

Amendment No.      (for drafter's use only)

	<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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ORIGINAL STAMP BELOW

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11 Representative(s) Goodlette offered the following:

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13 **Amendment (with title amendment)**

14 Remove everything after the enacting clause

15

16 and insert:

17 Section 1. Section 97.0555, Florida Statutes, is  
18 amended to read:

19 97.0555 Late registration.--An individual or  
20 accompanying family member who has been discharged or  
21 separated from the uniformed services or the Merchant Marine,  
22 or from employment outside the territorial limits of the  
23 United States, after the book-closing date for an election  
24 pursuant to s. 97.055 and who is otherwise qualified may  
25 register to vote in such election until 5 p.m. on the Friday  
26 before that election in the office of the supervisor of  
27 elections. Such persons must produce sufficient documentation  
28 showing evidence of qualifying for late registration pursuant  
29 to this section. The Department of State shall adopt rules  
30 specifying documentation that is sufficient to determine  
31 eligibility.

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

Each registered voter in this state has the right to:

1. Vote and have his or her vote accurately counted.
2. Cast a vote if he or she is in line at the official closing of ~~when~~ the polls in that county ~~are closing~~.
3. Ask for and receive assistance in voting.
4. Receive up to two replacement ballots if he or she makes a mistake prior to the ballot being cast.
5. An explanation if his or her registration is in question.
6. If his or her registration is in question, cast a provisional ballot.
7. Prove his or her identity by signing an affidavit if election officials doubt the voter's identity.
8. Written instructions to use when voting, and, upon request, oral instructions in voting from elections officers.
9. Vote free from coercion or intimidation by elections officers or any other person.
10. Vote on a voting system that is in working condition and that will allow votes to be accurately cast.

VOTER RESPONSIBILITIES

Each registered voter in this state has the responsibility to:

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

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

7           Section 6. Subsections (2) and (3) of section 101.048,  
8 Florida Statutes, are amended to read:

9           101.048 Provisional ballots.--

10           (2)(a) The county canvassing board shall examine each  
11 provisional ballot envelope to determine if the person voting  
12 that ballot was entitled to vote at the precinct where the  
13 person cast a vote in the election and that the person had not  
14 already cast a ballot in the election.

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

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

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

30

31 STATE OF FLORIDA

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1 COUNTY OF ....

2

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

13 .....(Signature of Voter)..  
14 .....(Current Residence Address)..  
15 .....(Current Mailing Address)..  
16 .....(City, State, Zip Code)..  
17

18 Sworn to and subscribed before me this .... day of .....,  
19 ...(year)....  
20 ~~...(Clerk or Inspector of Election~~ Official)...

21  
22 Precinct # .... Ballot Style/Party Issued: ....

23  
24 Additional information may be provided to further assist the  
25 supervisor of elections in determining eligibility. ~~if known,~~  
26 ~~please provide the place and date that you registered to vote.~~

27  
28 Section 7. Paragraphs (a) and (c) of subsection (2) of  
29 section 101.151, Florida Statutes, are amended to read:

30 101.151 Specifications for ballots.--

31 (2)(a) The ballot shall have headings under which

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

1 In a general election, in addition to the names printed on the  
2 ballot, a blank space shall be provided under each heading for  
3 an office for which a write-in candidate has qualified. With  
4 respect to write-in candidates, if two or more candidates are  
5 seeking election to one office, only one blank space shall be  
6 provided.

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

11 Section 8. Section 101.2512, Florida Statutes, is  
12 created to read:

13 101.2512 Candidates' names on general election  
14 ballots.--

15 (1) The supervisor of elections shall print on the  
16 general election ballot the names of candidates nominated by  
17 primary election or special primary election or the names of  
18 candidates selected by the appropriate executive committee of  
19 any political party pursuant to the requirements of this code.

20 (2) In addition to the names printed on the ballot as  
21 provided in subsection (1), the supervisor of elections shall  
22 print on the general election ballot the names of each  
23 nonpartisan candidate, minor party candidate, or candidate  
24 with no party affiliation who has obtained a position on the  
25 general election ballot in compliance with the requirements of  
26 this code.

27 Section 9. Section 101.5601, Florida Statutes, is  
28 amended to read:

29 101.5601 Short title.--Sections 101.5601-101.5614 may  
30 be cited ~~101.5601 through 101.5615 shall be known~~ as the  
31 "Electronic Voting Systems Act."



