

By Senator Sanderson

31-711A-02

See HB

1 A bill to be entitled

2 An act relating to elections; amending s.

3 97.0555, F.S.; requiring late registration to

4 be done in the office of the supervisor of

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

6 the statewide voter registration database in

7 provisions governing the administration of

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

9 revising provisions relating to accessing

10 agency data for the statewide voter

11 registration database; amending s. 98.0979,

12 F.S.; revising provisions for requesting and

13 furnishing voter registration information from

14 the statewide voter registration database;

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

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

17 revising the procedure for canvassing

18 provisional ballots; revising the Provisional

19 Ballot Voter's Certificate; amending s.

20 101.151, F.S.; revising specifications for

21 ballots; creating s. 101.2512, F.S.; providing

22 requirements for the printing of candidates'

23 names on general election ballots; amending s.

24 101.5601, F.S.; revising a reference; amending

25 s. 101.5606, F.S.; revising requirements for

26 voting systems with respect to overvoted and

27 undervoted ballots; amending s. 101.5608, F.S.;

28 revising a reference; amending s. 101.5611,

29 F.S.; requiring direct voting instruction

30 instead of provision of a voting instruction

31 model; amending s. 101.5612, F.S.; revising

1 requirements for sample testing of electronic
2 or electromechanical tabulation devices;
3 correcting terminology; amending s. 101.5614,
4 F.S.; revising provisions for duplicating
5 defective ballots for purposes of tallying
6 valid votes; clarifying the prohibition against
7 releasing the results of an election prior to
8 the closing of the polls; eliminating obsolete
9 provisions; amending s. 101.595, F.S.; limiting
10 the information on voting problems that
11 supervisors of elections are required to report
12 to the Department of State following a general
13 election; amending s. 101.68, F.S.; clarifying
14 the prohibition against releasing the results
15 of a canvassing or processing of absentee
16 ballots prior to the closing of the polls;
17 amending s. 101.69, F.S.; revising requirements
18 for electors who have received absentee ballots
19 but desire to vote in person; amending s.
20 102.014, F.S.; revising minimum training
21 requirements for poll workers; amending s.
22 102.141, F.S.; revising times for canvassing
23 boards to submit unofficial returns to the
24 Department of State, including those submitted
25 after a recount has been conducted; providing
26 for the duplication of ballots that are damaged
27 and cannot be counted by the automatic
28 tabulating equipment during a recount;
29 eliminating obsolete provisions; amending s.
30 102.166, F.S.; revising the date by which a
31 request for a manual recount must be made;

1 requiring comparison of duplicate ballots with
2 their original ballots during a manual recount;
3 amending s. 46, ch. 2001-40, Laws of Florida;
4 providing campaign finance reporting
5 requirements preceding the 2002 primary
6 election for candidates involved in public
7 campaign financing races; repealing s. 101.22,
8 F.S., relating to the voting procedure for
9 paper ballots; repealing s. 101.5615, F.S.,
10 relating to recounts and election contests
11 under the "Electronic Voting Systems Act";
12 repealing s. 101.72, F.S., relating to voting
13 booths and compartments; providing effective
14 dates.

15
16 Be It Enacted by the Legislature of the State of Florida:

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

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

1 specifying documentation that is sufficient to determine
2 eligibility.

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

5 98.045 Administration of voter registration.--

6 (1) Each supervisor must ensure that any eligible
7 applicant for voter registration is registered to vote. Once a
8 voter is registered, the name of that voter may not be removed
9 from the registration books except at the written request of
10 the voter, by reason of the voter's conviction of a felony or
11 adjudication as mentally incapacitated with respect to voting,
12 by death of the voter, or pursuant to a registration list
13 maintenance program or other registration list maintenance
14 activity conducted pursuant to s. 98.065, ~~or~~ s. 98.075, or s.
15 98.0977.

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

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

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

31

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

11 Section 4. Paragraph (b) of subsection (1) of section
12 98.0979, Florida Statutes, is amended to read:

13 98.0979 Statewide voter registration database open to
14 inspection; copies.--

15 (1)

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

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

30 101.031 Instructions for electors.--

31

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

4
5 VOTER'S BILL OF RIGHTS
6

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

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

26
27 VOTER RESPONSIBILITIES
28

29 Each registered voter in this state has the
30 responsibility to:

- 31 1. Study and know candidates and issues.

