 (4)(a) A minor party that is affiliated with a
4 national political party holding a national convention to
5 nominate candidates for President and Vice President of the
6 United States may have the names of its candidates for
7 President and Vice President of the United States printed on
8 the general election ballot by filing with the division
9 ~~Department of State~~ a certificate naming the candidates for
10 President and Vice President and listing the required number
11 of persons to serve as presidential electors. Notification to
12 the division ~~Department of State~~ under this subsection shall
13 be made by September 1 of the year in which the election is
14 held. When the division ~~Department of State~~ has been so
15 notified, it shall order the names of the candidates nominated
16 by the minor party to be included on the ballot and shall
17 permit the required number of persons to be certified as
18 presidential electors in the same manner as other party
19 candidates.

20 (b) A minor party that is not affiliated with a
21 national party holding a national convention to nominate
22 candidates for President and Vice President of the United
23 States may have the names of its candidates for President and
24 Vice President printed on the general election ballot if a
25 petition is signed by 1 percent of the voters registered
26 ~~electors~~ of this state, as shown by the division's compilation
27 ~~by the Department of State~~ for the preceding general election.
28 A separate petition from each county for which signatures are
29 solicited shall be submitted to the supervisors ~~of elections~~
30 of the respective county no later than July 15 of each
31 presidential election year. The supervisor shall check the

1 names and, on or before the date of the first primary, shall
2 certify the number shown as voters ~~registered electors~~ of the
3 county. The supervisor shall be paid by the person requesting
4 the certification the cost of checking the petitions as
5 prescribed in s. 99.097. The supervisor shall then forward
6 the certificate to the division ~~Department of State~~, which
7 shall determine whether ~~or not~~ the percentage factor required
8 in this section has been met. If so ~~When the percentage~~
9 ~~factor required in this section has been met~~, the division
10 ~~Department of State~~ shall order the names of the candidates
11 for whom the petition was circulated to be included on the
12 ballot and shall permit the required number of persons to be
13 certified as presidential electors in the same manner as other
14 party candidates.

15 (5) Persons seeking to qualify for election as
16 write-in candidates for President and Vice President of the
17 United States shall have a space provided on the general
18 election ballot for their names to be written in by filing an
19 oath with the division at any time after the 50th day, but
20 before noon of the 46th day, prior to the date of the first
21 primary in the year in which a presidential election is held.
22 The division shall prescribe the form to be used in
23 administering the oath. Write-in candidates shall file with
24 the division a certificate naming the required number of
25 persons to serve as presidential electors. Write-in candidates
26 for President and Vice President are not entitled to have
27 their names printed on the ballot.

28 (6)(5) Except as otherwise provided in s. 103.051(2),
29 if ~~When for any reason~~ a person nominated or otherwise
30 certified ~~elected~~ as a presidential elector is unable to serve
31 ~~because of death, incapacity, or otherwise~~, the Governor may

1 ~~appoint a person to~~ fill such vacancy by appointing a person
2 who possesses the qualifications required for the elector to
3 have been nominated or otherwise certified in the first
4 instance. Such person shall file with the Governor an oath
5 that he or she will support the same candidates for President
6 and Vice President that the person who is unable to serve was
7 committed to support.

8 Section 172. Section 103.011, Florida Statutes, is
9 transferred, renumbered as section 103.024, Florida Statutes,
10 and amended to read:

11 103.024 ~~103.011~~ Presidential electors; election
12 ~~Electors of President and Vice President.--~~Electors of
13 President and Vice President, known as presidential electors,
14 shall be elected on the first Tuesday after the first Monday
15 in November of each year the number of which is a multiple of
16 4. Votes cast for the actual candidates for President and
17 Vice President shall be counted as votes cast for the
18 presidential electors supporting such candidates. The
19 Elections Canvassing Commission ~~Department of State~~ shall
20 certify as elected the presidential electors of the candidates
21 for President and Vice President who receive the highest
22 number of votes.

23 Section 173. Section 103.051, Florida Statutes, is
24 amended to read:

25 103.051 Presidential ~~Congress sets meeting dates of~~
26 ~~electors; meeting date, place, and duties; filling of~~
27 ~~vacancies; compensation.--~~

28 (1) The presidential electors certified for a
29 presidential election shall, at noon on the day set ~~which is~~
30 ~~directed~~ by Congress to elect a President and Vice President,
31

1 meet at Tallahassee and perform the duties required of them by
2 the Constitution and laws of the United States.

3 (2)(a) Each presidential elector shall, before 10 a.m.
4 on the day set by Congress to elect a President and Vice
5 President, give notice to the Governor that he or she is in
6 Tallahassee and ready to perform the duties of presidential
7 elector. The Governor shall deliver to the presidential
8 electors present a certificate of the names of all
9 presidential electors certified for that election. If one or
10 more presidential electors are absent, the electors present
11 shall elect by ballot, in the presence of the Governor, a
12 person or persons to fill such vacancy or vacancies.

13 (b) If any more than the number of persons required to
14 fill each vacancy under paragraph (a) receive the highest and
15 an equal number of votes, the election of those receiving such
16 highest and equal number of votes shall be determined by lot
17 drawn by the Governor in the presence of the presidential
18 electors attending; otherwise, those, to the number required,
19 receiving the highest number of votes, shall be considered
20 elected to fill the vacancy.

21 (3) Each presidential elector shall be reimbursed for
22 travel expenses, as provided in s. 112.061, from the elector's
23 place of residence to Tallahassee and back. Such expenses
24 shall be paid upon approval of the Governor. The amounts
25 necessary to meet the requirements of this subsection shall be
26 included in the legislative budget request by the Governor. If
27 the amounts appropriated for this purpose are insufficient,
28 the Executive Office of the Governor may release the necessary
29 amounts from the deficiency appropriation.

30 Section 174. Section 103.081, Florida Statutes, is
31 amended to read:

1 103.081 Use of political party name; political
2 advertising.--

3 (1) A ~~No~~ person may not ~~shall~~ use the name,
4 abbreviation, or symbol of any political party, the name,
5 abbreviation, or symbol of which is filed with the division
6 ~~Department of State~~, in political advertising in newspapers,
7 other publications, on handbills, or on radio or television,
8 or in any other form of advertising in connection with ~~any~~
9 political activities in support of a candidate of any other
10 political party, unless such person ~~shall~~ first obtains ~~obtain~~
11 the written permission of the chair of the state executive
12 committee of the political party the name, abbreviation, or
13 symbol of which is to be used.

14 (2) A ~~No~~ person or group may not ~~of persons shall~~ use
15 the name, abbreviation, or symbol of any political party, as
16 ~~the name, abbreviation, or symbol of which is~~ filed with the
17 division ~~Department of State~~, in connection with any club,
18 group, association, or organization of any kind unless such
19 person or group first obtains the written approval and
20 permission of the chair of ~~have been given in writing by~~ the
21 state executive committee of the political ~~such~~ party. This
22 subsection does ~~shall~~ not apply to county executive committees
23 of such political parties and to organizations that ~~which~~ are
24 chartered by the national executive committee of the political
25 party ~~the name, abbreviation, or symbol of which is to be~~
26 used, or to organizations that have been using the name of any
27 political party and ~~which organizations~~ have been in existence
28 and organized on a statewide basis for a period of 10 years.

29 Section 175. Section 103.091, Florida Statutes, is
30 amended to read:

31 103.091 Political parties.--

1 (1) Any group may become a political party of this
2 state by filing with the division a certificate listing the
3 name of the organization and the names of its current
4 officers, including the members of its state executive
5 committee, and a copy of its constitution, bylaws, rules, and
6 bond required pursuant to s. 103.121(3).

7 (2)(1) Each political party of the state shall be
8 represented by a state executive committee. County executive
9 committees and other committees may be established in
10 accordance with the rules of the state executive committee. A
11 political party may provide for the selection of its national
12 committee and its state and county executive committees in
13 such manner as it deems proper. Unless otherwise provided by
14 party rule, the county executive committee of each political
15 party shall consist of at least two members, a man and a
16 woman, from each precinct, ~~who shall be called the precinct~~
17 ~~committeeman and committeewoman~~. For counties divided into 40
18 or more precincts, the state executive committee may adopt a
19 district unit of representation for its ~~such~~ county executive
20 committees. Upon adoption of a district unit of
21 representation, the state executive committee shall request
22 the supervisor ~~of elections~~ of that county, with approval of
23 the board of county commissioners, to provide for election
24 districts as nearly equal in number of ~~registered~~ voters as
25 possible. Each committee member ~~county committeeman or~~
26 ~~committeewoman~~ shall be a resident of the precinct or district
27 from which he or she was ~~is~~ elected.