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

5           101.5606 Requirements for approval of systems.--No  
6 electronic or electromechanical voting system shall be  
7 approved by the Department of State unless it is so  
8 constructed that:

9           (3) It immediately rejects ~~The automatic tabulating~~  
10 ~~equipment shall be set to reject a ballot and provide the~~  
11 ~~elector an opportunity to correct the ballot where the number~~  
12 ~~of votes for an office or measure exceeds the number which the~~  
13 ~~voter is entitled to cast or where the tabulating equipment~~  
14 ~~reads the ballot as a ballot with no votes cast.~~

15           (4) For systems using paper ballots, it accepts a  
16 rejected ballot pursuant to subsection (3) if a voter chooses  
17 to cast the ballot, but records no vote for any office that  
18 has been overvoted or undervoted.~~For rejected ballots that~~  
19 ~~voters choose to cast, the automatic tabulating equipment will~~  
20 ~~be set to accept the ballot and reject all votes for any~~  
21 ~~office or measure when the number of votes therefor exceeds~~  
22 ~~the number which the voter is entitled to cast or when the~~  
23 ~~voter is not entitled to cast a vote for the office or~~  
24 ~~measure.~~

25           Section 11. Paragraph (b) of subsection (2) of section  
26 101.5608, Florida Statutes, is amended to read:

27           101.5608 Voting by electronic or electromechanical  
28 method; procedures.--

29           (2) When an electronic or electromechanical voting  
30 system utilizes a ballot card or paper ballot, the following  
31 procedures shall be followed:

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1           (b) Any voter who spoils his or her ballot or makes an  
2 error may return the ballot to the election official and  
3 secure another ballot, except that in no case shall a voter be  
4 furnished more than three ballots. If the vote tabulation  
5 device has rejected a ballot, the ballot shall be considered  
6 spoiled and a new ballot shall be provided to the voter unless  
7 the voter chooses to cast the rejected ballot. The election  
8 official, without examining the original ballot, shall state  
9 the possible reasons for the rejection and shall provide  
10 instruction to direct the voter to the instruction model  
11 ~~provided at the precinct~~ pursuant to s. 101.5611. A spoiled  
12 ballot shall be preserved, without examination, in an envelope  
13 provided for that purpose. The stub shall be removed from the  
14 ballot and placed in an envelope.

15           Section 12. Section 101.5611, Florida Statutes, is  
16 amended to read:

17           101.5611 Instructions to electors.--

18           (1) ~~For the instruction of voters on election day,~~The  
19 supervisor of elections shall provide instruction at each  
20 polling place regarding one instruction model illustrating the  
21 manner of voting with the system. In instructing voters, no  
22 precinct official may favor any political party, candidate, or  
23 issue. Such instruction ~~Each such instruction model~~ shall  
24 show the arrangement of candidates ~~party rows, office columns,~~  
25 and questions to be voted on. Additionally, the supervisor of  
26 elections shall provide instruction on the proper method of  
27 casting a ballot for the specific voting system utilized in  
28 that jurisdiction. Such instruction model shall be provided  
29 ~~located~~ at a place which voters must pass to reach the  
30 official voting booth.

31           ~~(2) Before entering the voting booth each voter shall~~

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1 ~~be offered instruction in voting by use of the instruction~~  
2 ~~model, and the voter shall be given ample opportunity to~~  
3 ~~operate the model by himself or herself. In instructing~~  
4 ~~voters, no precinct official may show partiality to any~~  
5 ~~political party or candidate.~~

6 (2)(3) The supervisor of elections shall have posted  
7 at each polling place a notice that reads: "A person who  
8 commits or attempts to commit any fraud in connection with  
9 voting, votes a fraudulent ballot, or votes more than once in  
10 an election can be convicted of a felony of the third degree  
11 and fined up to \$5,000 and/or imprisoned for up to 5 years."

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

14 101.5612 Testing of tabulating equipment.--

15 (4)(a)1. For electronic or electromechanical voting  
16 systems configured to include electronic or electromechanical  
17 tabulation devices which are distributed to the precincts, all  
18 or a sample of the devices to be used in the election shall be  
19 publicly tested. If a sample is to be tested, the sample  
20 shall consist of a random selection of at least 5 percent of  
21 the devices for an optical scan system or 2 percent of the  
22 devices for a touchscreen system or 10 of the devices for  
23 either system, as applicable, whichever is greater. The test  
24 shall be conducted by processing a group of ballots, causing  
25 the device to output results for the ballots processed, and  
26 comparing the output of results to the results expected for  
27 the ballots processed. The group of ballots shall be produced  
28 so as to record a predetermined number of valid votes for each  
29 candidate and on each measure and to include for each office  
30 one or more ballots which have activated voting positions in  
31 excess of the number allowed by law in order to test the

1 ability of the tabulating device to reject such votes.

