

Senate CHAMBER ACTION House

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5 ORIGINAL STAMP BELOW

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11 Representative(s) Goodlette offered the following:

13 **Amendment (with title amendment)**

14 Remove everything after the enacting clause

16 and insert:

18 amended to read:

20 accompanying family member who has been discharged or
or the Merchant Marine,

23 United States, after the book-closing ____ for an election

and

7

25 register to vote in such election until 5 p.m. on the Friday

in the office of the supervisor of

elections

28 showing evidence of qualifying for late registration pursuant

30 specifying documentation that is sufficient to determine

1 Section 2. Subsections (1) and (3) of section 98.045,
2 Florida Statutes, are amended to read:

3 98.045 Administration of voter registration.--

4 (1) Each supervisor must ensure that any eligible
5 applicant for voter registration is registered to vote. Once a
6 voter is registered, the name of that voter may not be removed
7 from the registration books except at the written request of
8 the voter, by reason of the voter's conviction of a felony or
9 adjudication as mentally incapacitated with respect to voting,
10 by death of the voter, or pursuant to a registration list
11 maintenance program or other registration list maintenance
12 activity conducted pursuant to s. 98.065, or s. 98.075, or s.
13 98.0977.

14 (3) Notwithstanding the provisions of ss. 98.095, and
15 98.097, and 98.0977 each supervisor shall maintain for at
16 least 2 years, and make available for public inspection and
17 copying, all records concerning implementation of registration
18 list maintenance programs and activities conducted pursuant to
19 ss. 98.065, and 98.075, and 98.0977. The records must include
20 lists of the name and address of each person to whom an
21 address confirmation final notice was sent and information as
22 to whether each such person responded to the mailing, but may
23 not include any information that is confidential or exempt
24 from public record requirements under this code.

25 Section 3. Subsection (4) of section 98.0977, Florida
26 Statutes, is amended to read:

27 98.0977 Statewide voter registration database;
28 development and maintenance.--

29 (4) To the maximum extent feasible, state and local
30 government entities shall facilitate provision of information
31 and access to data to the department ~~Florida Association of~~

1 ~~Court Clerks~~ in order to compare information in the statewide
2 voter registration database with available information in
3 other computer databases, including, but not limited to,
4 databases that contain reliable criminal records and records
5 of deceased persons. State and local governmental agencies
6 that provide such data shall do so without charge if the
7 direct cost incurred by those agencies is not significant.

8 Section 4. Paragraph (b) of subsection (1) of section
9 98.0979, Florida Statutes, is amended to read:

10 98.0979 Statewide voter registration database open to
11 inspection; copies.--

12 (1)

13 (b) Within 15 days after a request for voter
14 registration information, the division or supervisor of
15 elections shall furnish any requested information, excluding
16 only a voter's signature, social security number, and such
17 other information that is by statute specifically made
18 confidential or is exempt from public records requirements. A
19 request for county information must be made to the supervisor
20 of elections of that county, and a request for multicounty or
21 statewide information must be made to the division. A
22 supervisor of elections is not responsible for providing any
23 information other than information from the supervisor's own
24 county.

25 Section 5. Subsection (2) of section 101.031, Florida
26 Statutes, is amended to read:

27 101.031 Instructions for electors.--

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

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VOTER'S BILL OF RIGHTS

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line _____
closing of ~~when~~ the polls _____ ~~are closing~~
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she
5. An explanation if his or her registration is in
question.
provisional ballot.
7. Prove his or her identity by signing an affidavit
8. Written instructions to use when voting, and, upon
request, oral instructions in voting from elections officers.
elections officers or any other person.
10. Vote on a voting system that is in working

VOTER RESPONSIBILITIES

Each registered voter in this state should ~~has the~~

1. _____ ~~Study and~~
~~know~~ candidates and issues.
Maintain with the office of the supervisor of
_____ ~~Keep his or her voter address~~ _____ address.
the location of his or her _____

- 1 ~~precinct~~ and its hours of operation.
- 2 4. Bring proper identification to the polling station.
- 3 5. Familiarize himself or herself with the operation
- 4 of the ~~Know how to operate~~ voting equipment in his or her
- 5 precinct properly.
- 6 6. Treat precinct workers with courtesy.
- 7 7. Respect the privacy of other voters.
- 8 8. Report any problems or violations of election laws
- 9 to the supervisor of elections law.
- 10 9. Ask questions, if needed ~~when confused.~~
- 11 10. Make sure that ~~check~~ his or her completed ballot
- 12 is correct before leaving the polling station for accuracy.

13

14 NOTE TO VOTER: Failure to perform any of these

15 responsibilities does not prohibit a voter from voting.

16 Section 6. Subsections (2) and (3) of section 101.048,

17 Florida Statutes, are amended to read:

18 101.048 Provisional ballots.--

19 (2)(a) The county canvassing board shall examine each

20 provisional ballot envelope to determine if the person voting

21 that ballot was entitled to vote at the precinct where the

22 person cast a vote in the election and that the person had not

23 already cast a ballot in the election.