28 (3)(2) The state executive committee of a political
29 party may by resolution provide a method of election of
30 national committee members ~~committeemen and national~~
31 ~~committeewomen~~ and of nomination of presidential electors, if

1 such political party is entitled to a place on the ballot as
2 otherwise provided for presidential electors, and may provide
3 also for the election of delegates and alternates to national
4 conventions.

5 (4)(a)(3) By March 1 of each year following a
6 presidential election,the state executive committee of each
7 political party shall file with the division ~~Department of~~
8 ~~State~~ the names and addresses of its chair, vice chair,
9 secretary, treasurer, and members as well as ~~and shall file~~ a
10 copy of its constitution, bylaws, and rules ~~and regulations~~
11 ~~with the Department of State.~~ Also by March 1 of each year
12 following a presidential election,each county executive
13 committee of a political party shall file with the party's
14 state executive committee and with the county supervisor ~~of~~
15 ~~elections~~ the names and addresses of its chair, vice chair,
16 secretary, treasurer,~~officers~~ and members.

17 (b) Any change or amendment to the documents filed
18 under this subsection must be filed with the filing officer
19 within 10 days after the change or amendment is adopted.

20 (5)(4) A major ~~Any~~ political party ~~other than a minor~~
21 ~~political party~~ may by rule provide for the membership of its
22 state ~~or county~~ executive committee and county executive
23 committees to be elected for 4-year terms at the first primary
24 election in each year a presidential election is held, which-
25 ~~The~~ terms shall begin ~~commence~~ on the first day of the month
26 following the ~~each~~ presidential ~~general~~ election. ~~but~~ The
27 names of candidates for political party offices may ~~shall~~ not
28 be placed on the ballot at any ~~other~~ election other than the
29 first primary election. The results of an ~~such~~ election to
30 fill political party offices shall be determined by a
31 plurality of the votes cast. Voters ~~In such event, electors~~

1 seeking to qualify for a political party ~~such~~ office shall do
2 so with the division ~~Department of State~~ or supervisor of
3 ~~elections~~ not earlier than noon of the 57th day, or later than
4 noon of the 53rd day, preceding the first primary election.
5 The outgoing chair of each county executive committee shall,
6 within 30 days after the committee members take office, hold
7 an organizational meeting of all newly elected members for the
8 purpose of electing officers. The chair of each state
9 executive committee shall, within 60 days after the committee
10 members take office, hold an organizational meeting of all
11 newly elected members for the purpose of electing officers.

12 ~~(6)(5)~~ If a ~~In the event no~~ county committee member
13 ~~committeeman or committeewoman~~ is not elected, or if a vacancy
14 occurs ~~from any other cause~~ in any county executive committee,
15 the county chair shall call a meeting of the county executive
16 committee, by due notice to all members, and the vacancy shall
17 be filled by a majority vote of those members present at a
18 meeting at which there is a quorum ~~is present~~. Such vacancy
19 shall be filled by a qualified member of the political party
20 ~~residing in the district where the vacancy occurred and for~~
21 the unexpired portion of the term.

22 ~~(7)(6)(a)1.~~ In addition to the members provided for in
23 subsection (1), each county executive committee shall include
24 all members of the Legislature who are residents of the county
25 and members of their respective political party and who shall
26 be known as at-large committee members ~~committeemen and~~
27 ~~committeewomen~~.

28 ~~(b)1.2.~~ Each state executive committee shall include,
29 as at-large committee members ~~committeemen and committeewomen~~,
30 all members of the United States Congress representing the
31 State of Florida who are members of the political party; all

1 statewide elected officials who are members of the party;and
2 the President of the Senate or the Minority Leader in the
3 Senate;and the Speaker of the House of Representatives or
4 the Minority Leader in the House of Representatives, whichever
5 is a member of the political party;and 20 members of the
6 Legislature who are members of the political party. Ten of
7 the legislators shall be appointed with the concurrence of the
8 state chair of the respective political party, as follows:
9 five to be appointed by the President of the Senate; five by
10 the Minority Leader in the Senate; five by the Speaker of the
11 House of Representatives; and five by the Minority Leader in
12 the House.

13 2.3. When a political party allows any member of the
14 state executive committee to have more than one vote per
15 person, other than by proxy, in a matter coming before the
16 state executive committee, the 20 members of the Legislature
17 appointed under subparagraph 1. may ~~shall~~ not be appointed
18 to the state executive committee and the following elected
19 officials who are members of that political party shall be
20 appointed and shall have the following votes:

21 a. Governor: a number equal to 15 percent of the
22 votes cast by state executive committee members ~~committeemen~~
23 ~~and committeewomen~~;

24 b. Lieutenant Governor: a number equal to 5 percent
25 of the votes cast by state executive committee members
26 ~~committeemen and committeewomen~~;

27 c. Each member of the United States Senate
28 representing the state: a number equal to 10 percent of the
29 votes cast by state executive committee members ~~committeemen~~
30 ~~and committeewomen~~;

31

- 1 d. Secretary of State: a number equal to 5 percent of
2 the votes cast by state executive committee members
3 ~~committeemen and committeewomen;~~
- 4 e. Attorney General: a number equal to 5 percent of
5 the votes cast by state executive committee members
6 ~~committeemen and committeewomen;~~
- 7 f. Comptroller: a number equal to 5 percent of the
8 votes cast by state executive committee members ~~committeemen~~
9 ~~and committeewomen;~~
- 10 g. Treasurer: a number equal to 5 percent of the
11 votes cast by state executive committee members ~~committeemen~~
12 ~~and committeewomen;~~
- 13 h. Commissioner of Agriculture: a number equal to 5
14 percent of the votes cast by state executive committee members
15 ~~committeemen and committeewomen;~~
- 16 i. Commissioner of Education: a number equal to 5
17 percent of the votes cast by state executive committee members
18 ~~committeemen and committeewomen;~~
- 19 j. President of the Senate: a number equal to 10
20 percent of the votes cast by state executive committee members
21 ~~committeemen and committeewomen;~~
- 22 k. Minority leader of the Senate: a number equal to
23 10 percent of the votes cast by state executive committee
24 members ~~committeemen and committeewomen;~~
- 25 l. Speaker of the House of Representatives: a number
26 equal to 10 percent of the votes cast by state executive
27 committee members ~~committeemen and committeewomen;~~
- 28 m. Minority leader of the House of Representatives: a
29 number equal to 10 percent of the votes cast by state
30 executive committee members ~~committeemen and committeewomen;~~
31 and

1 n. Each member of the United States House of
2 Representatives representing the state: a number equal to 1
3 percent of the votes cast by state executive committee members
4 ~~committeemen and committeewomen~~.

5 ~~3.4~~.a. The governing body of each state executive
6 committee as defined by party rule shall include as at-large
7 committee members ~~committeemen and committeewomen~~ all
8 statewide elected officials who are members of the such
9 political party; up to four members of the United States
10 Congress representing the state who are members of the such
11 political party and who shall be appointed by the state chair
12 on the basis of geographic representation; the permanent
13 presiding officer selected by the members of each house of the
14 Legislature who are members of the such political party; and
15 the minority leader selected by the members of each house of
16 the Legislature who are members of the such political party.

17 b. All members of the governing body shall have one
18 vote per person.

19 ~~4.(7)~~ Members of the state executive committee or
20 governing body may vote by proxy.

21 (8) The conducting of official business in connection
22 with one's public office constitutes good and sufficient
23 reason for failure to attend county or state executive
24 committee meetings or a meeting of the governing body.