2           2. If any tested tabulating device is found to have an  
3 error in tabulation, it shall be deemed unsatisfactory. For  
4 each device deemed unsatisfactory, the canvassing board shall  
5 take steps to determine the cause of the error, shall attempt  
6 to identify and test other devices that could reasonably be  
7 expected to have the same error, and shall test a number of  
8 additional devices sufficient to determine that all devices  
9 are satisfactory. Upon deeming any device unsatisfactory, the  
10 canvassing board may require all devices to be tested or may  
11 declare that all devices are unsatisfactory.

12           3. If the operation or output of any tested tabulation  
13 device, such as spelling or the order of candidates on a  
14 report, is in error, such problem shall be reported to the  
15 canvassing board. The canvassing board shall then determine  
16 if the reported problem warrants its deeming the device  
17 unsatisfactory.

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

29           Section 14. Subsections (5) and (9) of section  
30 101.5614, Florida Statutes, are amended to read:

31           101.5614 Canvass of returns.--

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

1 ~~cards counted manually shall be added to the totals for the~~  
2 ~~several precincts or election districts. No vote shall be~~  
3 ~~declared invalid or void if there is a clear indication on the~~  
4 ~~ballot that the voter has made a definite choice as determined~~  
5 ~~by the canvassing board. After duplicating a ballot has been~~  
6 ~~duplicated, the defective ballot shall be placed in an~~  
7 ~~envelope provided for that purpose, and the duplicate ballot~~  
8 ~~shall be tallied with the other ballots for that precinct.~~

9 (9) Any supervisor of elections, deputy supervisor of  
10 elections, canvassing board member, election board member, or  
11 election employee who releases the results of any election  
12 prior to the closing of the polls in that county on election  
13 day commits a felony of the third degree, punishable as  
14 provided in s. 775.082, s. 775.083, or s. 775.084.

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

19 101.5614 Canvass of returns.--

20 (1) ~~In precincts in which an electronic or~~  
21 ~~electromechanical voting system is used,~~As soon as the polls  
22 are closed, the election board shall secure the voting devices  
23 against further voting. The election board shall thereafter,  
24 ~~open the ballot box~~ in the presence of members of the public  
25 desiring to witness the proceedings, verify ~~and count~~ the  
26 number of voted ballots, unused ballots, provisional ballots,  
27 and spoiled ballots to ascertain whether such number  
28 corresponds with the number of ballots issued by the  
29 supervisor. If there is a difference, this fact shall be  
30 reported in writing to the county canvassing board with the  
31 reasons therefor if known. The total number of voted ballots

1 shall be entered on the forms provided. The proceedings of the  
2 election board at the precinct after the polls have closed  
3 shall be open to the public; however, no person except a  
4 member of the election board shall touch any ballot or ballot  
5 container or interfere with or obstruct the orderly count of  
6 the ballots.

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

9 101.595 Analysis and reports of voting problems ~~voter~~  
10 ~~error~~.--

11 (1) No later than December 15 of each general election  
12 year, the supervisor of elections in each county shall report  
13 ~~on voter errors~~ to the Department of State the total number of  
14 overvotes and undervotes in the first race appearing on the  
15 ballot pursuant to s. 101.151(2), along with the likely  
16 reasons for such overvotes and undervotes ~~the errors~~ and other  
17 information as may be useful in evaluating the performance of  
18 the voting system and identifying problems with ballot design  
19 and instructions which may have contributed to voter  
20 confusion.

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

25 (a) An identification of problems with the ballot  
26 design or instructions which may have contributed to voter  
27 confusion;

28 (b) An identification of voting system design  
29 problems; and

30 (c) Recommendations for correcting any problems  
31 identified.