24 (b)1. If it is determined that the person was

25 registered and entitled to vote at the precinct where the

26 person cast a vote in the election, the canvassing board shall

27 compare the signature on the provisional ballot envelope with

28 the signature on the voter's registration and, if it matches,

29 shall count the ballot.

30 2. If it is determined that the person voting the

31 provisional ballot was not registered or entitled to vote at

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1 the precinct where the person cast a vote in the election, the
2 provisional ballot shall not be counted and the ballot shall
3 remain in the envelope containing the Provisional Ballot
4 Voter's Certificate and Affirmation and the envelope shall be
5 marked "Rejected as Illegal."

6 (3) The Provisional Ballot Voter's Certificate and
7 Affirmation shall be in substantially the following form:

8
9 STATE OF FLORIDA
10 COUNTY OF

11
12 I do solemnly swear (or affirm) that my name is;
13 that my date of birth is; that I am registered to vote
14 and at the time I registered I resided at, in the
15 municipality of, in County, Florida; that I am
16 registered in the Party;that I am a qualified voter of
17 the county;and that I have not voted in this election. I
18 understand that if I commit any fraud in connection with
19 voting, vote a fraudulent ballot, or vote more than once in an
20 election, I can be convicted of a felony of the third degree
21 and fined up to \$5,000 and/or imprisoned for up to 5 years.

22(Signature of Voter)..
23(Current Residence Address)..
24(Current Mailing Address)..
25(City, State, Zip Code)..
26

27 Sworn to and subscribed before me this day of,
28 ...(year)....
29 ~~...(Clerk or Inspector of Election~~ Official)...
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31 Precinct # Ballot Style/Party Issued:

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

Section 7. Paragraphs (a) and (c) of subsection (2) of section 101.151, Florida Statutes, are amended to read:

101.151 Specifications for ballots.--

(2)(a) The ballot shall have headings under which shall appear the names of the offices and the names of the ~~duly nominated~~ candidates for the respective offices in the following order: the heading "President and Vice President" and thereunder the names of the candidates for President and Vice President of the United States nominated by the political party that received the highest vote for Governor in the last general election of the Governor in this state. Then shall appear the names of other candidates for President and Vice President of the United States who have been properly nominated. ~~Votes cast for write-in candidates for President and Vice President shall be counted as votes cast for the presidential electors supporting such candidates.~~ Then shall follow the heading "Congressional" and thereunder the offices of United States Senator and Representative in Congress; then the heading "State" and thereunder the offices of Governor and Lieutenant Governor, ~~Secretary of State, Attorney General, Chief Financial Officer Comptroller, Treasurer, Commissioner of Education,~~ Commissioner of Agriculture, state attorney, and public defender, together with the names of the candidates for each office and the title of the office which they seek; then the heading "Legislative" and thereunder the offices of state senator and state representative; then the heading "County"

1 and thereunder clerk of the circuit court, clerk of the county
2 court (when authorized by law), sheriff, property appraiser,
3 tax collector, district superintendent of schools, and
4 supervisor of elections. Thereafter follows: members of the
5 board of county commissioners, and such other county and
6 district offices as are involved in the ~~general~~ election, in
7 the order fixed by the Department of State, followed, in the
8 year of their election, by "Party Offices," and thereunder the
9 offices of state and county party executive committee members.
10 In a general election, in addition to the names printed on the
11 ballot, a blank space shall be provided under each heading for
12 an office for which a write-in candidate has qualified. With
13 respect to write-in candidates, if two or more candidates are
14 seeking election to one office, only one blank space shall be
15 provided.

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

20 Section 8. Section 101.2512, Florida Statutes, is
21 created to read:

22 101.2512 Candidates' names on general election
23 ballots.--

24 (1) The supervisor of elections shall print on the
25 general election ballot the names of candidates nominated by
26 primary election or special primary election or the names of
27 candidates selected by the appropriate executive committee of
28 any political party pursuant to the requirements of this code.

29 (2) In addition to the names printed on the ballot as
30 provided in subsection (1), the supervisor of elections shall
31 print on the general election ballot the names of each

1 nonpartisan candidate, minor party candidate, or candidate
2 with no party affiliation who has obtained a position on the
3 general election ballot in compliance with the requirements of
4 this code.

5 Section 9. Section 101.5601, Florida Statutes, is
6 amended to read:

7 101.5601 Short title.--Sections 101.5601-101.5614 may
8 be cited ~~101.5601 through 101.5615 shall be known~~ as the
9 "Electronic Voting Systems Act."