- 1 2. Keep his or her voter address current.
- 2 3. Know his or her precinct and its hours of
- 3 operation.
- 4 4. Bring proper identification to the polling station.
- 5 5. Know how to operate voting equipment properly.
- 6 6. Treat precinct workers with courtesy.
- 7 7. Respect the privacy of other voters.
- 8 8. Report problems or violations of election law.
- 9 9. Ask questions when confused.
- 10 10. Check his or her completed ballot for accuracy.
- 11 Section 6. Subsections (2) and (3) of section 101.048,
- 12 Florida Statutes, are amended to read:
- 13 101.048 Provisional ballots.--
- 14 (2)(a) The county canvassing board shall examine each
- 15 provisional ballot envelope to determine if the person voting
- 16 that ballot was entitled to vote at the precinct where the
- 17 person cast a vote in the election and that the person had not
- 18 already cast a ballot in the election.
- 19 (b)1. If it is determined that the person was
- 20 registered and entitled to vote at the precinct where the
- 21 person cast a vote in the election, the canvassing board shall
- 22 compare the signature on the provisional ballot envelope with
- 23 the signature on the voter's registration and, if it matches,
- 24 shall count the ballot.
- 25 2. If it is determined that the person voting the
- 26 provisional ballot was not registered or entitled to vote at
- 27 the precinct where the person cast a vote in the election, the
- 28 provisional ballot shall not be counted and the ballot shall
- 29 remain in the envelope containing the Provisional Ballot
- 30 Voter's Certificate and Affirmation and the envelope shall be
- 31 marked "Rejected as Illegal."

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

3 101.151 Specifications for ballots.--

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

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

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

15 Section 8. Section 101.2512, Florida Statutes, is
16 created to read:

17 101.2512 Candidates' names on general election
18 ballots.--

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

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

31

1 Section 9. Section 101.5601, Florida Statutes, is
2 amended to read:

3 101.5601 Short title.--Sections 101.5601-101.5614 may
4 be cited ~~101.5601 through 101.5615 shall be known~~ as the
5 "Electronic Voting Systems Act."

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

10 101.5606 Requirements for approval of systems.--No
11 electronic or electromechanical voting system shall be
12 approved by the Department of State unless it is so
13 constructed that:

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

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

30 Section 11. Paragraph (b) of subsection (2) of section
31 101.5608, Florida Statutes, is amended to read:

1 101.5608 Voting by electronic or electromechanical
2 method; procedures.--

3 (2) When an electronic or electromechanical voting
4 system utilizes a ballot card or paper ballot, the following
5 procedures shall be followed:

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

20 Section 12. Section 101.5611, Florida Statutes, is
21 amended to read:

22 101.5611 Instructions to electors.--

23 (1) ~~For the instruction of voters on election day,~~The
24 supervisor of elections shall provide instruction at each
25 polling place regarding ~~one instruction model illustrating~~ the
26 manner of voting with the system. In instructing voters, no
27 precinct official may favor any political party, candidate, or
28 issue. Such instruction ~~Each such instruction model~~ shall
29 show the arrangement of candidates ~~party rows, office columns,~~
30 and questions to be voted on. Additionally, the supervisor of
31 elections shall provide instruction on the proper method of

1 casting a ballot for the specific voting system utilized in
2 that jurisdiction. Such instruction model shall be provided
3 ~~located~~ at a place which voters must pass to reach the
4 official voting booth.

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

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

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

19 101.5612 Testing of tabulating equipment.--

20 (4)(a)1. For electronic or electromechanical voting
21 systems configured to include electronic or electromechanical
22 tabulation devices which are distributed to the precincts, all
23 or a sample of the devices to be used in the election shall be
24 publicly tested. If a sample is to be tested, the sample
25 shall consist of a random selection of at least 5 percent of
26 the devices for an optical scan system or 2 percent of the
27 devices for a touchscreen system or 10 of the devices for
28 either system, as applicable, whichever is greater. The test
29 shall be conducted by processing a group of ballots, causing
30 the device to output results for the ballots processed, and
31 comparing the output of results to the results expected for

1 the ballots processed. The group of ballots shall be produced
2 so as to record a predetermined number of valid votes for each
3 candidate and on each measure and to include for each office
4 one or more ballots which have activated voting positions in
5 excess of the number allowed by law in order to test the
6 ability of the tabulating device to reject such votes.