25 Section 176. Section 103.121, Florida Statutes, is
26 amended to read:

27 103.121 Powers and duties of executive committees.--

28 (1)(a) Each state executive committee and county
29 executive committee of a political party shall have the power
30 and duty:

31

- 1 1. To adopt a constitution by two-thirds vote of the
2 full committee.
- 3 2. To adopt such bylaws as it considers ~~may deem~~
4 necessary by majority vote of the full committee.
- 5 3. To conduct its meetings according to generally
6 accepted parliamentary practice.
- 7 4. To make party nomination when required by law.
- 8 5. To conduct campaigns for party nominees.
- 9 6. To raise and expend party funds. Such funds may
10 not be expended or committed to be expended except after
11 written authorization by the chair of the ~~state or county~~
12 ~~executive~~ committee.
- 13 7. To file the bond required by subsection (3).
- 14 (b) Except as otherwise provided in subsection (5),
15 the county executive committee shall receive payment of party
16 assessments upon candidates to be voted for in a single county
17 except state senators and members of the House of
18 Representatives and representatives to the Congress of the
19 United States; and the state executive committees shall
20 receive all other party assessments authorized. All party
21 assessments shall be 2 percent of the annual salary of the
22 office sought by the respective candidate. All such party
23 ~~committee~~ assessments shall be remitted to the state executive
24 committee of the appropriate political party and distributed
25 in accordance with subsection (6).
- 26 (c) The state executive committee of each political
27 party shall use two-thirds of that portion of the filing fee
28 remitted to the committee by the supervisors for the purpose
29 of promoting the candidacy of the political party's candidates
30 for county offices and its candidates for membership in the
31 Legislature.

1 (2) The state executive committee shall by resolution
2 recommend candidates for presidential electors and deliver a
3 certified copy thereof to the Governor prior to September 1 of
4 each presidential election year.

5 (3) The chair and the treasurer of an executive
6 committee of any political party are ~~shall be~~ accountable for
7 the funds of such committee and jointly liable for their
8 proper expenditure for authorized purposes only. The chair
9 and the treasurer of the state executive committee of any
10 political party shall furnish a adequate bond of at least, ~~but~~
11 ~~not less than~~ \$10,000, conditioned upon the faithful
12 performance by such ~~party~~ officers of their duties and for the
13 faithful accounting for party funds which ~~shall~~ come into
14 their hands. ~~and~~ The chair and treasurer of a county
15 executive committee of a political party shall furnish a
16 adequate bond of at least, ~~but not less than~~ \$5,000,
17 conditioned as is the bond required of the chair and treasurer
18 of a state executive committee aforesaid. A bond for the
19 chair and the treasurer of the state executive committee of a
20 political party shall be filed with the division ~~Department of~~
21 ~~State~~. A bond for the chair and treasurer of a county
22 executive committee shall be filed with the supervisor ~~of~~
23 ~~elections~~. The funds of each such state executive committee
24 shall be publicly audited at the end of each calendar year and
25 a copy of such audit furnished to the division ~~Department of~~
26 ~~State~~ for its examination prior to April 1 of the ensuing
27 year. ~~When filed with the Department of State, copies of such~~
28 ~~audit shall be public documents.~~The treasurer of each county
29 executive committee shall maintain adequate records evidencing
30 receipt and disbursement of all party funds received by the
31 treasurer ~~him or her~~, and such records shall be publicly

1 audited at the end of each calendar year and a copy of such
2 audit filed with the supervisor ~~of elections~~ and the state
3 executive committee prior to April 1 of the ensuing year.

4 (4) A ~~Any~~ chair or treasurer of a state or county
5 executive committee of any political party who knowingly
6 misappropriates, or makes an unlawful expenditure of, or a
7 false or improper accounting for, the funds of such committee
8 commits ~~is guilty of~~ a felony of the third degree, punishable
9 as provided in s. 775.082, s. 775.083, or s. 775.084.

10 (5)(a) The central committee or other equivalent
11 governing body of each state executive committee shall adopt a
12 rule which governs the time and manner in which the respective
13 county executive committees of such political party may
14 endorse, certify, screen, or otherwise recommend one or more
15 candidates for such party's nomination for election. Upon
16 adoption, such rule shall provide the exclusive method by
17 which a county executive committee may so endorse, certify,
18 screen, or otherwise recommend. No later than the date on
19 which qualifying for public office begins pursuant to s.
20 99.061, the chair of each county executive committee shall
21 ~~notify in writing~~ the supervisor in writing ~~of elections of~~
22 ~~his or her county~~ whether the county executive committee has
23 endorsed or intends to endorse, certify, screen, or otherwise
24 recommend candidates for nomination pursuant to party rule. A
25 copy of such notification shall be provided to the division
26 ~~Secretary of State~~ and to the chair of the appropriate state
27 executive committee. Any county executive committee that
28 endorses or intends to endorse, certify, screen, or otherwise
29 recommend one or more candidates for nomination shall forfeit
30 all party assessments that ~~which~~ would otherwise be returned
31 to the county executive committee ~~and,~~ notwithstanding

1 paragraph (1)(b), such assessments shall be remitted instead
2 to the state executive committee of such party, ~~the provisions~~
3 ~~of paragraph (1)(b) to the contrary notwithstanding~~. No such
4 Funds ~~so~~ remitted to the state executive committee may not
5 ~~shall~~ be paid, returned, or otherwise disbursed to the county
6 executive committee under any circumstances. Any county
7 executive committee that is in violation of any party rule
8 after receiving the party assessment shall remit such party
9 assessment to the state executive committee.

10 (b) Any state executive committee that endorses or
11 intends to endorse, certify, screen, or otherwise recommend
12 one or more candidates for nomination shall forfeit all party
13 assessments that ~~which~~ would otherwise be returned to the
14 state executive committee; and such assessments shall be
15 remitted instead to the General Revenue Fund ~~of the state~~.
16 Any state executive committee that is in violation of this
17 section after receiving the party assessment shall remit such
18 party assessment to the General Revenue Fund ~~of the state~~.

19 (6) The ~~state~~ chair of each state executive committee
20 shall return the 2-percent committee assessment for county
21 candidates to the appropriate county executive committees only
22 upon receipt of a written statement that such county executive
23 committee chooses not to endorse, certify, screen, or
24 otherwise recommend one or more candidates for such party's
25 nomination for election and upon the state chair's
26 determination that the county executive committee is in
27 compliance with all Florida statutes and all state party
28 rules, bylaws, constitutions, and requirements.

29 Section 177. Section 103.131, Florida Statutes, is
30 amended to read:

31

1 103.131 Political party offices deemed vacant in
2 certain cases.--~~A Every~~ political party office ~~is shall be~~
3 ~~deemed~~ vacant under any of in the following circumstances
4 ~~cases:~~

5 (1) ~~By the~~ Death of the incumbent.

6 (2) ~~By his or her~~ Resignation of the incumbent.

7 (3) ~~By his or her~~ Removal of the incumbent.

8 (4) Failure of the incumbent ~~By his or her ceasing~~ to
9 remain a resident be an inhabitant of the state, district, or
10 precinct for which the incumbent was ~~he or she shall have been~~
11 elected or appointed.

12 (5) ~~By his or her~~ Refusal of the person elected or
13 appointed to accept the office.

14 (6) ~~The~~ Conviction of the incumbent for a ~~of any~~
15 felony.

16 (7) The decision of a competent tribunal declaring
17 void his or her election or appointment, and his or her
18 removal by said tribunal.

19 (8) ~~By his or her~~ Failure of the incumbent to attend,
20 without good and sufficient reason, three consecutive
21 meetings, regular or called, of the committee of which he or
22 she is a member.

23 Section 178. Section 103.141, Florida Statutes, is
24 amended to read:

25 103.141 Removal of state or county executive committee
26 member for violation of oath.--

27 (1)(a) If a ~~where the~~ county executive committee by at
28 least a two-thirds majority vote of the members of the
29 committee, attending a meeting held after due notice has been
30 given and at which meeting a quorum is present, determines
31 that an incumbent ~~county executive~~ committee member is to be

1 guilty of an offense involving a violation of the committee
2 member's oath of office, the committee said member ~~so~~
3 violating his or her oath shall be removed from office and the
4 office shall be deemed vacant.

5 (b) A committee member who has been removed under
6 paragraph (a) may, within 10 days after the removal, file
7 ~~Provided, however, if the county committee wrongfully removes~~
8 ~~a county committee member and the committee member so~~
9 ~~wrongfully removed files~~ suit in the circuit court alleging
10 that the his or her removal was wrongful. If the court finds
11 that the removal was wrongful and wins said suit, the
12 committee member shall be restored to office and the county
13 committee shall pay the costs incurred ~~by the wrongfully~~
14 ~~removed committee member~~ in bringing the suit, including
15 reasonable attorney's fees.