10 Section 10. Effective September 2, 2002, subsections
11 (3) and (4) of section 101.5606, Florida Statutes, as amended
12 by section 18 of chapter 2001-40, Laws of Florida, are amended
13 to read:

14 101.5606 Requirements for approval of systems.--No
15 electronic or electromechanical voting system shall be
16 approved by the Department of State unless it is so
17 constructed that:

18 (3) It immediately rejects ~~The automatic tabulating~~
19 ~~equipment shall be set to reject a ballot and provide the~~
20 ~~elector an opportunity to correct the ballot where the number~~
21 ~~of votes for an office or measure exceeds the number which the~~
22 ~~voter is entitled to cast or where the tabulating equipment~~
23 ~~reads the ballot as a ballot with no votes cast.~~

24 (4) For systems using paper ballots, it accepts a
25 rejected ballot pursuant to subsection (3) if a voter chooses
26 to cast the ballot, but records no vote for any office that
27 has been overvoted or undervoted.~~For rejected ballots that~~
28 ~~voters choose to cast, the automatic tabulating equipment will~~
29 ~~be set to accept the ballot and reject all votes for any~~
30 ~~office or measure when the number of votes therefor exceeds~~
31 ~~the number which the voter is entitled to cast or when the~~

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1 _____
2 ~~measure.~~

4 101.5608, Florida Statutes, is amended to read:

5 101.5608 Voting by electronic or electromechanical

7 (2) When an electronic or electromechanical voting
8 system utilizes a ballot card or paper ballot, the following

10 (b) Any voter who spoils his or her ballot or makes an
11 error may return the ballot to the election official and

13 furnished more than three ballots. If the vote tabulation
14 device has rejected a ballot, the ballot shall be considered

16 the voter chooses to cast the rejected ballot. The election
17 official, without examining the original ballot, shall state

19 _____ shall provide
~~direct to the instruction model~~

20 _____ pursuant to s. 101.5611. A spoiled
21 ballot shall be preserved, without examination, in an envelope

23 ballot and placed in an envelope.

24 Section 12. Section 101.5611, Florida Statutes, is

26 101.5611 Instructions to electors.--

27 (1) _____ The
28 supervisor of elections shall provide _____ at each

29 polling place _____ ~~one instruction model illustrating~~
30 manner of voting with the system. In instructing voters, no

precinct official may favor any political party, candidate, or

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1 issue. Such instruction ~~Each such instruction model~~ shall
2 show the arrangement of candidates ~~party rows, office columns,~~
3 and questions to be voted on. Additionally, the supervisor of
4 elections shall provide instruction on the proper method of
5 casting a ballot for the specific voting system utilized in
6 that jurisdiction. Such instruction ~~model~~ shall be provided
7 ~~located~~ at a place which voters must pass to reach the
8 official voting booth.

9 ~~(2) Before entering the voting booth each voter shall~~
10 ~~be offered instruction in voting by use of the instruction~~
11 ~~model, and the voter shall be given ample opportunity to~~
12 ~~operate the model by himself or herself. In instructing~~
13 ~~voters, no precinct official may show partiality to any~~
14 ~~political party or candidate.~~

15 ~~(2)(3)~~ The supervisor of elections shall have posted
16 at each polling place a notice that reads: "A person who
17 commits or attempts to commit any fraud in connection with
18 voting, votes a fraudulent ballot, or votes more than once in
19 an election can be convicted of a felony of the third degree
20 and fined up to \$5,000 and/or imprisoned for up to 5 years."

21 Section 13. Paragraphs (a) and (d) of subsection (4)
22 of section 101.5612, Florida Statutes, are amended to read:

23 101.5612 Testing of tabulating equipment.--

24 (4)(a)1. For electronic or electromechanical voting
25 systems configured to include electronic or electromechanical
26 tabulation devices which are distributed to the precincts, all
27 or a sample of the devices to be used in the election shall be
28 publicly tested. If a sample is to be tested, the sample
29 shall consist of a random selection of at least 5 percent of
30 the devices for an optical scan system or 2 percent of the
31 devices for a touchscreen system or 10 of the devices for

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1 either system, as applicable, whichever is greater. The test
2 shall be conducted by processing a group of ballots, causing
3 the device to output results for the ballots processed, and
4 comparing the output of results to the results expected for
5 the ballots processed. The group of ballots shall be produced
6 so as to record a predetermined number of valid votes for each
7 candidate and on each measure and to include for each office
8 one or more ballots which have activated voting positions in
9 excess of the number allowed by law in order to test the
10 ability of the tabulating device to reject such votes.

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

21 3. If the operation or output of any tested tabulation
22 device, such as spelling or the order of candidates on a
23 report, is in error, such problem shall be reported to the
24 canvassing board. The canvassing board shall then determine
25 if the reported problem warrants its deeming the device
26 unsatisfactory.

27 (d) Any tabulating device deemed unsatisfactory shall
28 be recoded ~~reprogrammed~~, repaired, or replaced and shall be
29 made available for retesting. Such device must be determined
30 by the canvassing board or its representative to be
31 satisfactory before it may be used in any election. The

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1 canvassing board or its representative shall announce at the
2 close of the first testing the date, place, and time that any
3 unsatisfactory device will be retested or may, at the option
4 of the board, notify by telephone each person who was present
5 at the first testing as to the date, place, and time that the
6 retesting will occur.