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

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

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

1 at the first testing as to the date, place, and time that the
2 retesting will occur.

3 Section 14. Subsections (5) and (9) of section
4 101.5614, Florida Statutes, are amended to read:

5 101.5614 Canvass of returns.--

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

1 ~~procedure is best suited to the system used. If any paper~~
2 ~~ballot is damaged or defective so that it cannot be counted~~
3 ~~properly by the automatic tabulating equipment, the ballot~~
4 ~~shall be counted manually at the counting center by the~~
5 ~~canvassing board. The totals for all such ballots or ballot~~
6 ~~cards counted manually shall be added to the totals for the~~
7 ~~several precincts or election districts. No vote shall be~~
8 ~~declared invalid or void if there is a clear indication on the~~
9 ~~ballot that the voter has made a definite choice as determined~~
10 ~~by the canvassing board. After duplicating a ballot has been~~
11 ~~duplicated, the defective ballot shall be placed in an~~
12 ~~envelope provided for that purpose, and the duplicate ballot~~
13 ~~shall be tallied with the other ballots for that precinct.~~

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

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

24 101.5614 Canvass of returns.--

25 (1) ~~In precincts in which an electronic or~~
26 ~~electromechanical voting system is used,~~As soon as the polls
27 are closed, the election board shall secure the voting devices
28 against further voting. The election board shall thereafter,
29 ~~open the ballot box~~ in the presence of members of the public
30 desiring to witness the proceedings, verify ~~and count~~ the
31 number of voted ballots, unused ballots, provisional ballots,

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

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

14 101.595 Analysis and reports of voting problems ~~voter~~
15 ~~error~~.--

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

26 (2) The Department of State, upon receipt of such
27 information, shall prepare a public report on the performance
28 of each type of voting system. The report must contain, but
29 is not limited to, the following information:
30
31

1 (a) An identification of problems with the ballot
2 design or instructions which may have contributed to voter
3 confusion;

4 (b) An identification of voting system design
5 problems; and

6 (c) Recommendations for correcting any problems
7 identified.

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

12 Section 17. Paragraph (a) of subsection (2) of section
13 101.68, Florida Statutes, is amended to read:

14 101.68 Canvassing of absentee ballot.--

15 (2)(a) The county canvassing board may begin the
16 canvassing of absentee ballots at 7 a.m. on the fourth day
17 before the election, but not later than noon on the day
18 following the election. In addition, for any county using
19 electronic tabulating equipment, the processing of absentee
20 ballots through such tabulating equipment may begin at 7 a.m.
21 on the fourth day before the election. However,
22 notwithstanding any such authorization to begin canvassing or
23 otherwise processing absentee ballots early, no result shall
24 be released until after the closing of the polls in that
25 county on election day. Any supervisor of elections, deputy
26 supervisor of elections, canvassing board member, election
27 board member, or election employee who releases the results of
28 a canvassing or processing of absentee ballots prior to the
29 closing of the polls in that county on election day commits a
30 felony of the third degree, punishable as provided in s.
31 775.082, s. 775.083, or s. 775.084.

1 Section 18. Section 101.69, Florida Statutes, is
2 amended to read:

3 101.69 Voting in person; return of absentee
4 ballot.--The provisions of this code shall not be construed to
5 prohibit any elector from voting in person at the elector's
6 precinct on the day of an election notwithstanding that the
7 elector has requested an absentee ballot for that election.

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

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

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

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

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

28 102.014 Poll worker recruitment and training.--

29 (4) Each supervisor of elections shall be responsible
30 for training inspectors and clerks, subject to the following
31 minimum requirements:

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

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

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

11 Section 20. Subsections (2), (4), and (6) of section
12 102.141, Florida Statutes, are amended to read:

13 102.141 County canvassing board; duties.--

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

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1 the returns then on file in the office of the supervisor of
2 elections and the office of the county court judge.

