

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. 100.011,  
17          F.S.; providing that a voter who is in line  
18          when the polls are scheduled to close must be  
19          allowed to vote; amending s. 98.255, F.S.;  
20          correcting a cross-reference relating to voter  
21          rights and responsibilities; amending s.  
22          101.031, F.S.; revising the Voter's Bill of  
23          Rights to clarify that a voter may cast a vote  
24          if he or she is in line at the official closing  
25          of the polls in the county; eliminating  
26          provisions specifying voter responsibilities;  
27          amending s. 101.048, F.S.; revising the  
28          procedure for completing and canvassing  
29          provisional ballots; revising the Provisional  
30          Ballot Voter's Certificate; amending s.  
31          101.151, F.S.; revising specifications for

1 ballots; creating s. 101.2512, F.S.; providing  
2 requirements for the printing of candidates'  
3 names on general election ballots; creating s.  
4 101.475, F.S.; prescribing poll-worker  
5 procedures where the name of a potential voter  
6 is not on the precinct register; amending s.  
7 101.5601, F.S.; revising a reference; amending  
8 s. 101.5606, F.S.; revising requirements for  
9 voting systems with respect to overvoted and  
10 undervoted ballots; amending s. 101.5608, F.S.;  
11 revising a reference; amending s. 101.5611,  
12 F.S.; modifying voting instruction  
13 requirements; amending s. 101.5612, F.S.;  
14 revising requirements for sample testing of  
15 electronic or electromechanical tabulation  
16 devices; correcting terminology; amending s.  
17 101.5614, F.S.; revising provisions for  
18 duplicating defective ballots for purposes of  
19 tallying valid votes; clarifying the  
20 prohibition against releasing the results of an  
21 election prior to the closing of the polls;  
22 eliminating obsolete provisions; amending s.  
23 101.595, F.S.; limiting the information on  
24 voting problems that supervisors of elections  
25 are required to report to the Department of  
26 State following a general election; amending s.  
27 101.68, F.S.; clarifying the prohibition  
28 against releasing the results of a canvassing  
29 or processing of absentee ballots prior to the  
30 closing of the polls; amending s. 101.69, F.S.;  
31 revising requirements for electors who have

1 received absentee ballots but desire to vote in  
2 person; amending s. 102.014, F.S.; revising  
3 minimum training requirements for poll workers;  
4 amending s. 102.141, F.S.; revising times for  
5 canvassing boards to submit unofficial returns  
6 to the Department of State, including those  
7 submitted after a recount has been conducted;  
8 providing for the duplication of ballots that  
9 are damaged and cannot be counted by the  
10 automatic tabulating equipment during a  
11 recount; eliminating obsolete provisions;  
12 amending s. 102.166, F.S.; revising the date by  
13 which a request for a manual recount must be  
14 made; requiring comparison of duplicate ballots  
15 with their original ballots during a manual  
16 recount; amending s. 46, ch. 2001-40, Laws of  
17 Florida; 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 Be It Enacted by the Legislature of the State of Florida:

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

3           97.021 Definitions.--For the purposes of this code,  
4 except where the context clearly indicates otherwise, the  
5 term:

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

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

12           ~~(b) There is an indication on the precinct register~~  
13 ~~that the voter has requested an absentee ballot and there is~~  
14 ~~no indication whether the voter has returned the absentee~~  
15 ~~ballot.~~

16           Section 2. Section 97.0555, Florida Statutes, is  
17 amended to read:

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

31

1           Section 3. 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 4. 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 5. 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 6. Subsection (2) of section 100.011, Florida  
26 Statutes, is amended to read:

27 100.011 Opening and closing of polls, all elections;  
28 expenses.--

29 (2)(a) The time of opening and closing of the polls  
30 shall be observed in all elections held in this state,  
31 including municipal and school elections.

1           (b) Any person who is in line at the official closing  
2 of the polls in that county shall be allowed into the polling  
3 room to vote.