7 Section 14. Subsections (5) and (9) of section
8 101.5614, Florida Statutes, are amended to read:

9 101.5614 Canvass of returns.--

10 (5) If any absentee ballot ~~card of the type for which~~
11 ~~the offices and measures are not printed directly on the card~~
12 ~~is physically damaged or defective~~ so that it cannot properly
13 be counted by the automatic tabulating equipment, a true
14 duplicate copy shall be made of the damaged ballot ~~card~~ in the
15 presence of witnesses and substituted for the damaged ballot.
16 Likewise, a duplicate ballot ~~card~~ shall be made of an absentee
17 ballot containing an overvoted race or a marked absentee
18 ballot in which every race is undervoted which shall include
19 all valid votes as determined by the canvassing board based on
20 rules adopted by the division pursuant to s. 102.166(5). All
21 duplicate ballots shall be clearly labeled "duplicate," bear a
22 serial number which shall be recorded on the defective ballot,
23 and be counted in lieu of the defective ballot ~~a defective~~
24 ~~ballot which shall not include the invalid votes. All~~
25 ~~duplicate ballot cards shall be clearly labeled "duplicate,"~~
26 ~~bear a serial number which shall be recorded on the damaged or~~
27 ~~defective ballot card, and be counted in lieu of the damaged~~
28 ~~or defective ballot. If any ballot card of the type for which~~
29 ~~offices and measures are printed directly on the card is~~
30 ~~damaged or defective so that it cannot properly be counted by~~
31 ~~the automatic tabulating equipment, a true duplicate copy may~~

1 ~~be made of the damaged ballot card in the presence of~~
2 ~~witnesses and in the manner set forth above, or the valid~~
3 _____
4 ~~the counting center by the canvassing board, whichever~~
5 ~~procedure is best suited to the system used. If any paper~~
6 _____
7 ~~properly by the automatic tabulating equipment, the ballot~~
8 ~~shall be counted manually at the counting center by the~~
9 ~~canvassing board. The totals for all such ballots or ballot~~
10 ~~cards counted manually shall be added to the totals for the~~
11 ~~several precincts or election districts. No vote shall be~~
12 ~~declared invalid or void if there is a clear indication on the~~
13 ~~ballot that the voter has made a definite choice as determined~~
14 ~~by the canvassing board. After duplicating a ballot has been~~
15 ~~duplicated, the defective ballot shall be placed in an~~
16 ~~envelope provided for that purpose, and the duplicate ballot~~
17 ~~shall be tallied with the other ballots for that precinct.~~

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

24 Section 15. Effective September 2, 2002, subsection
25 (1) of section 101.5614, Florida Statutes, as amended by
26 section 22 of chapter 2001-40, Laws of Florida, is amended to
27 read:

28 101.5614 Canvass of returns.--

29 (1) ~~In precincts in which an electronic or~~
30 ~~electromechanical voting system is used,~~As soon as the polls
31 are closed, the election board shall secure the voting devices

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

16 Section 16. Section 101.595, Florida Statutes, is
17 amended to read:

18 101.595 Analysis and reports of voting problems ~~voter~~
19 ~~error~~.--

20 (1) No later than December 15 of each general election
21 year, the supervisor of elections in each county shall report
22 ~~on voter errors~~ to the Department of State the total number of
23 overvotes and undervotes in the first race appearing on the
24 ballot pursuant to s. 101.151(2), along with the likely
25 reasons for such overvotes and undervotes ~~the errors~~ and other
26 information as may be useful in evaluating the performance of
27 the voting system and identifying problems with ballot design
28 and instructions which may have contributed to voter
29 confusion.

30 (2) The Department of State, upon receipt of such
31 information, shall prepare a public report on the performance

1 of each type of voting system. The report must contain, but
2 is not limited to, the following information:

4 design or instructions which may have contributed to voter
5 confusion;

7 problems; and

8 (c) Recommendations for correcting any problems

10 (3) The Department of State shall submit the report to
11 the Governor, the President of the Senate, and the Speaker of

13 following a general election.

14 Section 17. Paragraph (a) of subsection (2) of section

16 101.68 Canvassing of absentee ballot.--

17 (2)(a) The county canvassing board may begin the

19 before the election, but not later than noon on the day
20 following the election. In addition, for any county using

22 ballots through such tabulating equipment may begin at 7 a.m.
23 on the fourth day before the election. However,

25 otherwise processing absentee ballots early, no result shall
26 be released until after the closing of the polls _____

27 county

28 supervisor of elections, canvassing board member, election
29 board member, or election employee who releases the results of

31 closing of the polls in that county

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

3 Section 18. Section 101.69, Florida Statutes, is
4 amended to read:

5 101.69 Voting in person; return of absentee
6 ballot.--The provisions of this code shall not be construed to
7 prohibit any elector from voting in person at the elector's
8 precinct on the day of an election notwithstanding that the
9 elector has requested an absentee ballot for that election.