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

5           Section 17. Paragraph (a) of subsection (2) of section  
6 101.68, Florida Statutes, is amended to read:

7           101.68 Canvassing of absentee ballot.--

8           (2)(a) The county canvassing board may begin the  
9 canvassing of absentee ballots at 7 a.m. on the fourth day  
10 before the election, but not later than noon on the day  
11 following the election. In addition, for any county using  
12 electronic tabulating equipment, the processing of absentee  
13 ballots through such tabulating equipment may begin at 7 a.m.  
14 on the fourth day before the election. However,  
15 notwithstanding any such authorization to begin canvassing or  
16 otherwise processing absentee ballots early, no result shall  
17 be released until after the closing of the polls in that  
18 county on election day. Any supervisor of elections, deputy  
19 supervisor of elections, canvassing board member, election  
20 board member, or election employee who releases the results of  
21 a canvassing or processing of absentee ballots prior to the  
22 closing of the polls in that county on election day commits a  
23 felony of the third degree, punishable as provided in s.  
24 775.082, s. 775.083, or s. 775.084.

25           Section 18. Section 101.69, Florida Statutes, is  
26 amended to read:

27           101.69 Voting in person; return of absentee  
28 ballot.--The provisions of this code shall not be construed to  
29 prohibit any elector from voting in person at the elector's  
30 precinct on the day of an election notwithstanding that the  
31 elector has requested an absentee ballot for that election.



1 An elector who has received an absentee ballot, but desires to  
2 vote in person, shall return the ballot, whether voted or not,  
3 to the election board in the elector's precinct. The returned  
4 ballot shall be marked "canceled" by the board and placed with  
5 other canceled ballots. However, if the elector does not is  
6 unable to return the ballot and the election official:

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

10 (2) Confirms that the supervisor has not received the  
11 elector's absentee ballot, the elector shall be allowed to  
12 vote in person as provided in this code. The elector's  
13 absentee ballot, if subsequently received, shall not be  
14 counted and shall remain in the mailing envelope, and the  
15 envelope shall be marked "Rejected as Illegal."

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

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

21 102.014 Poll worker recruitment and training.--

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

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

29 (b) No inspector shall work at the polls unless he or  
30 she has had a minimum of 2 3 hours of training prior to each  
31 election during a general election year, at least 1 hour of

1 ~~which must occur after June 1 of that year.~~

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

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

7 102.141 County canvassing board; duties.--

8 (2) The county canvassing board shall meet in a  
9 building accessible to the public in the county where the  
10 election occurred at a time and place to be designated by the  
11 supervisor of elections to publicly canvass the absentee  
12 electors' ballots as provided for in s. 101.68 and provisional  
13 ballots as provided by s. 101.048. Public notice of the time  
14 and place at which the county canvassing board shall meet to  
15 canvass the absentee electors' ballots and provisional ballots  
16 shall be given at least 48 hours prior thereto by publication  
17 once in one or more newspapers of general circulation in the  
18 county or, if there is no newspaper of general circulation in  
19 the county, by posting such notice in at least four  
20 conspicuous places in the county. As soon as the absentee  
21 electors' ballots and the provisional ballots are canvassed,  
22 the board shall proceed to publicly canvass the vote given  
23 each candidate, nominee, constitutional amendment, or other  
24 measure submitted to the electorate of the county, as shown by  
25 the returns then on file in the office of the supervisor of  
26 elections and the office of the county court judge.

27 (4) The canvassing board shall submit unofficial  
28 returns to the Department of State for each federal,  
29 statewide, state, or multicounty office or ballot measure no  
30 later than noon on the second day after any primary, general,  
31 special, or other election. Such returns shall include the

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1 canvass of all ballots as required by subsection (2).

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

18 (a) In counties with voting systems that use ~~ballot~~  
19 ~~cards or~~ paper ballots, each canvassing board responsible for  
20 conducting a recount shall put each ballot through ~~the~~  
21 automatic tabulating equipment ~~for each precinct in which the~~  
22 ~~office or issue appeared on the ballot~~ and determine whether  
23 the returns correctly reflect the votes cast. If any paper  
24 ballot is physically damaged so that it cannot be properly  
25 counted by the automatic tabulating equipment during the  
26 recount, a true duplicate shall be made of the damaged ballot  
27 pursuant to the procedures in s. 101.5614(5). Immediately  
28 before the start of the recount and after completion of the  
29 count, a test of the tabulating equipment shall be conducted  
30 as provided in s. 101.5612. If the test indicates no error,  
31 the recount tabulation of the ballots cast shall be presumed

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1 correct and such votes shall be canvassed accordingly. If an  
2 error is detected, the cause therefor shall be ascertained and  
3 corrected and the recount repeated, as necessary. The  
4 canvassing board shall immediately report the error, along  
5 with the cause of the error and the corrective measures being  
6 taken, to the Department of State. No later than 11 days after  
7 the election, the canvassing board shall file a separate  
8 incident report with the Department of State, detailing the  
9 resolution of the matter and identifying any measures that  
10 will avoid a future recurrence of the error.

