

By the Committee on Ethics and Elections; and Senator Sanderson

313-1764-02

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; redefining the term "provisional
4 ballot"; amending s. 97.0555, F.S.; requiring
5 late registration to be done in the office of
6 the supervisor of elections; amending s.
7 98.045, F.S.; including the statewide voter
8 registration database in provisions governing
9 the administration of voter registration;
10 amending s. 98.0977, F.S.; revising provisions
11 relating to accessing agency data for the
12 statewide voter registration database; amending
13 s. 98.0979, F.S.; revising provisions for
14 requesting and furnishing voter registration
15 information from the statewide voter
16 registration database; amending s. 101.031,
17 F.S.; revising the Voter's Bill of Rights;
18 amending s. 101.048, F.S.; revising the
19 procedure for completing and canvassing
20 provisional ballots; revising the Provisional
21 Ballot Voter's Certificate; amending s.
22 101.151, F.S.; revising specifications for
23 ballots; creating s. 101.2512, F.S.; providing
24 requirements for the printing of candidates'
25 names on general election ballots; creating s.
26 101.475, F.S.; prescribing poll-worker
27 procedures where the name of a potential voter
28 is not on the precinct register; amending s.
29 101.5601, F.S.; revising a reference; amending
30 s. 101.5606, F.S.; revising requirements for
31 voting systems with respect to overvoted and

1 undervoted ballots; amending s. 101.5608, F.S.;
2 revising a reference; amending s. 101.5611,
3 F.S.; requiring direct voting instruction
4 instead of provision of a voting instruction
5 model; amending s. 101.5612, F.S.; revising
6 requirements for sample testing of electronic
7 or electromechanical tabulation devices;
8 correcting terminology; amending s. 101.5614,
9 F.S.; revising provisions for duplicating
10 defective ballots for purposes of tallying
11 valid votes; clarifying the prohibition against
12 releasing the results of an election prior to
13 the closing of the polls; eliminating obsolete
14 provisions; amending s. 101.595, F.S.; limiting
15 the information on voting problems that
16 supervisors of elections are required to report
17 to the Department of State following a general
18 election; amending s. 101.68, F.S.; clarifying
19 the prohibition against releasing the results
20 of a canvassing or processing of absentee
21 ballots prior to the closing of the polls;
22 amending s. 101.69, F.S.; revising requirements
23 for electors who have received absentee ballots
24 but desire to vote in person; amending s.
25 102.014, F.S.; revising minimum training
26 requirements for poll workers; amending s.
27 102.141, F.S.; revising times for canvassing
28 boards to submit unofficial returns to the
29 Department of State, including those submitted
30 after a recount has been conducted; providing
31 for the duplication of ballots that are damaged

1 and cannot be counted by the automatic
2 tabulating equipment during a recount;
3 eliminating obsolete provisions; amending s.
4 102.166, F.S.; revising the date by which a
5 request for a manual recount must be made;
6 requiring comparison of duplicate ballots with
7 their original ballots during a manual recount;
8 amending s. 46, ch. 2001-40, Laws of Florida;
9 providing campaign finance reporting
10 requirements preceding the 2002 primary
11 election for candidates involved in public
12 campaign financing races; amending s. 105.031,
13 F.S.; providing an earlier qualifying period
14 for candidates for judicial office; repealing
15 s. 101.22, F.S., relating to the voting
16 procedure for paper ballots; repealing s.
17 101.5615, F.S., relating to recounts and
18 election contests under the "Electronic Voting
19 Systems Act"; repealing s. 101.72, F.S.,
20 relating to voting booths and compartments;
21 providing effective dates.