10 An elector who has received an absentee ballot, but desires to
11 vote in person, shall return the ballot, whether voted or not,
12 to the election board in the elector's precinct. The returned
13 ballot shall be marked "canceled" by the board and placed with
14 other canceled ballots. However, if the elector does not is
15 unable to return the ballot and the election official:

16 (1) Confirms that the supervisor has received the
17 elector's absentee ballot, the elector shall not be allowed to
18 vote in person.

19 (2) Confirms that the supervisor has not received the
20 elector's absentee ballot, the elector shall be allowed to
21 vote in person as provided in this code. The elector's
22 absentee ballot, if subsequently received, shall not be
23 counted and shall remain in the mailing envelope, and the
24 envelope shall be marked "Rejected as Illegal."

25 (3) Cannot determine whether the supervisor has
26 received the elector's absentee ballot, the elector may vote a
27 provisional ballot as provided in s. 101.048.

28 Section 19. Subsection (4) of section 102.014, Florida
29 Statutes, is amended to read:

30 102.014 Poll worker recruitment and training.--

31 (4) Each supervisor of elections shall be responsible

1 for training inspectors and clerks, subject to the following
2 minimum requirements:

3 (a) No clerk shall be entitled to work at the polls
4 unless he or she has had a minimum of 3 6 hours of training
5 prior to each election during a general election year, at
6 least 2 hours of which must occur after June 1 of that year.

7 (b) No inspector shall work at the polls unless he or
8 she has had a minimum of 2 3 hours of training prior to each
9 election during a general election year, at least 1 hour of
10 which must occur after June 1 of that year.

11 (c) For the purposes of this subsection, the first and
12 second primary elections shall be considered one election.

13 Section 20. Subsection (2) of section 102.141, Florida
14 Statutes, reads, and subsections (4) and (6) of said section
15 are amended to read:

16 102.141 County canvassing board; duties.--

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

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

5 (4) The canvassing board shall submit unofficial
6 returns to the Department of State for each federal,
7 statewide, state, or multicounty office or ballot measure no
8 later than noon on the second day after any primary, general,
9 special, or other election. Such returns shall include the
10 canvass of all ballots as required by subsection (2).

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

27 (a) In counties with voting systems that use ~~ballot~~
28 ~~cards or paper ballots~~, each canvassing board responsible for
29 conducting a recount shall put each ballot through ~~the~~
30 automatic tabulating equipment ~~for each precinct in which the~~
31 ~~office or issue appeared on the ballot~~ and determine whether

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1 the returns correctly reflect the votes cast. If any paper
2 ballot is physically damaged so that it cannot be properly
3 counted by the automatic tabulating equipment during the
4 recount, a true duplicate shall be made of the damaged ballot
5 pursuant to the procedures in s. 101.5614(5). Immediately
6 before the start of the recount and after completion of the
7 count, a test of the tabulating equipment shall be conducted
8 as provided in s. 101.5612. If the test indicates no error,
9 the recount tabulation of the ballots cast shall be presumed
10 correct and such votes shall be canvassed accordingly. If an
11 error is detected, the cause therefor shall be ascertained and
12 corrected and the recount repeated, as necessary. The
13 canvassing board shall immediately report the error, along
14 with the cause of the error and the corrective measures being
15 taken, to the Department of State. No later than 11 days after
16 the election, the canvassing board shall file a separate
17 incident report with the Department of State, detailing the
18 resolution of the matter and identifying any measures that
19 will avoid a future recurrence of the error.

20 (b) In counties with voting systems that do not use
21 ~~ballot cards or~~ paper ballots, each canvassing board
22 responsible for conducting a recount shall examine the
23 counters on the precinct tabulators to ensure that the total
24 of the returns on the precinct tabulators equals the overall
25 election return. If there is a discrepancy between the overall
26 election return and the counters of the precinct tabulators,
27 the counters of the precinct tabulators shall be presumed
28 correct and such votes shall be canvassed accordingly.

29 (c) The canvassing board shall submit a second set of
30 unofficial returns to the Department of State for each
31 federal, statewide, state, or multicounty office or ballot

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1 measure no later than noon on the third ~~second~~ day after any
2 election in which a recount was conducted pursuant to this
3 subsection. If the canvassing board is unable to complete the
4 recount prescribed in this subsection by the deadline, the
5 second set of unofficial returns submitted by the canvassing
6 board shall be identical to the initial unofficial returns and
7 the submission shall also include a detailed explanation of
8 why it was unable to timely complete the recount. However, the
9 canvassing board shall complete the recount prescribed in this
10 subsection, along with any manual recount prescribed in s.
11 102.166, and certify election returns in accordance with the
12 requirements of this chapter.