16 (c)(2) Either The county or state executive committee
17 may is empowered to take judicial action in chancery against a
18 county committee member for alleged violation of the committee
19 member's oath of office in the circuit court of the county in
20 which that committee member is a voter.~~an elector;~~ provided,
21 ~~However, that~~ the state executive committee may take ~~such~~
22 judicial action only when a county executive committee refuses
23 to take ~~such~~ judicial action within 10 days after a charge is
24 made. ~~Procedure shall be as in other cases in chancery, and If~~
25 the court finds shall find as fact that the defendant did
26 violate his or her oath of office, it shall enter a decree
27 removing the defendant from the county executive committee.
28 If either ~~such~~ executive committee brings suit in the circuit
29 court for the removal of a county committee member and loses
30 the said suit, the such committee shall pay the court costs
31

1 incurred in the ~~such~~ suit by the committee member, including
2 reasonable attorney's fees.

3 (2)(a) The state executive committee may take judicial
4 action in chancery in the circuit court of the county in which
5 a state committee member is a voter to remove a state
6 committee member from office for a violation of the committee
7 member's oath of office. The procedure shall be as in other
8 cases in chancery and, if the court finds as fact that the
9 defendant did violate his or her oath of office, it shall
10 enter a decree removing the defendant from the state executive
11 committee.

12 (b) If a charge of violating the committee member's
13 oath of office is made against a member of the state executive
14 committee and the state executive committee fails to take
15 judicial action within 10 days after a charge is made, the
16 county executive committee in the county from which the state
17 committee member is elected may seek such committee member's
18 removal in the circuit court of that county in the manner and
19 according to the procedure set forth in paragraph (a).

20 (c) If either the county or state executive committee
21 seeks the removal of a state executive committee member as
22 provided in paragraph (a) or paragraph (b) and loses the suit,
23 the committee bringing the suit shall pay the court costs
24 incurred by the committee member in defending the suit,
25 including reasonable attorney's fees.

26 Section 179. Sections 103.022, 103.061, 103.062,
27 103.071, and 103.151, Florida Statutes, are repealed.

28 Section 180. Section 104.005, Florida Statutes, is
29 created to read:

30
31

1 104.005 Applicability of chapter to municipal
2 elections.--For purposes of this chapter, the term "election"
3 includes municipal elections.

4 Section 181. Section 104.24, Florida Statutes, is
5 transferred, renumbered as section 104.007, Florida Statutes,
6 and amended to read:

7 104.007 ~~104.24~~ Penalty for assuming name.--A person
8 may not, in connection with any part of the election process,
9 fraudulently use ~~call himself or herself, or fraudulently pass~~
10 ~~by any other~~ name other than the name by which the person is
11 registered or fraudulently use the name of another in voting.
12 Any person who violates this section commits ~~is guilty of~~ a
13 felony of the third degree, punishable as provided in s.
14 775.082, s. 775.083, or s. 775.084.

15 Section 182. Section 104.185, Florida Statutes, is
16 transferred, renumbered as section 104.009, Florida Statutes,
17 and amended to read:

18 104.009 ~~104.185~~ Petitions; knowingly signing more than
19 ~~once; signing another person's name or a fictitious name.--~~

20 (1) A person who knowingly signs a petition or
21 petitions for a candidate, a minor political party, or an
22 issue more than one time commits a misdemeanor of the first
23 degree, punishable as provided in s. 775.082 or s. 775.083.

24 ~~(2) A person who signs another person's name or a~~
25 ~~fictitious name to any petition to secure ballot position for~~
26 ~~a candidate, a minor political party, or an issue commits a~~
27 ~~misdemeanor of the first degree, punishable as provided in s.~~
28 ~~775.082 or s. 775.083.~~

29 Section 183. Section 104.011, Florida Statutes, is
30 amended to read:

31

1 104.011 False swearing; submission of false voter
2 registration information.--

3 (1) Any ~~A~~ person who willfully swears or affirms
4 falsely ~~to any oath or affirmation~~, or willfully procures
5 another person to swear or affirm falsely, to an oath or
6 affirmation relating to, ~~in connection with or arising out of~~
7 voting or elections commits a felony of the third degree,
8 punishable as provided in s. 775.082, s. 775.083, or s.
9 775.084.

10 (2) Any ~~A~~ person who willfully submits any false voter
11 registration information commits a felony of the third degree,
12 punishable as provided in s. 775.082 or s. 775.083.

13 Section 184. Section 104.012, Florida Statutes, is
14 amended to read:

15 104.012 Consideration for registration; interference
16 with registration; soliciting registrations for compensation;
17 alteration of registration application.--

18 (1) Any person who gives any pecuniary or other
19 benefit ~~anything of value that is redeemable in cash to~~
20 another any person in consideration for such other person's
21 registering to vote his or her becoming a registered voter
22 commits a felony of the third degree, punishable as provided
23 in s. 775.082, s. 775.083, or s. 775.084. This section does
24 ~~shall not apply be interpreted, however, to exclude such~~
25 ~~services as~~ transportation costs to or from the place of
26 registration or the costs of taking care of another while the
27 person is absent to register ~~baby-sitting in connection with~~
28 ~~the absence of an elector from home for registering.~~

29 (2) Any ~~A~~ person who by bribery, menace, threat, or
30 other corruption, directly or indirectly, influences,
31 deceives, or deters or attempts to influence, deceive, or

1 deter any person in the free exercise of that person's right
2 to register to vote at any time, upon the first conviction,
3 commits a felony of the third degree, punishable as provided
4 in s. 775.082, s. 775.083, or s. 775.084, and, upon any
5 subsequent conviction, commits a felony of the second degree,
6 punishable as provided in s. 775.082, s. 775.083, or s.
7 775.084.

8 (3) Any ~~A~~ person who solicits or pays ~~may not solicit~~
9 ~~or pay~~ another person to solicit voter registrations for
10 compensation that is based upon the number of registrations
11 obtained. ~~A person who violates the provisions of this~~
12 ~~subsection~~ commits a felony of the third degree, punishable as
13 provided in s. 775.082, s. 775.083, or s. 775.084.

14 (4) A person who alters the voter registration
15 application of any other person, without the other person's
16 knowledge and consent, commits a felony of the third degree,
17 punishable as provided in s. 775.082, s. 775.083, or s.
18 775.084.

19 Section 185. Section 104.0515, Florida Statutes, is
20 amended to read:

21 104.0515 Voting rights; deprivation of, or
22 interference with, prohibited; penalty.--

23 (1) Notwithstanding any law, ordinance, regulation,
24 custom, or usage to the contrary, any citizen ~~All citizens~~ of
25 this state who is ~~are~~ otherwise qualified ~~by law~~ to vote at
26 any election ~~by the people~~ in this state or in any district,
27 county, city, town, municipality, school district, or other
28 subdivision of this state is ~~shall be~~ entitled ~~and allowed~~ to
29 vote at all such elections without regard ~~distinction~~
30 ~~according~~ to race, color, or previous condition of servitude,
31

1 ~~notwithstanding any law, ordinance, regulation, custom, or~~
2 ~~usage to the contrary.~~

3 (2) A ~~No~~ person acting under color of law may not
4 ~~shall~~:

5 (a) In determining whether any individual is qualified
6 ~~under law~~ to vote in any election, apply any standard,
7 practice, or procedure different from the standards,
8 practices, or procedures applied under law to other
9 individuals within the same political subdivision who have
10 been found to be qualified to vote; or

11 (b) Deny the right of any individual to vote in any
12 election because of an error or omission on any record or
13 paper relating to any application, registration, or other act
14 requisite to voting, if such error or omission is not material
15 in determining whether such individual is qualified ~~under law~~
16 to vote in such election. This paragraph applies ~~shall apply~~
17 to absentee ballots only if there is a pattern or history of
18 discrimination on the basis of race, color, or previous
19 condition of servitude in regard to absentee ballots.

20 (3) A ~~No~~ person, whether acting under color of law or
21 otherwise, may not ~~shall~~ intimidate, threaten, or coerce, or
22 attempt to intimidate, threaten, or coerce, any other person
23 for the purpose of interfering with the right of such other
24 person to vote or not to vote as that person chooses ~~may~~
25 ~~choose~~, or for the purpose of causing such other person to
26 vote for, or not vote for, any candidate or issue ~~for any~~
27 ~~office at any general, special, or primary election held~~
28 ~~solely or in part for the purpose of selecting or electing any~~
29 ~~such candidate.~~

30 (4) A political subdivision of this state may not
31 impose or apply a ~~No~~ voting qualification or prerequisite to

1 voting, or a ~~and no~~ standard, practice, or procedure, for the
2 purpose of denying or abridging ~~shall be imposed or applied by~~
3 ~~any political subdivision of this state to deny or abridge the~~
4 right of any citizen to vote on account of race or color.