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

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

25 (a) In counties with voting systems that use ~~ballot~~
26 ~~cards or~~ paper ballots, each canvassing board responsible for
27 conducting a recount shall put each ballot through ~~the~~
28 automatic tabulating equipment ~~for each precinct in which the~~
29 ~~office or issue appeared on the ballot~~ and determine whether
30 the returns correctly reflect the votes cast. If any paper
31 ballot is physically damaged so that it cannot be properly

1 counted by the automatic tabulating equipment during the
2 recount, a true duplicate shall be made of the damaged ballot
3 pursuant to the procedures in s. 101.5614(5). Immediately
4 before the start of the recount and after completion of the
5 count, a test of the tabulating equipment shall be conducted
6 as provided in s. 101.5612. If the test indicates no error,
7 the recount tabulation of the ballots cast shall be presumed
8 correct and such votes shall be canvassed accordingly. If an
9 error is detected, the cause therefor shall be ascertained and
10 corrected and the recount repeated, as necessary. The
11 canvassing board shall immediately report the error, along
12 with the cause of the error and the corrective measures being
13 taken, to the Department of State. No later than 11 days after
14 the election, the canvassing board shall file a separate
15 incident report with the Department of State, detailing the
16 resolution of the matter and identifying any measures that
17 will avoid a future recurrence of the error.

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

27 (c) The canvassing board shall submit a second set of
28 unofficial returns to the Department of State for each
29 federal, statewide, state, or multicounty office or ballot
30 measure no later than noon on the third ~~second~~ day after any
31 election in which a recount was conducted pursuant to this

1 subsection. If the canvassing board is unable to complete the
2 recount prescribed in this subsection by the deadline, the
3 second set of unofficial returns submitted by the canvassing
4 board shall be identical to the initial unofficial returns and
5 the submission shall also include a detailed explanation of
6 why it was unable to timely complete the recount. However, the
7 canvassing board shall complete the recount prescribed in this
8 subsection, along with any manual recount prescribed in s.
9 102.166, and certify election returns in accordance with the
10 requirements of this chapter.

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

14 102.166 Manual recounts.--

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

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

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

7 (b) Each duplicate ballot prepared pursuant to s.
8 101.5614(5) or s. 102.141(6) shall be compared with the
9 original ballot to ensure the correctness of the duplicate.

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

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

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

26 Section 22. Paragraph (b) of subsection (4) of section
27 46 of chapter 2001-40, Laws of Florida, is amended to read:

28 Section 46.

29 (4)

30 (b) For the 2002 elections, following the last day of
31 qualifying for office, any statewide candidate who has

1 requested to receive contributions from the Election Campaign
2 Financing Trust Fund or any statewide candidate in a race with
3 a candidate who has requested to receive contributions from
4 the trust fund shall file reports on the 4th, 11th, 18th,
5 25th, and 32nd days immediately preceding the primary election
6 and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd
7 days prior to the general election.

8 Section 23. Sections 101.22, 101.5615, and 101.72,
9 Florida Statutes, are repealed.

10 Section 24. Except as otherwise provided in this act,
11 this act shall take effect upon becoming a law.

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LEGISLATIVE SUMMARY

Requires late registration to be done in the office of the supervisor of elections. Includes the statewide voter registration database in provisions governing the administration of voter registration, and revises provisions for requesting and furnishing voter registration information from the statewide voter registration database. Revises the Voter's Bill of Rights. Revises the procedure for canvassing provisional ballots and the Provisional Ballot Voter's Certificate. Revises specifications for ballots. Provides requirements for the printing of candidates' names on general election ballots. Revises requirements for voting systems with respect to overvoted and undervoted ballots. Requires direct voting instruction instead of provision of a voting instruction model. Revises requirements for sample testing of electronic or electromechanical tabulation devices. Revises provisions for duplicating defective ballots for purposes of tallying valid votes. Clarifies the prohibition against releasing the results of an election prior to the closing of the polls. Limits the information on voting problems that supervisors of elections are required to report to the Department of State following a general election. Revises requirements for electors who have received absentee ballots but desire to vote in person. Revises minimum training requirements for poll workers. Revises times for canvassing boards to submit unofficial returns to the Department of State, including those submitted after a recount has been conducted. Provides for the duplication of ballots that are damaged and cannot be counted by the automatic tabulating equipment during a recount. Revises the date by which a request for a manual recount must be made. Requires comparison of duplicate ballots with their original ballots during a manual recount. Provides campaign finance reporting requirements preceding the 2002 primary election for candidates involved in public campaign financing races. Repeals provisions relating to the voting procedure for paper ballots, to recounts and election contests under the "Electronic Voting Systems Act," and to voting booths and compartments. (See bill for details.)