13 Section 21. Paragraph (a) of subsection (2) and
14 subsection (6) of section 102.166, Florida Statutes, are
15 amended to read:

16 102.166 Manual recounts.--

17 (2)(a) If the second set of unofficial returns
18 pursuant to s. 102.141 indicates that a candidate for any
19 office was defeated or eliminated by between one-quarter and
20 one-half of a percent of the votes cast for such office, that
21 a candidate for retention to judicial office was retained or
22 not retained by between one-quarter and one-half of a percent
23 of the votes cast on the question of retention, or that a
24 measure appearing on the ballot was approved or rejected by
25 between one-quarter and one-half of a percent of the votes
26 cast on such measure, any such candidate, the political party
27 of such candidate, or any political committee that supports or
28 opposes such ballot measure is entitled to a manual recount of
29 the overvotes and undervotes cast in the entire geographic
30 jurisdiction of such office or ballot measure, provided that a
31 request for a manual recount is made by 5 p.m. on the third

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~~second~~ day after the election.

3 (a) The county canvassing board shall appoint as many
4 counting teams of at least two electors as is necessary to

6 possible, members of at least two political parties. A
7 candidate involved in the race shall not be a member of the

9 **(b) Each duplicate ballot prepared pursuant to s.**
101.5614(5) or s. 102.141(6) shall be compared with the

11 _____
12 **(c)**— If a counting team is unable to determine
13 whether the ballot contains a clear indication that the voter

15 the county canvassing board for a determination.

16 ___ ~~(c)~~ The Department of State shall adopt detailed

18 certified voting system which shall be uniform to the extent
19 practicable. The rules shall address, at a minimum, the

- 21 1. Security of ballots during the recount process;
22 2. Time and place of recounts;

24 4. Objections to ballot determinations;
25 5. Record of recount proceedings; and

27 representatives.

28 Section 22. Paragraph (b) of subsection (4) of section

30 Section 46.

31 (4)

1 by the alternative method, as set forth in s. 105.035, if the
2 person has submitted the necessary petitions by the required
3 deadline and is notified after the fifth day prior to the last
4 day for qualifying that the required number of signatures has
5 been obtained, shall be entitled to subscribe to the
6 candidate's oath and file the qualifying papers at any time
7 within 5 days from the date he or she is notified that the
8 necessary number of signatures has been obtained. Any person
9 other than a write-in candidate who qualifies within the time
10 prescribed in this subsection shall be entitled to have his or
11 her name printed on the ballot.

12 Section 24. Sections 101.22, 101.5615, and 101.72,
13 Florida Statutes, are repealed.

14 Section 25. Subsection (3) of section 106.11, Florida
15 Statutes, is amended to read:

16 106.11 Expenses of and expenditures by candidates and
17 political committees.--Each candidate and each political
18 committee which designates a primary campaign depository
19 pursuant to s. 106.021(1) shall make expenditures from funds
20 on deposit in such primary campaign depository only in the
21 following manner, with the exception of expenditures made from
22 petty cash funds provided by s. 106.12:

23 (3) No candidate, campaign manager, treasurer, deputy
24 treasurer, or political committee or any officer or agent
25 thereof, or any person acting on behalf of any of the
26 foregoing, shall authorize any expenses, nor shall any
27 campaign treasurer or deputy treasurer sign a check drawn on
28 the primary campaign account for any purpose, unless there are
29 sufficient funds on deposit in the primary depository account
30 of the candidate or political committee to pay the full amount
31 of the authorized expense, to honor all other checks drawn on

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1 such account, which checks are outstanding, and to meet all
2 expenses previously authorized but not yet paid. However, an
3 expense may be incurred for the purchase of goods or services
4 if there are sufficient funds on deposit in the primary
5 depository account to pay the full amount of the incurred
6 expense, to honor all checks drawn on such account, which
7 checks are outstanding, and to meet all other expenses
8 previously authorized but not yet paid, provided that payment
9 for such goods or services is made upon final delivery and
10 acceptance of the goods or services; and an expenditure from
11 petty cash pursuant to the provisions of s. 106.12 may be
12 authorized, if there is a sufficient amount of money in the
13 petty cash fund to pay for such expenditure. Payment for
14 credit card purchases shall be made pursuant to s. 106.125.
15 Any expense incurred or authorized in excess of such funds on
16 deposit shall, in addition to other penalties provided by law,
17 constitute a violation of this chapter. As used in this
18 subsection, the term "sufficient funds on deposit in the
19 primary depository account of the candidate or political
20 committee" means that the funds at issue have been delivered
21 for deposit to the financial institution at which such account
22 is maintained. The term shall not be construed to mean that
23 such funds are available for withdrawal in accordance with the
24 deposit rules or the funds availability policies of such
25 financial institution.