5 (5) Any person who violates any provision ~~the~~
6 ~~provisions~~ of this section commits ~~is guilty of~~ a felony of
7 the third degree, punishable as provided in s. 775.082, s.
8 775.083, or s. 775.084.

9 Section 186. Section 104.061, Florida Statutes, is
10 amended to read:

11 104.061 Corruptly influencing voting.--

12 (1) Any person who ~~Whoever~~ by bribery, menace, threat,
13 or other corruption whatsoever, either directly or indirectly,
14 attempts to influence, deceive, or deter a voter ~~any elector~~
15 in voting or interferes with the voter ~~him or her~~ in the free
16 exercise of the voter's ~~elector's~~ right to vote at any
17 election commits a felony of the third degree, punishable as
18 provided in s. 775.082, s. 775.083, or s. 775.084 for the
19 first conviction, and a felony of the second degree,
20 punishable as provided in s. 775.082, s. 775.083, or s.
21 775.084, for any subsequent conviction.

22 (2) A ~~No~~ person may not ~~shall~~ directly or indirectly
23 give or promise anything of value to another person with the
24 intention of buying such person's or another person's
25 ~~intending thereby to buy that person's or another's~~ vote or
26 with the intention of ~~to~~ corruptly influencing ~~influence~~ that
27 person or another person in casting his or her vote. Any
28 person who violates this subsection commits ~~is guilty of~~ a
29 felony of the third degree, punishable as provided in s.
30 775.082, s. 775.083, or s. 775.084. However, this subsection
31 does ~~shall~~ not apply to the serving of food to be consumed at

1 a political rally or meeting or to any item valued at \$10 or
2 ~~less of nominal value~~ which is used as a political
3 advertisement, including a campaign message designed to be
4 worn by a person.

5 Section 187. Section 104.081, Florida Statutes, is
6 amended to read:

7 104.081 Threats of employers to control votes of
8 employees.--~~An employer may not~~ It is unlawful for any person
9 ~~having one or more persons in his or her service as employees~~
10 ~~to discharge or threaten to discharge any employee in his or~~
11 ~~her service~~ for voting or not voting for any candidate or
12 issue in any election, ~~state, county, or municipal, for any~~
13 ~~candidate or measure submitted to a vote of the people.~~ Any
14 person who violates ~~the provisions of this section~~ commits is
15 ~~guilty of~~ a felony of the third degree, punishable as provided
16 in s. 775.082, s. 775.083, or s. 775.084.

17 Section 188. Section 104.045, Florida Statutes, is
18 transferred, renumbered as section 104.0911, Florida Statutes,
19 and amended to read:

20 104.0911 ~~104.045~~ Vote selling.--Any person who:

21 (1) Corruptly offers to vote for or against, or to
22 refrain from voting for or against, any candidate or issue in
23 any election in return for pecuniary or other benefit; or

24 (2) Accepts a pecuniary or other benefit in exchange
25 for a promise to vote for or against, or to refrain from
26 voting for or against, any candidate or issue in any election,

27
28 commits is guilty of a felony of the third degree, punishable
29 as provided in s. 775.082, s. 775.083, or s. 775.084.

30
31

1 Section 189. Section 104.041, Florida Statutes, is
2 transferred, renumbered as section 104.0912, Florida Statutes,
3 and amended to read:

4 104.0912 ~~104.041~~ Fraud in connection with casting
5 vote.--

6 (1) A Any person may not perpetrate or attempt
7 ~~perpetrating or attempting~~ to perpetrate, or aid in the
8 perpetration of, any fraud in connection with the casting of
9 any vote, including, but not limited to:

10 (a) Willfully placing any marked ballot in the ballot
11 box except a ballot properly voted by a voter.

12 (b) Willfully intermingling ballots that have not been
13 duly received during the election with ballots that are voted
14 by the voters.

15 (c) Willfully voting at any election where the person
16 casting the ballot knows that he or she is not qualified to
17 vote in that election.

18 (d) Knowingly voting or attempting to vote a
19 fraudulent ballot or knowingly soliciting another person to
20 vote or attempt to vote a fraudulent ballot.

21 (e) Willfully voting or attempting to vote both in
22 person and by absentee ballot at the same election.

23 (2) Any person who violates this section commits ~~cast,~~
24 ~~to be cast, or attempted to be cast,~~ is guilty of a felony of
25 the third degree, punishable as provided in s. 775.082, s.
26 775.083, or s. 775.084.

27 Section 190. Section 104.047, Florida Statutes, is
28 transferred, renumbered as section 104.0915, Florida Statutes,
29 and amended to read:

30 104.0915 ~~104.047~~ Absentee ballots and voting;
31 violations.--

1 (1) Any person who provides or offers to provide, and
2 any person who accepts, a pecuniary or other benefit in
3 exchange for distributing, ordering, requesting, collecting,
4 delivering, or otherwise physically possessing absentee
5 ballots, except as authorized in this code, commits ~~provided~~
6 ~~in ss. 101.6105-101.694, is guilty of~~ a felony of the third
7 degree, punishable as provided in s. 775.082, s. 775.083, or
8 s. 775.084.

9 (2) Except as provided in s. 101.62 or s. 101.655, any
10 person who requests an absentee ballot on behalf of a voter
11 ~~commits an elector is guilty of~~ a felony of the third degree,
12 punishable as provided in s. 775.082, s. 775.083, or s.
13 775.084.

14 (3) Any person who marks or designates a choice on the
15 ballot of another person or changes or attempts to change the
16 choice, except as provided in s. 101.113 ~~s. 101.051~~, s.
17 101.655, or s. 101.661, commits ~~is guilty of~~ a felony of the
18 third degree, punishable as provided in s. 775.082, s.
19 775.083, or s. 775.084.

20 Section 191. Section 104.101, Florida Statutes, is
21 amended to read:

22 104.101 Failure to assist officers at polls.--Any
23 person summoned by the sheriff or deputy sheriff who fails or
24 refuses to assist such officer ~~him or her~~ in maintaining order
25 ~~the peace~~ at the polls commits ~~is guilty of~~ a misdemeanor of
26 the first degree, punishable as provided in s. 775.082 or s.
27 775.083.

28 Section 192. Section 104.19, Florida Statutes, is
29 amended to read:

30 104.19 Using stickers or rubber stamps or carrying
31 certain items in voting booth; penalty.--

1 (1)(a) ~~A~~ ~~it is unlawful for any person voting casting~~
2 a ballot at any election may not to use stickers or rubber
3 stamps or ~~to~~ carry into the a voting booth any mechanical
4 device, paper, or memorandum that ~~which~~ might be used to
5 affect adversely the ~~normal~~ election process.

6 (b) In voting for casting a write-in candidate ballot,
7 the voter ~~elector~~ shall mark cast the ballot ~~same~~ in his or
8 her own handwriting or in the handwriting of an authorized
9 person aiding him or her.

10 (2) Any person who violates ~~the provisions of~~ this
11 section commits ~~is guilty of~~ a misdemeanor of the second
12 degree, punishable as provided in s. 775.082 or s. 775.083.

13 Section 193. Section 104.20, Florida Statutes, is
14 amended to read:

15 104.20 Ballot not to be seen, and other offenses.--Any
16 voter ~~elector~~ who, except as provided by law:7

17 (1) Allows his or her ballot to be seen by another ~~any~~
18 person;

19 (2) Takes or removes, or attempts to take or remove,
20 any ballot from the polling place before the close of the
21 polls;

22 (3) Places any mark on his or her ballot by which it
23 may be identified;

24 (4) Remains longer than the specified time allowed by
25 law in the booth or compartment after having been notified
26 that his or her time has expired;

27 (5) Endeavors to induce any other voter ~~elector~~ to
28 show how such voter ~~he or she~~ voted;

29 (6) Aids or attempts to aid any other voter ~~elector~~
30 unlawfully; or

31

1 (7) Prints or procures to be printed, or possesses one
2 or more ~~has in his or her possession, any~~ copies of any ballot
3 prepared to be voted,

4
5 commits ~~is guilty of~~ a misdemeanor of the first degree,
6 punishable as provided in s. 775.082 or s. 775.083.