11 (b) In counties with voting systems that do not use  
12 ~~ballot cards or~~ paper ballots, each canvassing board  
13 responsible for conducting a recount shall examine the  
14 counters on the precinct tabulators to ensure that the total  
15 of the returns on the precinct tabulators equals the overall  
16 election return. If there is a discrepancy between the overall  
17 election return and the counters of the precinct tabulators,  
18 the counters of the precinct tabulators shall be presumed  
19 correct and such votes shall be canvassed accordingly.

20 (c) The canvassing board shall submit a second set of  
21 unofficial returns to the Department of State for each  
22 federal, statewide, state, or multicounty office or ballot  
23 measure no later than noon on the third ~~second~~ day after any  
24 election in which a recount was conducted pursuant to this  
25 subsection. If the canvassing board is unable to complete the  
26 recount prescribed in this subsection by the deadline, the  
27 second set of unofficial returns submitted by the canvassing  
28 board shall be identical to the initial unofficial returns and  
29 the submission shall also include a detailed explanation of  
30 why it was unable to timely complete the recount. However, the  
31 canvassing board shall complete the recount prescribed in this

1 subsection, along with any manual recount prescribed in s.  
2 102.166, and certify election returns in accordance with the  
3 requirements of this chapter.

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

7 102.166 Manual recounts.--

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

24 (6) Procedures for a manual recount are as follows:

25 (a) The county canvassing board shall appoint as many  
26 counting teams of at least two electors as is necessary to  
27 manually recount the ballots. A counting team must have, when  
28 possible, members of at least two political parties. A  
29 candidate involved in the race shall not be a member of the  
30 counting team.

31 (b) Each duplicate ballot prepared pursuant to s.

1 101.5614(5) or s. 102.141(6) shall be compared with the  
2 original ballot to ensure the correctness of the duplicate.

3 ~~(c)(b)~~ If a counting team is unable to determine  
4 whether the ballot contains a clear indication that the voter  
5 has made a definite choice, the ballot shall be presented to  
6 the county canvassing board for a determination.

7 ~~(d)(e)~~ The Department of State shall adopt detailed  
8 rules prescribing additional recount procedures for each  
9 certified voting system which shall be uniform to the extent  
10 practicable. The rules shall address, at a minimum, the  
11 following areas:

- 12 1. Security of ballots during the recount process;
- 13 2. Time and place of recounts;
- 14 3. Public observance of recounts;
- 15 4. Objections to ballot determinations;
- 16 5. Record of recount proceedings; and
- 17 6. Procedures relating to candidate and petitioner  
18 representatives.

19 Section 22. Paragraph (b) of subsection (4) of section  
20 46 of chapter 2001-40, Laws of Florida, is amended to read:

21 Section 46.

22 (4)

23 (b) For the 2002 elections, following the last day of  
24 qualifying for office, any statewide candidate who has  
25 requested to receive contributions from the Election Campaign  
26 Financing Trust Fund or any statewide candidate in a race with  
27 a candidate who has requested to receive contributions from  
28 the trust fund shall file reports on the 4th, 11th, 18th,  
29 25th, and 32nd days immediately preceding the primary election  
30 and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd  
31 days prior to the general election.

1           Section 23. Subsection (1) of section 105.031, Florida  
2 Statutes, is amended to read:

3           105.031 Qualification; filing fee; candidate's oath;  
4 items required to be filed.--

5           (1) TIME OF QUALIFYING.--Except for candidates for  
6 judicial office, nonpartisan candidates for multicounty office  
7 shall qualify with the Division of Elections of the Department  
8 of State and nonpartisan candidates for countywide or less  
9 than countywide office shall qualify with the supervisor of  
10 elections. Candidates for judicial office other than the  
11 office of county court judge shall qualify with the Division  
12 of Elections of the Department of State, and candidates for  
13 the office of county court judge shall qualify with the  
14 supervisor of elections of the county. Candidates for  
15 judicial office shall qualify no earlier than noon of the  
16 120th day, and no later than noon of the 116th day, before the  
17 first primary election. Candidates for the office of school  
18 board member shall qualify no earlier than noon of the 50th  
19 day, and no later than noon of the 46th day, before the first  
20 primary election. Filing shall be on forms provided for that  
21 purpose by the Division of Elections and furnished by the  
22 appropriate qualifying officer. Any person seeking to qualify  
23 by the alternative method, as set forth in s. 105.035, if the  
24 person has submitted the necessary petitions by the required  
25 deadline and is notified after the fifth day prior to the last  
26 day for qualifying that the required number of signatures has  
27 been obtained, shall be entitled to subscribe to the  
28 candidate's oath and file the qualifying papers at any time  
29 within 5 days from the date he or she is notified that the  
30 necessary number of signatures has been obtained. Any person  
31 other than a write-in candidate who qualifies within the time