26 Section 26. Section 101.635, Florida Statutes, is
27 amended to read:

28 101.635 Distribution of blocks of printed ballots.--In
29 any county in which the supervisor of elections maintains
30 deputies in a municipality other than the county seat and such
31 municipality has a population in excess of 90,000, blocks of

1 numbered ballots shall be made available as required and as
2 the supervisor may direct, in order to comply with the
3 provisions of s. 98.181. All ballots made available in any
4 such municipality shall be fully accounted for to the
5 supervisor. This section does not permit the supervisor to
6 deny a local political party's requests for absentee ballots.

7 Section 27. Subsection (5) of section 106.08, Florida
8 Statutes, is reenacted and amended to read:

9 106.08 Contributions; limitations on.--

10 (5)(a) A person may not make any contribution through
11 or in the name of another, directly or indirectly, in any
12 election.

13 (b) Candidates, political committees, and political
14 parties may not solicit contributions from ~~or make~~
15 ~~contributions to~~ any religious, charitable, civic, or other
16 causes or organizations established primarily for the public
17 good.

18 (c) Candidates, political committees, and political
19 parties may not make contributions, in exchange for political
20 support, to any religious, charitable, civic, or other cause
21 or organization established primarily for the public good.

22 ~~However,~~ It is not a violation of this paragraph subsection
23 for:

24 1. A candidate, political committee, or political
25 party executive committee to make gifts of money in lieu of
26 flowers in memory of a deceased person; ~~or for~~

27 2. A candidate to continue membership in, or make
28 regular donations from personal or business funds to,
29 religious, political party, civic, or charitable groups of
30 which the candidate is a member or to which the candidate has
31 been a regular donor for more than 6 months; ~~or-~~

1 3. A candidate to ~~may~~ purchase, with campaign funds,
2 tickets, admission to events, or advertisements from
3 religious, civic, political party, or charitable groups.

4 Section 28. Applicable retroactively, subsection (3)
5 of section 106.021, Florida Statutes, is amended to read:

6 106.021 Campaign treasurers; deputies; primary and
7 secondary depositories.--

8 (3) Except for independent expenditures, no
9 contribution or expenditure, including contributions or
10 expenditures of a candidate or of the candidate's family,
11 shall be directly or indirectly made or received in
12 furtherance of the candidacy of any person for nomination or
13 election to political office in the state or on behalf of any
14 political committee except through the duly appointed campaign
15 treasurer of the candidate or political committee; however, a
16 candidate or any other individual may be reimbursed for
17 expenses incurred for travel, food and beverage, office
18 supplies, and mementos expressing gratitude to campaign
19 supporters by a check drawn upon the campaign account and
20 reported pursuant to s. 106.07(4). In addition ~~However,~~
21 expenditures may be made directly by any political committee
22 or political party regulated by chapter 103 for obtaining
23 time, space, or services in or by any communications medium
24 for the purpose of jointly endorsing three or more candidates,
25 and any such expenditure shall not be considered a
26 contribution or expenditure to or on behalf of any such
27 candidates for the purposes of this chapter.

28 Section 29. Applicable retroactively, paragraph (a) of
29 subsection (4) of section 106.07, Florida Statutes, is amended
30 to read:

31 106.07 Reports; certification and filing.--

1 (4)(a) Each report required by this section shall
2 contain:

3 1. The full name, address, and occupation, if any of
4 each person who has made one or more contributions to or for
5 such committee or candidate within the reporting period,
6 together with the amount and date of such contributions. For
7 corporations, the report must provide as clear a description
8 as practicable of the principal type of business conducted by
9 the corporation. However, if the contribution is \$100 or less
10 or is from a relative, as defined in s. 112.312, provided that
11 the relationship is reported, the occupation of the
12 contributor or the principal type of business need not be
13 listed.

14 2. The name and address of each political committee
15 from which the reporting committee or the candidate received,
16 or to which the reporting committee or candidate made, any
17 transfer of funds, together with the amounts and dates of all
18 transfers.

19 3. Each loan for campaign purposes to or from any
20 person or political committee within the reporting period,
21 together with the full names, addresses, and occupations, and
22 principal places of business, if any, of the lender and
23 endorsers, if any, and the date and amount of such loans.

24 4. A statement of each contribution, rebate, refund,
25 or other receipt not otherwise listed under subparagraphs 1.
26 through 3.

27 5. The total sums of all loans, in-kind contributions,
28 and other receipts by or for such committee or candidate
29 during the reporting period. The reporting forms shall be
30 designed to elicit separate totals for in-kind contributions,
31 loans, and other receipts.

1 6. The full name and address of each person to whom
2 expenditures have been made by or on behalf of the committee
3 or candidate within the reporting period; the amount, date,
4 and purpose of each such expenditure; and the name and address
5 of, and office sought by, each candidate on whose behalf such
6 expenditure was made. However, expenditures made from the
7 petty cash fund provided by s. 106.12 need not be reported
8 individually.