7 Section 194. Section 104.26, Florida Statutes, is
8 amended to read:

9 104.26 Penalty for destroying ballot or booth,
10 etc.--Except as authorized by the supervisor, deputy
11 supervisor, or member of the election board,any person who
12 ~~wrongfully~~, during or before an election, removes, tears down,
13 destroys, or defaces any ballot, booth, compartment, or other
14 convenience provided for the purpose of enabling a voter ~~the~~
15 ~~elector to vote~~ prepare his or her ballot, including or any
16 card posted for the instruction of the voter, commits is
17 ~~guilty of~~ a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 Section 195. Section 104.30, Florida Statutes, is
20 amended to read:

21 104.30 Voting system; unlawful possession;
22 tampering.--

23 (1) Except as authorized by the supervisor, deputy
24 supervisor, or member of the election board,any ~~unauthorized~~
25 person who ~~unlawfully~~ has possession of any voting system,
26 components, or key thereof commits is guilty of a misdemeanor
27 of the first degree, punishable as provided in s. 775.082 or
28 s. 775.083.

29 (2) Any person who tampers or attempts to tamper with
30 or destroy any voting system or equipment with the intention
31 of interfering with the election process or the results

1 thereof commits ~~is guilty of~~ a felony of the third degree,
2 punishable as provided in s. 775.082, s. 775.083, or s.
3 775.084.

4 Section 196. Section 101.341, Florida Statutes, as
5 amended by section 12 of chapter 2001-40, Laws of Florida, is
6 transferred, renumbered as section 104.302, Florida Statutes,
7 and amended to read:

8 104.302 ~~101.341~~ ~~Prohibited activities by~~ Voting system
9 custodians and deputy custodians; business interests.--

10 (1) A ~~No~~ voting system custodian or deputy custodian
11 or other employee of the supervisor ~~of elections~~, whose ~~which~~
12 ~~employee's~~ duties are primarily involved with the preparation,
13 maintenance, or repair of the voting equipment of a voting
14 system, may not accept employment or any form of consideration
15 from any person or business entity involved in the purchase,
16 repair, or sale of any voting equipment for any voting system
17 unless such employment has the prior written approval of the
18 supervisor ~~of elections of the county by which such person is~~
19 ~~employed~~.

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

25 Section 197. Section 101.295, Florida Statutes, is
26 transferred, renumbered as section 104.303, Florida Statutes,
27 and amended to read:

28 104.303 ~~101.295~~ Voting system purchases ~~Penalties for~~
29 ~~violation~~.--Any member of a governing body who ~~which~~ ~~purchases~~
30 ~~or sells voting equipment in violation of the provisions of~~
31 ~~ss. 101.292-101.295~~, ~~which member~~ knowingly votes to purchase

1 or sell voting equipment in violation of ss.
2 101.0007-101.0009, and such voting equipment is purchased or
3 sold, ~~commits the provisions of ss. 101.292-101.295~~, is guilty
4 of a misdemeanor of the first degree, punishable as provided
5 in by s. 775.082 or s. 775.083. Such act constitutes, and
6 ~~shall be subject to suspension from office on the grounds of~~
7 malfeasance in office.

8 Section 198. Section 104.23, Florida Statutes, is
9 transferred, renumbered as section 104.304, Florida Statutes,
10 and amended to read:

11 104.304 ~~104.23~~ Disclosing how voter ~~elector~~
12 votes.--Any election official or person assisting any voter
13 ~~elector~~ who willfully discloses how any voter ~~elector~~ voted,
14 except upon trial in court, commits ~~is guilty of~~ a felony of
15 the third degree, punishable as provided in s. 775.082, s.
16 775.083, or s. 775.084.

17 Section 199. Section 104.051, Florida Statutes, is
18 transferred, renumbered as section 104.305, Florida Statutes,
19 and amended to read:

20 104.305 ~~104.051~~ Violations; neglect of duty; corrupt
21 practices.--

22 ~~(1) Any official who willfully violates any of the~~
23 ~~provisions of this election code shall be excluded from the~~
24 ~~polls. Any election official who is excluded shall be replaced~~
25 ~~as provided in this code.~~

26 (1)(2) Any official who willfully refuses or
27 willfully neglects to perform a duty ~~his or her duties~~ as
28 prescribed by this ~~election code~~ commits ~~is guilty of~~ a
29 misdemeanor of the first degree, punishable as provided in s.
30 775.082 or s. 775.083.

31

1 (2)(3) Any official who fraudulently or corruptly
2 performs a ~~his or her~~ duty as prescribed by this election code
3 commits fraudulently or corruptly is guilty of a felony of the
4 third degree, punishable as provided in s. 775.082, s.
5 775.083, or s. 775.084.

6 (3)(4) Any supervisor, ~~deputy supervisor,~~ or election
7 employee who attempts to influence or interfere with a voter
8 casting any elector voting a ballot commits a felony of the
9 third degree, punishable as provided in s. 775.082, s.
10 775.083, or s. 775.084.

11 Section 200. Section 104.22, Florida Statutes, is
12 transferred, renumbered as section 104.306, Florida Statutes,
13 and amended to read:

14 104.306 ~~104.22~~ Stealing and destroying election
15 records or materials, etc., of election.--Any person who
16 steals; who is guilty of stealing, willfully and wrongfully
17 breaks, destroys, mutilates, defaces; who breaking,
18 destroying, mutilating, defacing, or unlawfully moves,
19 secures, or detains moving or securing and detaining the whole
20 or any part of any ballot box, or any record tally sheet or
21 copy thereof, any returns, or any other paper or document
22 provided for; or who fraudulently makes any entry or
23 alteration in any record tally sheet or copy thereof therein
24 except as provided by law, or who permits any other person ~~so~~
25 to do so, commits, ~~is guilty of~~ a felony of the third degree,
26 punishable as provided in s. 775.082, s. 775.083, or s.
27 775.084.

28 Section 201. Section 104.071, Florida Statutes, is
29 transferred, renumbered as section 104.307, Florida Statutes,
30 and amended to read:
31

1 104.307 ~~104.071~~ Remuneration by candidate for
2 services, support, etc.; penalty.--

3 (1) A candidate or a ~~It is unlawful for any person~~
4 supporting such ~~a~~ candidate may not, ~~or for any candidate~~, in
5 order to aid or promote the nomination or election of such
6 candidate in any election, directly or indirectly ~~to~~:

7 (a) Promise to appoint another person, or promise to
8 secure or aid in securing the appointment, nomination, or
9 election of another person, to any public or private position,
10 or to any position of honor, trust, or emolument. This
11 paragraph does not apply to any person, except one who has
12 publicly announced or defined what his or her choice or
13 purpose will be in relation to any election in which he or she
14 may be called to take part, if elected.

15 (b) Give, or promise to give, pay, or loan, any money
16 or other thing of value to the owner, editor, publisher, or
17 agent, of a newspaper or other communications medium ~~any~~
18 ~~communication media, as well as newspapers,~~ to advocate or
19 oppose, through such medium ~~media,~~ any candidate for
20 nomination or election to office ~~in any election or any~~
21 ~~candidate for election~~, and ~~no~~ such owner, editor, or agent
22 may not ~~shall~~ give, solicit, or accept such a payment or
23 reward. In addition, an ~~It shall likewise be unlawful for any~~
24 owner, editor, publisher, or agent of any poll-taking or
25 poll-publishing concern may not ~~to~~ advocate or oppose through
26 such poll any candidate for nomination or election to office
27 ~~in any election or any candidate for election~~ in return for
28 the giving of or promising to give, pay, or loan any money or
29 other thing of value to the ~~said~~ owner, editor, publisher, or
30 agent ~~of any poll-taking or poll-publishing concern~~.

31

1 (c) Give, pay, expend, or contribute any money or
2 other thing of value for the furtherance of the candidacy of
3 any other candidate.

4 (d) Furnish, give, or deliver to another person any
5 money or other thing of value for any purpose prohibited by
6 the election laws.

7
8 This subsection does ~~shall~~ not prohibit a candidate from
9 furnishing to other candidates complimentary tickets to such
10 ~~the~~ candidate's campaign fund raiser ~~to other candidates~~.

11 (2) A candidate may give his or her own personal or
12 business funds to another candidate, so long as the
13 contribution is not given in exchange for a promise or
14 expectation that the recipient will directly or indirectly do
15 anything to aid or promote the candidacy of the contributor
16 which the recipient would not have otherwise done.