22

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

24

25 Section 1. Subsection (25) of section 97.021, Florida
26 Statutes, is amended to read:

27 97.021 Definitions.--For the purposes of this code,
28 except where the context clearly indicates otherwise, the
29 term:

30

31

1 (25) "Provisional ballot" means a conditional ballot
2 issued to a voter by the election board at the polling place
3 on election day, ~~for one of the following reasons:~~

4 ~~(a) The voter's name does not appear on the precinct~~
5 ~~register and verification of the voter's eligibility cannot be~~
6 ~~determined; or~~

7 ~~(b) There is an indication on the precinct register~~
8 ~~that the voter has requested an absentee ballot and there is~~
9 ~~no indication whether the voter has returned the absentee~~
10 ~~ballot.~~

11 Section 2. Section 97.0555, Florida Statutes, is
12 amended to read:

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

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

28 98.045 Administration of voter registration.--

29 (1) Each supervisor must ensure that any eligible
30 applicant for voter registration is registered to vote. Once a
31 voter is registered, the name of that voter may not be removed

1 from the registration books except at the written request of
2 the voter, by reason of the voter's conviction of a felony or
3 adjudication as mentally incapacitated with respect to voting,
4 by death of the voter, or pursuant to a registration list
5 maintenance program or other registration list maintenance
6 activity conducted pursuant to s. 98.065, or s. 98.075, or s.
7 98.0977.

8 (3) Notwithstanding the provisions of ss. 98.095, and
9 98.097, and 98.0977 each supervisor shall maintain for at
10 least 2 years, and make available for public inspection and
11 copying, all records concerning implementation of registration
12 list maintenance programs and activities conducted pursuant to
13 ss. 98.065, and 98.075, and 98.0977. The records must include
14 lists of the name and address of each person to whom an
15 address confirmation final notice was sent and information as
16 to whether each such person responded to the mailing, but may
17 not include any information that is confidential or exempt
18 from public record requirements under this code.

19 Section 4. Subsection (4) of section 98.0977, Florida
20 Statutes, is amended to read:

21 98.0977 Statewide voter registration database;
22 development and maintenance.--

23 (4) To the maximum extent feasible, state and local
24 government entities shall facilitate provision of information
25 and access to data to the department ~~Florida Association of~~
26 ~~Court Clerks~~ in order to compare information in the statewide
27 voter registration database with available information in
28 other computer databases, including, but not limited to,
29 databases that contain reliable criminal records and records
30 of deceased persons. State and local governmental agencies
31

1 that provide such data shall do so without charge if the
2 direct cost incurred by those agencies is not significant.

3 Section 5. Paragraph (b) of subsection (1) of section
4 98.0979, Florida Statutes, is amended to read:

5 98.0979 Statewide voter registration database open to
6 inspection; copies.--

7 (1)

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

20 Section 6. Subsection (2) of section 101.031, Florida
21 Statutes, is amended to read:

22 101.031 Instructions for electors.--

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

26

27 VOTER'S BILL OF RIGHTS

28

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

30 1. Vote and have his or her vote accurately counted.

31

1 9. Ask questions when confused.
2 10. Check his or her completed ballot for accuracy.
3 Section 7. Subsections (1), (2), and (3) of section
4 101.048, Florida Statutes, are amended to read:
5 101.048 Provisional ballots.--
6 (1) A person voting a provisional ballot as provided
7 in s. 101.475 or other provision of law shall place the ballot
8 ~~At all elections, a voter claiming to be properly registered~~
9 ~~in the county and eligible to vote at the precinct in the~~
10 ~~election, but whose eligibility cannot be determined, shall be~~
11 ~~entitled to vote a provisional ballot. Once voted, the~~
12 ~~provisional ballot shall be placed in a secrecy envelope,~~
13 place the secrecy envelope and thereafter sealed in a
14 provisional ballot envelope, seal the provisional ballot
15 envelope, and fill out the Provisional Ballot Voter's
16 Certificate on the back of the provisional ballot envelope.
17 The provisional ballot envelope shall be deposited in a ballot
18 box. All provisional ballots shall remain sealed in their
19 envelopes for return to the supervisor of elections.
20 (2)(a) The county canvassing board shall examine each
21 provisional ballot envelope to determine if the person voting
22 that ballot was entitled to vote at the precinct where the
23 person cast a vote in the election and that the person had not
24 already cast a ballot in the election.
25 (b)1. If it is determined that the person was
26 registered and entitled to vote at the precinct where the
27 person cast a vote in the election, the canvassing board shall
28 compare the signature on the provisional ballot envelope with
29 the signature on the voter's registration and, if it matches,
30 shall count the ballot.
31