9 7. The full name and address of each person to whom an
10 expenditure for personal services, salary, or reimbursement
11 for authorized expenses as provided in s. 106.021(3) has been
12 made and which is not otherwise reported, including the
13 amount, date, and purpose of such expenditure. However,
14 expenditures made from the petty cash fund provided for in s.
15 106.12 need not be reported individually.

16 8. The total amount withdrawn and the total amount
17 spent for petty cash purposes pursuant to this chapter during
18 the reporting period.

19 9. The total sum of expenditures made by such
20 committee or candidate during the reporting period.

21 10. The amount and nature of debts and obligations
22 owed by or to the committee or candidate, which relate to the
23 conduct of any political campaign.

24 11. A copy of each credit card statement which shall
25 be included in the next report following receipt thereof by
26 the candidate or political committee. Receipts for each credit
27 card purchase shall be retained by the treasurer with the
28 records for the campaign account.

29 12. The amount and nature of any separate
30 interest-bearing accounts or certificates of deposit and
31 identification of the financial institution in which such

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1 accounts or certificates of deposit are located.

2 Section 30. Except as otherwise provided herein, this
3 act shall take effect upon becoming a law.

4
5

6 ===== T I T L E A M E N D M E N T =====

7 And the title is amended as follows:

8 remove everything before the enacting clause

9

10 and insert:

11

A bill to be entitled

12

An act relating to elections; amending s.

13

97.0555, F.S.; requiring late registration to

14

be done in the office of the supervisor of

15

elections; amending s. 98.045, F.S.; including

16

the statewide voter registration database in

17

provisions governing the administration of

18

voter registration; amending s. 98.0977, F.S.;

19

revising provisions relating to accessing

20

agency data for the statewide voter

21

registration database; amending s. 98.0979,

22

F.S.; revising provisions for requesting and

23

furnishing voter registration information from

24

the statewide voter registration database;

25

amending s. 101.031, F.S.; revising the Voter's

26

Bill of Rights and Responsibilities; amending

27

s. 101.048, F.S.; revising the procedure for

28

canvassing provisional ballots; revising the

29

Provisional Ballot Voter's Certificate;

30

amending s. 101.151, F.S.; revising

31

specifications for ballots; creating s.

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1 101.2512, F.S.; providing requirements for the
2 printing of candidates' names on general
3 election ballots; amending s. 101.5601, F.S.;
4 revising a reference; amending s. 101.5606,
5 F.S.; revising requirements for voting systems
6 with respect to overvoted and undervoted
7 ballots; amending s. 101.5608, F.S.; revising a
8 reference; amending s. 101.5611, F.S.;
9 requiring direct voting instruction instead of
10 provision of a voting instruction model;
11 amending s. 101.5612, F.S.; revising
12 requirements for sample testing of electronic
13 or electromechanical tabulation devices;
14 correcting terminology; amending s. 101.5614,
15 F.S.; revising provisions for duplicating
16 defective ballots for purposes of tallying
17 valid votes; clarifying the prohibition against
18 releasing the results of an election prior to
19 the closing of the polls; eliminating obsolete
20 provisions; amending s. 101.595, F.S.; limiting
21 the information on voting problems that
22 supervisors of elections are required to report
23 to the Department of State following a general
24 election; amending s. 101.68, F.S.; clarifying
25 the prohibition against releasing the results
26 of a canvassing or processing of absentee
27 ballots prior to the closing of the polls;
28 amending s. 101.69, F.S.; revising requirements
29 for electors who have received absentee ballots
30 but desire to vote in person; amending s.
31 102.014, F.S.; revising minimum training

1 requirements for poll workers; amending s.
2 102.141, F.S.; revising times for canvassing
3
4 Department of State, including those submitted
5 after a recount has been conducted; providing
6
7 and cannot be counted by the automatic
8 tabulating equipment during a recount;
9
10 102.166, F.S.; revising the date by which a
11 request for a manual recount must be made;
12
13 their original ballots during a manual recount;
14 amending s. 46, ch. 2001-40, Laws of Florida;
15
16 requirements preceding the 2002 primary
17 election for candidates involved in public
18
19 F.S.; providing an earlier qualifying period
20 for candidates for judicial office; repealing
21
22 procedure for paper ballots; repealing s.
23 101.5615, F.S., relating to recounts and
24
25 Systems Act"; repealing s. 101.72, F.S.,
26 relating to voting booths and compartments;
27
28 "sufficient funds on deposit in the primary
29 depository account of the candidate or
30
31 F.S.; prohibiting denial of local political

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1 party requests for absentee ballots; reenacting
2 and amending s. 106.08(5), F.S., to clarify
3 requirements for soliciting and accepting
4 charitable contributions and to reenact a
5 prohibition against indirect campaign
6 contributions; providing penalties; amending s.
7 106.021, F.S.; providing for candidate
8 reimbursement for certain expenses; providing
9 for retroactive application; amending s.
10 106.07, F.S.; providing for reporting of
11 candidate reimbursement for certain expenses;
12 providing for retroactive application;
13 providing effective dates.

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