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

3 Section 24. Sections 101.22, 101.5615, and 101.72,  
4 Florida Statutes, are repealed.

5 Section 25. Except as otherwise provided herein, this  
6 act shall take effect upon becoming a law.

7  
8

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

10 And the title is amended as follows:

11 remove everything before the enacting clause

12

13 and insert:

14

A bill to be entitled

15

An act relating to elections; amending s.

16

97.0555, F.S.; requiring late registration to

17

be done in the office of the supervisor of

18

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

19

the statewide voter registration database in

20

provisions governing the administration of

21

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

22

revising provisions relating to accessing

23

agency data for the statewide voter

24

registration database; amending s. 98.0979,

25

F.S.; revising provisions for requesting and

26

furnishing voter registration information from

27

the statewide voter registration database;

28

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

29

Bill of Rights; amending s. 101.048, F.S.;

30

revising the procedure for canvassing

31

provisional ballots; revising the Provisional



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1 Ballot Voter's Certificate; amending s.  
2 101.151, F.S.; revising specifications for  
3 ballots; creating s. 101.2512, F.S.; providing  
4 requirements for the printing of candidates'  
5 names on general election ballots; amending s.  
6 101.5601, F.S.; revising a reference; amending  
7 s. 101.5606, F.S.; revising requirements for  
8 voting systems with respect to overvoted and  
9 undervoted ballots; amending s. 101.5608, F.S.;  
10 revising a reference; amending s. 101.5611,  
11 F.S.; requiring direct voting instruction  
12 instead of provision of a voting instruction  
13 model; amending s. 101.5612, F.S.; revising  
14 requirements for sample testing of electronic  
15 or electromechanical tabulation devices;  
16 correcting terminology; amending s. 101.5614,  
17 F.S.; revising provisions for duplicating  
18 defective ballots for purposes of tallying  
19 valid votes; clarifying the prohibition against  
20 releasing the results of an election prior to  
21 the closing of the polls; eliminating obsolete  
22 provisions; amending s. 101.595, F.S.; limiting  
23 the information on voting problems that  
24 supervisors of elections are required to report  
25 to the Department of State following a general  
26 election; amending s. 101.68, F.S.; clarifying  
27 the prohibition against releasing the results  
28 of a canvassing or processing of absentee  
29 ballots prior to the closing of the polls;  
30 amending s. 101.69, F.S.; revising requirements  
31 for electors who have received absentee ballots

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1 but desire to vote in person; amending s.  
2 102.014, F.S.; revising minimum training  
3 requirements for poll workers; amending s.  
4 102.141, F.S.; revising times for canvassing  
5 boards to submit unofficial returns to the  
6 Department of State, including those submitted  
7 after a recount has been conducted; providing  
8 for the duplication of ballots that are damaged  
9 and cannot be counted by the automatic  
10 tabulating equipment during a recount;  
11 eliminating obsolete provisions; amending s.  
12 102.166, F.S.; revising the date by which a  
13 request for a manual recount must be made;  
14 requiring comparison of duplicate ballots with  
15 their original ballots during a manual recount;  
16 amending s. 46, ch. 2001-40, Laws of Florida;  
17 providing campaign finance reporting  
18 requirements preceding the 2002 primary  
19 election for candidates involved in public  
20 campaign financing races; amending s. 105.031,  
21 F.S.; providing an earlier qualifying period  
22 for candidates for judicial office; repealing  
23 s. 101.22, F.S., relating to the voting  
24 procedure for paper ballots; repealing s.  
25 101.5615, F.S., relating to recounts and  
26 election contests under the "Electronic Voting  
27 Systems Act"; repealing s. 101.72, F.S.,  
28 relating to voting booths and compartments;  
29 providing effective dates.  
30  
31