17 (3) Any person who violates ~~any provision of~~ this
18 section commits ~~is guilty of~~ a felony of the third degree,
19 punishable as provided in s. 775.082 or s. 775.083, ~~and from~~
20 ~~and after conviction shall be disqualified to hold office.~~

21 Section 202. Section 104.271, Florida Statutes, is
22 transferred and renumbered as section 104.308, Florida
23 Statutes, and amended to read:

24 104.308 ~~104.271~~ False or malicious charges against, or
25 false statements about, opposing candidates; penalty.--

26 (1) Any candidate who, ~~in a primary election or other~~
27 ~~election,~~ willfully charges an opposing candidate
28 ~~participating in such election~~ with a violation of any
29 provision of this code, which charge is known by the candidate
30 making such charge to be false or malicious, commits ~~is guilty~~
31 ~~of~~ a felony of the third degree, punishable as provided in s.

1 775.082, ~~or~~ s. 775.083, or s. 775.084 ~~and, in addition, after~~
2 ~~conviction shall be disqualified to hold office.~~

3 (2) Any candidate who, ~~in a primary election or other~~
4 ~~election,~~with actual malice makes or causes to be made any
5 statement about an opposing candidate which is false commits
6 ~~is guilty of~~ a violation of this code. An aggrieved candidate
7 may file a complaint with the Florida Elections Commission
8 pursuant to s. 106.25. The commission shall adopt rules to
9 provide an expedited hearing of complaints filed under this
10 subsection. Notwithstanding any other provision of law, the
11 commission shall assess a civil penalty of up to \$5,000
12 against any candidate found in violation of this subsection,
13 which shall be deposited in ~~to the account of~~ the General
14 Revenue Fund ~~of the state.~~

15 Section 203. Section 104.31, Florida Statutes, is
16 amended to read:

17 104.31 Political activities of state, county, and
18 municipal officers and employees.--

19 (1) Except as otherwise provided in this section, an
20 ~~No~~ officer or employee of the state, or of any county or
21 municipality, may not ~~thereof, except as hereinafter exempted~~
22 ~~from provisions hereof, shall:~~

23 (a) Use his or her official authority or influence for
24 the purpose of interfering with an election or a nomination to
25 ~~of~~ office or coercing or influencing another person's vote or
26 affecting the result thereof; or-

27 (b) Directly or indirectly coerce or attempt to
28 coerce, command, or advise any other officer or employee to
29 pay, lend, or contribute ~~any part of his or her salary, or any~~
30 ~~money, or anything else~~ of value to any political party,
31 committee, organization, agency, or person for political

1 purposes. However, nothing in this paragraph or in any county
2 or municipal charter or ordinance shall prohibit an employee
3 from suggesting to another employee in a noncoercive manner
4 that he or she may voluntarily contribute to a fund that ~~which~~
5 is administered by a political party, committee, organization,
6 agency, person, labor union, or other employee organization
7 for political purposes.

8 ~~(c) Directly or indirectly coerce or attempt to~~
9 ~~coerce, command, and advise any such officer or employee as to~~
10 ~~where he or she might purchase commodities or to interfere in~~
11 ~~any other way with the personal right of said officer or~~
12 ~~employee.~~

13
14 ~~The provisions of This section~~ does ~~shall not be construed so~~
15 ~~as to prevent any person from becoming a candidate for and~~
16 ~~actively campaigning for any elective office in this state.~~
17 All such persons shall retain the right to vote as they may
18 choose and to express their opinions on all political subjects
19 and candidates. ~~The provisions of Paragraph (a)~~ does ~~shall not~~
20 ~~be construed so as to limit the political activity in an a~~
21 ~~general, special, primary, bond, referendum, or other election~~
22 ~~of any kind or nature, of elected officials or candidates for~~
23 ~~public office in the state or of any county or municipality~~
24 ~~thereof; and the provisions of paragraph (a)~~ does ~~shall not be~~
25 ~~construed so as to limit the political activity in general or~~
26 ~~special elections of the officials appointed as the heads or~~
27 ~~directors of state administrative agencies, boards,~~
28 ~~commissions, or committees or of the members of state boards,~~
29 ~~commissions, or committees, whether they~~ are ~~be~~ be ~~be~~ be ~~be~~
30 ~~nonsalaried, or reimbursed for expense. In the event of a dual~~
31 ~~capacity of any member of a state board, commission, or~~

1 committee, any restrictive provisions applicable to either
2 capacity shall apply. ~~The provisions of Paragraph (a) does~~
3 ~~shall not be construed so as to~~ limit the political activity
4 in ~~an a general, special, primary, bond, referendum, or other~~
5 election of any kind or nature of the Governor, the ~~elected~~
6 members of the ~~Governor's~~ Cabinet, or the members of the
7 Legislature. ~~Paragraph The provisions of paragraphs (b)~~
8 applies and ~~(c) shall apply~~ to the activities of all officers
9 and employees of the state or of any county or municipality
10 thereof, whether the officer is elected, appointed, or
11 otherwise employed, and or whether the activity is ~~shall be~~ in
12 connection with an a primary, general, special, bond,
13 ~~referendum, or other~~ election of any kind ~~or nature~~.

14 (2) Any person who violates ~~violating the provisions~~
15 ~~of this section~~ commits ~~is guilty of~~ a misdemeanor of the
16 first degree, punishable as provided in s. 775.082 or s.
17 775.083.

18 (3) Nothing ~~contained~~ in this section or in any county
19 or municipal charter prohibits ~~shall be deemed to prohibit~~ any
20 public employee from expressing his or her opinions on any
21 candidate or issue or from participating in any political
22 campaign during the employee's off-duty hours, so long as such
23 activities are not in conflict with ~~the provisions of~~
24 subsection (1) or s. 110.233.

25 Section 204. Section 104.42, Florida Statutes, is
26 transferred, renumbered as section 104.315, Florida Statutes,
27 and amended to read:

28 104.315 ~~104.42~~ Fraudulent registration and illegal
29 voting; investigation.--

30 (1) The supervisor ~~of elections~~ is authorized to
31 investigate fraudulent registrations and illegal voting and to

1 report his or her findings to the local state attorney and the
2 Florida Elections Commission.

3 (2) The board of county commissioners in any county
4 may appropriate funds to the supervisor ~~of elections~~ for the
5 purpose of investigating fraudulent registrations and illegal
6 voting.

7 Section 205. Section 104.39, Florida Statutes, is
8 amended to read:

9 104.39 Witnesses as to violations.--Any person who
10 violates any provision of this code shall be a competent
11 witness against any other person ~~so~~ violating the code and may
12 be compelled to attend and testify in the same manner as any
13 other person. The testimony given may ~~shall~~ not be used in
14 any prosecution or criminal proceeding against the person ~~so~~
15 testifying, except in a prosecution for perjury.

16 Section 206. Section 104.43, Florida Statutes, is
17 amended to read:

18 104.43 Grand juries; special investigation.--If
19 convened during a campaign preceding an election, the grand
20 jury in any circuit shall, upon the request of any candidate
21 or ~~qualified~~ voter, make a special investigation ~~when it~~
22 ~~convenes during a campaign preceding any election day~~ to
23 determine whether there is any violation of any provision ~~the~~
24 ~~provisions~~ of this code, and shall return an indictment if
25 ~~indictments when~~ sufficient ground is found.

26 Section 207. Section 104.41, Florida Statutes, is
27 transferred and renumbered as section 104.455, Florida
28 Statutes, to read:

29 104.455 ~~104.41~~ Violations not otherwise provided
30 for.--Any violation of this code not otherwise provided for is
31

1 a misdemeanor of the first degree, punishable as provided in
2 s. 775.082 or s. 775.083.

3 Section 208. Sections 104.013, 104.031, 104.091,
4 104.11, 104.13, 104.15, 104.16, 104.17, 104.18, 104.21,
5 104.29, and 104.32, Florida Statutes, are repealed.

6 Section 209. Chapter 97, Florida Statutes, is retitled
7 "Definitions; Election Officials and Offices"; chapter 98,
8 Florida Statutes, is retitled "Voter Registration"; chapter
9 99, Florida Statutes, is retitled "Candidates and Qualifying";
10 chapter 100, Florida Statutes, is retitled "General, Primary,
11 Special, Bond, Referendum, and Municipal Elections"; chapter
12 102, Florida Statutes, is retitled "Canvassing Elections"; and
13 chapter 103, Florida Statutes, is retitled "Presidential
14 Preference Primary; Presidential Electors; Political Parties;
15 Executive Committees."