1
2 Precinct # Ballot Style/Party Issued:

3
4 Additional information may be provided to further assist the
5 supervisor of elections in determining eligibility. ~~if known,~~
6 ~~please provide the place and date that you registered to vote.~~

7
8 Section 8. Paragraphs (a) and (c) of subsection (2) of
9 section 101.151, Florida Statutes, are amended to read:

10 101.151 Specifications for ballots.--

11 (2)(a) The ballot shall have headings under which
12 shall appear the names of the offices and the names of the
13 ~~duly nominated~~ candidates for the respective offices in the
14 following order: the heading "President and Vice President"
15 and thereunder the names of the candidates for President and
16 Vice President of the United States nominated by the political
17 party that received the highest vote for Governor in the last
18 general election of the Governor in this state. Then shall
19 appear the names of other candidates for President and Vice
20 President of the United States who have been properly
21 nominated. ~~Votes cast for write-in candidates for President~~
22 ~~and Vice President shall be counted as votes cast for the~~
23 ~~presidential electors supporting such candidates.~~ Then shall
24 follow the heading "Congressional" and thereunder the offices
25 of United States Senator and Representative in Congress; then
26 the heading "State" and thereunder the offices of Governor and
27 Lieutenant Governor, ~~Secretary of State,~~ Attorney General,
28 Chief Financial Officer ~~Comptroller, Treasurer, Commissioner~~
29 ~~of Education,~~ Commissioner of Agriculture, state attorney, and
30 public defender, together with the names of the candidates for
31 each office and the title of the office which they seek; then

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

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

22 Section 9. Section 101.2512, Florida Statutes, is
23 created to read:

24 101.2512 Candidates' names on general election
25 ballots.--

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

31

1 (2) In addition to the names printed on the ballot as
2 provided in subsection (1), the supervisor of elections shall
3 print on the general election ballot the names of each
4 nonpartisan candidate, minor party candidate, or candidate
5 with no party affiliation who has obtained a position on the
6 general election ballot in compliance with the requirements of
7 this code.

8 Section 10. Section 101.475, Florida Statutes, is
9 created to read:

10 101.475 Procedure of election officials where name is
11 not on precinct register.--

12 (1) If a person presents himself or herself to vote
13 and his or her name is not on the precinct register, the
14 pollworker shall contact the office of the supervisor of
15 elections or access a master list of registered voters in the
16 county to determine whether the person is registered to vote.

17 (2) If the person is registered in the county and is
18 in the correct precinct, the person shall be allowed to vote.

19 (3) If the person is registered in the county but is
20 not in the correct precinct, the pollworker shall direct the
21 person to the proper precinct to vote.

22 (4) If the pollworker is unable to verify whether the
23 person is registered in the county, the pollworker shall issue
24 the person a provisional ballot pursuant to s. 101.048.

25 (5) If the pollworker verifies that the person is not
26 registered in the county, but the person nonetheless maintains
27 that he or she is entitled to vote, the pollworker shall issue
28 the person a provisional ballot pursuant to s. 101.048.

29 Section 11. Section 101.5601, Florida Statutes, is
30 amended to read:

31

1 101.5601 Short title.--Sections 101.5601-101.5614 may
2 ~~be cited 101.5601 through 101.5615 shall be known~~ as the
3 "Electronic Voting Systems Act."

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

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

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

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

28 Section 13. Paragraph (b) of subsection (2) of section
29 101.5608, Florida Statutes, is amended to read:

30 101.5608 Voting by electronic or electromechanical
31 method; procedures.--

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

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

18 Section 14. Section 101.5611, Florida Statutes, is
19 amended to read:

20 101.5611 Instructions to electors.--

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

1 ~~located~~ at a place which voters must pass to reach the
2 official voting booth.