4           Section 7. Subsection (1) of section 98.255, Florida  
5 Statutes, is amended to read:

6           98.255 Voter education programs.--

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

13           (a) Voter registration;

14           (b) Balloting procedures, absentee and polling place;

15           (c) Voter rights ~~and responsibilities~~;

16           (d) Distribution of sample ballots; and

17           (e) Public service announcements.

18           Section 8. Subsections (1) and (2) of section 101.031,  
19 Florida Statutes, are amended to read:

20           101.031 Instructions for electors.--

21           (1) The Department of State, or in case of municipal  
22 elections the governing body of the municipality, shall print,  
23 in large type on cards, instructions for the electors to use  
24 in voting. It shall provide not less than two cards for each  
25 voting precinct for each election and furnish such cards to  
26 each supervisor upon requisition. Each supervisor of  
27 elections shall send a sufficient number of these cards to the  
28 precincts prior to an election. The election inspectors shall  
29 display the cards in the polling places as information for  
30 electors. The cards shall contain information about how to  
31 vote and such other information as the Department of State may

1 deem necessary. The cards must also include the list of rights  
2 ~~and responsibilities~~ afforded to Florida voters, as described  
3 in subsection (2).

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

7  
8 VOTER'S BILL OF RIGHTS

9  
10 Each registered voter in this state has the right to:

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

29  
30 ~~VOTER RESPONSIBILITIES~~



1           ~~Each registered voter in this state has the~~  
2 ~~responsibility to:~~

- 3           ~~1. Study and know candidates and issues.~~
- 4           ~~2. Keep his or her voter address current.~~
- 5           ~~3. Know his or her precinct and its hours of~~  
6 ~~operation.~~
- 7           ~~4. Bring proper identification to the polling station.~~
- 8           ~~5. Know how to operate voting equipment properly.~~
- 9           ~~6. Treat precinct workers with courtesy.~~
- 10          ~~7. Respect the privacy of other voters.~~
- 11          ~~8. Report problems or violations of election law.~~
- 12          ~~9. Ask questions when confused.~~
- 13          ~~10. Check his or her completed ballot for accuracy.~~

14          Section 9. Subsections (1), (2), and (3) of section  
15 101.048, Florida Statutes, are amended to read:

16           101.048 Provisional ballots.--

17           (1) A person voting a provisional ballot as provided  
18 in s. 101.475 or other provision of law shall place the ballot  
19 ~~At all elections, a voter claiming to be properly registered~~  
20 ~~in the county and eligible to vote at the precinct in the~~  
21 ~~election, but whose eligibility cannot be determined, shall be~~  
22 ~~entitled to vote a provisional ballot. Once voted, the~~  
23 ~~provisional ballot shall be placed in a secrecy envelope,~~  
24 place the secrecy envelope and thereafter sealed in a  
25 provisional ballot envelope, seal the provisional ballot  
26 envelope, and fill out the Provisional Ballot Voter's  
27 Certificate on the back of the provisional ballot envelope.  
28 The provisional ballot envelope shall be deposited in a ballot  
29 box. All provisional ballots shall remain sealed in their  
30 envelopes for return to the supervisor of elections.

31

1           (2)(a) The county canvassing board shall examine each  
2 provisional ballot envelope to determine if the person voting  
3 that ballot was entitled to vote at the precinct where the  
4 person cast a vote in the election and that the person had not  
5 already cast a ballot in the election.

6           (b)1. If it is determined that the person was  
7 registered and entitled to vote at the precinct where the  
8 person cast a vote in the election, the canvassing board shall  
9 compare the signature on the provisional ballot envelope with  
10 the signature on the voter's registration and, if it matches,  
11 shall count the ballot.

12           2. If it is determined that the person voting the  
13 provisional ballot was not registered or entitled to vote at  
14 the precinct where the person cast a vote in the election, the  
15 provisional ballot shall not be counted and the ballot shall  
16 remain in the envelope containing the Provisional Ballot  
17 Voter's Certificate and Affirmation and the envelope shall be  
18 marked "Rejected as Illegal."