16 Section 210. Section 15.21, Florida Statutes, is
17 amended to read:

18 15.21 Initiative petitions; s. 3, Art. XI, State
19 Constitution.--The Secretary of State shall immediately submit
20 an initiative petition to the Attorney General if the sponsor
21 has:

22 (1) Registered as a political committee pursuant to s.
23 106.03;

24 (2) Submitted the ballot title, substance, and text of
25 the proposed revision or amendment to the Secretary of State
26 pursuant to ss. 100.192 and 100.194 ~~ss. 100.371 and 101.161~~;
27 and

28 (3) Obtained a letter from the Division of Elections
29 confirming that the sponsor has submitted to the appropriate
30 supervisors for verification, and the supervisors have
31 verified, forms signed and dated equal to 10 percent of the

1 number of electors statewide and in at least one-fourth of the
2 congressional districts required by s. 3, Art. XI of the State
3 Constitution.

4 Section 211. Subsection (1) of section 16.061, Florida
5 Statutes, is amended to read:

6 16.061 Initiative petitions.--

7 (1) The Attorney General shall, within 30 days after
8 receipt of a proposed revision or amendment to the State
9 Constitution by initiative petition from the Secretary of
10 State, petition the Supreme Court, requesting an advisory
11 opinion regarding the compliance of the text of the proposed
12 amendment or revision with s. 3, Art. XI of the State
13 Constitution and the compliance of the proposed ballot title
14 and substance with s. 100.194 ~~s. 101.161~~. The petition may
15 enumerate any specific factual issues which the Attorney
16 General believes would require a judicial determination.

17 Section 212. Paragraph (a) of subsection (1) of
18 section 106.087, Florida Statutes, is amended to read:

19 106.087 Independent expenditures; contribution limits;
20 restrictions on political parties, political committees, and
21 committees of continuous existence.--

22 (1)(a) As a condition of receiving a rebate of filing
23 fees and party assessment funds pursuant to s. 99.061(2), s.
24 99.092(1), ~~s. 99.103~~, or s. 103.121(1)(b), the chair or
25 treasurer of a state or county executive committee shall take
26 and subscribe to an oath or affirmation in writing. During the
27 qualifying period for state candidates and prior to
28 distribution of such funds, a printed copy of the oath or
29 affirmation shall be filed with the Secretary of State and
30 shall be substantially in the following form:

31

1 State of Florida

2 County of....

3 Before me, an officer authorized to administer oaths,
4 personally appeared ...(name)..., to me well known, who, being
5 sworn, says that he or she is the ...(title)... of the
6 ...(name of party)... ...(state or specified county)...
7 executive committee; that the executive committee has not
8 made, either directly or indirectly, an independent
9 expenditure in support of or opposition to a candidate or
10 elected public official in the prior 6 months; that the
11 executive committee will not make, either directly or
12 indirectly, an independent expenditure in support of or
13 opposition to a candidate or elected public official, through
14 and including the upcoming general election; and that the
15 executive committee will not violate the contribution limits
16 applicable to candidates under s. 106.08(2), Florida Statutes.

17 ...(Signature of committee officer)...

18 ...(Address)...

19

20 Sworn to and subscribed before me this day of,

21 ...(year)..., at County, Florida.

22 ...(Signature and title of officer administering oath)...

23 Section 213. Section 125.82, Florida Statutes, is
24 amended to read:

25 125.82 Charter adoption by ordinance.--

26 (1) As a supplemental and alternative way to the
27 provisions of ss. 125.60-125.64, inclusive, the board of
28 county commissioners may propose by ordinance a charter
29 consistent with the provisions of this part and provide for a
30 special election pursuant to the procedures established in s.
31 100.194 ~~s. 101.161(1)~~with notice published as provided in s.

1 100.342. The time period provided in s. 125.64 does not apply
2 to the proposal of a charter by ordinance under this section.

3 (2) Any charter proposed under this section which was
4 adopted by vote of the electors at an election conducted and
5 noticed in conformance with the requirements of ss. 100.342
6 and 100.194 ~~101.161(1)~~ is hereby ratified.

7 Section 214. Subsection (2) of section 196.141,
8 Florida Statutes, is amended to read:

9 196.141 Homestead exemptions; duty of property
10 appraiser.--

11 (2) The property appraiser shall examine each
12 referral, of a person registering to vote at an address
13 different from the one where the person has filed for a
14 homestead exemption, which has been provided by a supervisor
15 of elections pursuant to s. 97.045 ~~s. 98.015~~. The property
16 appraiser shall initiate procedures to terminate a person's
17 homestead exemption and assess back taxes, if appropriate, if
18 the person claiming such exemption is not entitled to the
19 exemption under law.

20 Section 215. Paragraph (b) of subsection (2),
21 paragraph (b) of subsection (3), paragraph (b) of subsection
22 (4), paragraph (b) of subsection (6), and paragraph (b) of
23 subsection (7) of section 212.055, Florida Statutes, are
24 amended to read:

25 212.055 Discretionary sales surtaxes; legislative
26 intent; authorization and use of proceeds.--It is the
27 legislative intent that any authorization for imposition of a
28 discretionary sales surtax shall be published in the Florida
29 Statutes as a subsection of this section, irrespective of the
30 duration of the levy. Each enactment shall specify the types
31 of counties authorized to levy; the rate or rates which may be

1 imposed; the maximum length of time the surtax may be imposed,
2 if any; the procedure which must be followed to secure voter
3 approval, if required; the purpose for which the proceeds may
4 be expended; and such other requirements as the Legislature
5 may provide. Taxable transactions and administrative
6 procedures shall be as provided in s. 212.054.

7 (2) LOCAL GOVERNMENT INFRASTRUCTURE SURTAX.--

8 (b) A statement which includes a brief general
9 description of the projects to be funded by the surtax and
10 which conforms to the requirements of s. 100.194 ~~s. 101.161~~
11 shall be placed on the ballot by the governing authority of
12 any county which enacts an ordinance calling for a referendum
13 on the levy of the surtax or in which the governing bodies of
14 the municipalities representing a majority of the county's
15 population adopt uniform resolutions calling for a referendum
16 on the surtax. The following question shall be placed on the
17 ballot:

18
19 FOR the -cent sales tax
20 AGAINST the -cent sales tax

21
22 (3) SMALL COUNTY SURTAX.--

23 (b) A statement that includes a brief general
24 description of the projects to be funded by the surtax and
25 conforms to the requirements of s. 100.194 ~~s. 101.161~~ shall be
26 placed on the ballot by the governing authority of any county
27 that enacts an ordinance calling for a referendum on the levy
28 of the surtax for the purpose of servicing bond indebtedness.
29 The following question shall be placed on the ballot:

30
31 FOR the -cent sales tax

1 shall be placed on the ballot by the governing body of the
2 county. The following questions shall be placed on the ballot:

3
4 FOR THE . . . CENTS TAX

5 AGAINST THE . . . CENTS TAX

6 Section 216. Paragraph (b) of subsection (2) of
7 section 236.32, Florida Statutes, is amended to read:

8 236.32 Procedures for holding and conducting school
9 district millage elections.--

10 (2) FORM OF BALLOT.--

11 (b) The school board shall provide the wording of the
12 substance of the measure and the ballot title in the
13 resolution calling for the election. The wording of the ballot
14 must conform to the provisions of s. 100.194 ~~s. 101.161~~.

15 Section 217. Subsection (2) of section 418.302,
16 Florida Statutes, is amended to read:

17 418.302 Governing body of mobile home park recreation
18 district.--

19 (2) The ordinance creating the district shall specify
20 the date of the election. Notice of the election, setting
21 forth the names of the persons proposed as trustees of the
22 district, shall be given by the supervisor of elections by
23 mail addressed to each qualified elector not less than 15 days
24 before the date of the election. Such notice shall also be
25 published one time at least 10 days prior to the election in a
26 newspaper of general circulation published in the county. If
27 no such newspaper is published in the county, the supervisor
28 of elections shall cause written or printed notices of the
29 election to be posted in five public places within the
30 district. Notwithstanding the provisions of s. 100.0992 ~~s.~~
31 ~~101.20~~, the publication of a sample ballot is not required.

1 Section 218. This act shall take effect January 1,
2 2003.

3
4 *****

5 SENATE SUMMARY

6 Revises and updates various provisions of the Florida
7 Election Code. (See bill for details.)

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