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

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

15 Section 15. Paragraphs (a) and (d) of subsection (4)
16 of section 101.5612, Florida Statutes, are amended to read:

17 101.5612 Testing of tabulating equipment.--

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

1 candidate and on each measure and to include for each office
2 one or more ballots which have activated voting positions in
3 excess of the number allowed by law in order to test the
4 ability of the tabulating device to reject such votes.

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

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

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

1 Section 16. Subsections (5) and (9) of section
2 101.5614, Florida Statutes, are amended to read:

3 101.5614 Canvass of returns.--

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

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

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

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

26 101.5614 Canvass of returns.--

27 (1) ~~In precincts in which an electronic or~~
28 ~~electromechanical voting system is used,~~As soon as the polls
29 are closed, the election board shall secure the voting devices
30 against further voting. The election board shall thereafter,
31 ~~open the ballot box~~ in the presence of members of the public

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

14 Section 18. Section 101.595, Florida Statutes, is
15 amended to read:

16 101.595 Analysis and reports of voting problems ~~voter~~
17 ~~error~~.--

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

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

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 19. 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 20. 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, the election official shall
14 contact the supervisor's office to determine whether the
15 supervisor has received the elector's absentee ballot. If the
16 election official:

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

23 (2) Confirms that the supervisor has received the
24 elector's absentee ballot, the elector shall not be allowed to
25 vote in person. If the elector maintains that he or she has
26 not returned the absentee ballot, the elector may vote a
27 provisional ballot as provided in s. 101.048.

28 (3) Cannot confirm whether the supervisor has received
29 the elector's absentee ballot, the elector may vote a
30 provisional ballot as provided in s. 101.048.

31

1 Section 21. Subsection (4) of section 102.014, Florida
2 Statutes, is amended to read:

3 102.014 Poll worker recruitment and training.--

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

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

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

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

17 Section 22. Subsections (2), (4), and (6) of section
18 102.141, Florida Statutes, are amended to read:

19 102.141 County canvassing board; duties.--

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

1 conspicuous places in the county. As soon as the absentee
2 electors' ballots and the provisional ballots are canvassed,
3 the board shall proceed to publicly canvass the vote given
4 each candidate, nominee, constitutional amendment, or other
5 measure submitted to the electorate of the county, as shown by
6 the returns then on file in the office of the supervisor of
7 elections and the office of the county court judge.

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

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

30 (a) In counties with voting systems that use ~~ballot~~
31 ~~cards or~~ paper ballots, each canvassing board responsible for

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

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

1 (c) The canvassing board shall submit a second set of
2 unofficial returns to the Department of State for each
3 federal, statewide, state, or multicounty office or ballot
4 measure no later than noon on the third ~~second~~ day after any
5 election in which a recount was conducted pursuant to this
6 subsection. If the canvassing board is unable to complete the
7 recount prescribed in this subsection by the deadline, the
8 second set of unofficial returns submitted by the canvassing
9 board shall be identical to the initial unofficial returns and
10 the submission shall also include a detailed explanation of
11 why it was unable to timely complete the recount. However, the
12 canvassing board shall complete the recount prescribed in this
13 subsection, along with any manual recount prescribed in s.
14 102.166, and certify election returns in accordance with the
15 requirements of this chapter.

16 Section 23. Paragraph (a) of subsection (2) and
17 subsection (6) of section 102.166, Florida Statutes, are
18 amended to read:

19 102.166 Manual recounts.--

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

1 the overvotes and undervotes cast in the entire geographic
2 jurisdiction of such office or ballot measure, provided that a
3 request for a manual recount is made by 5 p.m. on the third
4 ~~second~~ day after the election.

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

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

12 (b) Each duplicate ballot prepared pursuant to s.
13 101.5614(5) or s. 102.141(6) shall be compared with the
14 original ballot to ensure the correctness of the duplicate.