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

21  
22 STATE OF FLORIDA  
23 COUNTY OF ....

24  
25           I do solemnly swear (or affirm) that my name is ....;  
26 that my date of birth is ....; that I am registered to vote  
27 and at the time I registered I resided at ....., in the  
28 municipality of ....., in .... County, Florida; that I am  
29 registered in the .... Party;that I am a qualified voter of  
30 the county;and that I have not voted in this election. I  
31 understand that if I commit any fraud in connection with

1 voting, vote a fraudulent ballot, or vote more than once in an  
2 election, I can be convicted of a felony of the third degree  
3 and fined up to \$5,000 and/or imprisoned for up to 5 years.

4 ... (Signature of Voter)...

5 ... (Current Residence Address)...

6 ... (Current Mailing Address)...

7 ... (City, State, Zip Code)...

8  
9 Sworn to and subscribed before me this .... day of .....,  
10 ... (year)....

11 ... (~~Clerk or Inspector of Election~~ Official)...

12  
13 Precinct # .... Ballot Style/Party Issued: ....

14  
15 Additional information may be provided to further assist the  
16 supervisor of elections in determining eligibility. ~~If known,~~  
17 ~~please provide the place and date that you registered to vote.~~

18  
19 Section 10. Paragraphs (a) and (c) of subsection (2)  
20 of section 101.151, Florida Statutes, are amended to read:

21 101.151 Specifications for ballots.--

22 (2)(a) The ballot shall have headings under which  
23 shall appear the names of the offices and the names of the  
24 ~~duly nominated~~ candidates for the respective offices in the  
25 following order: the heading "President and Vice President"  
26 and thereunder the names of the candidates for President and  
27 Vice President of the United States nominated by the political  
28 party that received the highest vote for Governor in the last  
29 general election of the Governor in this state. Then shall  
30 appear the names of other candidates for President and Vice  
31 President of the United States who have been properly

1 nominated. ~~Votes cast for write-in candidates for President~~  
2 ~~and Vice President shall be counted as votes cast for the~~  
3 ~~presidential electors supporting such candidates.~~ Then shall  
4 follow the heading "Congressional" and thereunder the offices  
5 of United States Senator and Representative in Congress; then  
6 the heading "State" and thereunder the offices of Governor and  
7 Lieutenant Governor, ~~Secretary of State,~~ Attorney General,  
8 Chief Financial Officer ~~Comptroller, Treasurer, Commissioner~~  
9 ~~of Education,~~ Commissioner of Agriculture, state attorney, and  
10 public defender, together with the names of the candidates for  
11 each office and the title of the office which they seek; then  
12 the heading "Legislative" and thereunder the offices of state  
13 senator and state representative; then the heading "County"  
14 and thereunder clerk of the circuit court, clerk of the county  
15 court (when authorized by law), sheriff, property appraiser,  
16 tax collector, district superintendent of schools, and  
17 supervisor of elections. Thereafter follows: members of the  
18 board of county commissioners, and such other county and  
19 district offices as are involved in the ~~general~~ election, in  
20 the order fixed by the Department of State, followed, in the  
21 year of their election, by "Party Offices," and thereunder the  
22 offices of state and county party executive committee members.  
23 In a general election, in addition to the names printed on the  
24 ballot, a blank space shall be provided under each heading for  
25 an office for which a write-in candidate has qualified. With  
26 respect to write-in candidates, if two or more candidates are  
27 seeking election to one office, only one blank space shall be  
28 provided.

29 (c) If in any election all the offices as set forth in  
30 paragraph (a) are not involved, those offices not to be filled  
31

1 shall be omitted and the remaining offices shall be arranged  
2 on the ballot in the order named.