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

19 (d)~~(c)~~ The Department of State shall adopt detailed
20 rules prescribing additional recount procedures for each
21 certified voting system which shall be uniform to the extent
22 practicable. The rules shall address, at a minimum, the
23 following areas:

- 24 1. Security of ballots during the recount process;
 - 25 2. Time and place of recounts;
 - 26 3. Public observance of recounts;
 - 27 4. Objections to ballot determinations;
 - 28 5. Record of recount proceedings; and
 - 29 6. Procedures relating to candidate and petitioner
- 30 representatives.

31

1 Section 24. Paragraph (b) of subsection (4) of section
2 46 of chapter 2001-40, Laws of Florida, is amended to read:

3 Section 46.

4 (4)

5 (b) For the 2002 elections, following the last day of
6 qualifying for office, any statewide candidate who has
7 requested to receive contributions from the Election Campaign
8 Financing Trust Fund or any statewide candidate in a race with
9 a candidate who has requested to receive contributions from
10 the trust fund shall file reports on the 4th, 11th, 18th,
11 25th, and 32nd days immediately preceding the primary election
12 and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd
13 days prior to the general election.

14 Section 25. Subsection (1) of section 105.031, Florida
15 Statutes, is amended to read:

16 105.031 Qualification; filing fee; candidate's oath;
17 items required to be filed.--

18 (1) TIME OF QUALIFYING.--Except for candidates for
19 judicial office, nonpartisan candidates for multicounty office
20 shall qualify with the Division of Elections of the Department
21 of State and nonpartisan candidates for countywide or less
22 than countywide office shall qualify with the supervisor of
23 elections. Candidates for judicial office other than the
24 office of county court judge shall qualify with the Division
25 of Elections of the Department of State, and candidates for
26 the office of county court judge shall qualify with the
27 supervisor of elections of the county. Candidates for judicial
28 office shall qualify no earlier than noon of the 120th day,
29 and no later than noon of the 116th day, before the first
30 primary election. Candidates for the office of school board
31 member shall qualify no earlier than noon of the 50th day, and

1 no later than noon of the 46th day, before the first primary
2 election. Filing shall be on forms provided for that purpose
3 by the Division of Elections and furnished by the appropriate
4 qualifying officer. Any person seeking to qualify by the
5 alternative method, as set forth in s. 105.035, if the person
6 has submitted the necessary petitions by the required deadline
7 and is notified after the fifth day prior to the last day for
8 qualifying that the required number of signatures has been
9 obtained, shall be entitled to subscribe to the candidate's
10 oath and file the qualifying papers at any time within 5 days
11 from the date he or she is notified that the necessary number
12 of signatures has been obtained. Any person other than a
13 write-in candidate who qualifies within the time prescribed in
14 this subsection shall be entitled to have his or her name
15 printed on the ballot.

16 Section 26. Sections 101.22, 101.5615, and 101.72,
17 Florida Statutes, are repealed.

18 Section 27. Except as otherwise provided in this act,
19 this act shall take effect upon becoming a law.

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STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
COMMITTEE SUBSTITUTE FOR
SB 618

The committee substitute differs from the original bill in that it: clarifies that canvassing boards do not have to duplicate defective absentee ballots rejected by the automatic tabulating equipment unless the board determines that an over voted or under voted race contains an otherwise valid vote; adopts procedures for poll workers where a voter's name is not on the precinct register; requires poll workers to try to contact the county supervisor's office or access a master list of registered voters in the county before issuing a provisional ballot; requires the poll worker to issue a provisional ballot if the poll worker confirms that the person is not registered, but the person maintains that he or she is entitled to vote; makes conforming changes to the process of filling out a provisional ballot and to the definition of "provisional ballot"; adopts procedures for poll workers faced with an elector who has been issued an absentee ballot, but who does not return the ballot at that time; insures that such voters are only given a provisional ballot after an attempt is made to contact the supervisor's office and determine whether the absentee ballot was voted; moves the qualifying date for judges from July to May, the qualifying time for federal candidates.