3 Section 11. Section 101.2512, Florida Statutes, is  
4 created to read:

5 101.2512 Candidates' names on general election  
6 ballots.--

7 (1) The supervisor of elections shall print on the  
8 general election ballot the names of candidates nominated by  
9 primary election or special primary election or the names of  
10 candidates selected by the appropriate executive committee of  
11 any political party pursuant to the requirements of this code.

12 (2) In addition to the names printed on the ballot as  
13 provided in subsection (1), the supervisor of elections shall  
14 print on the general election ballot the names of each  
15 nonpartisan candidate, minor party candidate, or candidate  
16 with no party affiliation who has obtained a position on the  
17 general election ballot in compliance with the requirements of  
18 this code.

19 Section 12. Section 101.475, Florida Statutes, is  
20 created to read:

21 101.475 Procedure of election officials where name is  
22 not on precinct register.--

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

28 (2) If the person is registered in the county and is  
29 in the correct precinct, the person shall be allowed to vote.  
30  
31

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

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

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

11           Section 13. Section 101.5601, Florida Statutes, is  
12 amended to read:

13           101.5601 Short title.--Sections 101.5601-101.5614 may  
14 be cited ~~101.5601 through 101.5615~~ shall be known as the  
15 "Electronic Voting Systems Act."

16           Section 14. Effective September 2, 2002, subsections  
17 (3) and (4) of section 101.5606, Florida Statutes, as amended  
18 by section 18 of chapter 2001-40, Laws of Florida, are amended  
19 to read:

20           101.5606 Requirements for approval of systems.--No  
21 electronic or electromechanical voting system shall be  
22 approved by the Department of State unless it is so  
23 constructed that:

24           (3) It immediately rejects ~~The automatic tabulating~~  
25 ~~equipment shall be set to reject a ballot and provide the~~  
26 ~~elector an opportunity to correct the ballot~~ where the number  
27 of votes for an office or measure exceeds the number which the  
28 voter is entitled to cast or where the tabulating equipment  
29 reads the ballot as a ballot with no votes cast.

30           (4) For systems using paper ballots, it accepts a  
31 rejected ballot pursuant to subsection (3) if a voter chooses

1 to cast the ballot, but records no vote for any office that  
2 has been overvoted or undervoted. ~~For rejected ballots that~~  
3 ~~voters choose to cast, the automatic tabulating equipment will~~  
4 ~~be set to accept the ballot and reject all votes for any~~  
5 ~~office or measure when the number of votes therefor exceeds~~  
6 ~~the number which the voter is entitled to cast or when the~~  
7 ~~voter is not entitled to cast a vote for the office or~~  
8 ~~measure.~~

9 Section 15. Paragraph (b) of subsection (2) of section  
10 101.5608, Florida Statutes, is amended to read:

11 101.5608 Voting by electronic or electromechanical  
12 method; procedures.--

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

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

30 Section 16. Section 101.5611, Florida Statutes, is  
31 amended to read:

1           101.5611 Instructions to electors.--

2           (1) For the instruction of voters on election day, the  
3 supervisor of elections shall provide at each polling place  
4 one instruction model illustrating the manner of voting with  
5 the system. Each such instruction model shall show the  
6 arrangement of party rows, office columns, and questions to be  
7 voted on. Such model shall be located at a place which voters  
8 must pass to reach the official voting booth.

9           (2) Before entering the voting booth each voter shall  
10 be offered instruction in voting by use of the instruction  
11 model, ~~and the voter shall be given ample opportunity to~~  
12 ~~operate the model by himself or herself.~~ The supervisor shall  
13 also provide instruction by precinct officials for voters who  
14 request assistance, and shall provide instruction on the  
15 proper method of casting a ballot for the specific voting  
16 system used in that jurisdiction. In instructing voters, no  
17 precinct official may show partiality to any political party  
18 or candidate.

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

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

27           101.5612 Testing of tabulating equipment.--

28           (4)(a)1. For electronic or electromechanical voting  
29 systems configured to include electronic or electromechanical  
30 tabulation devices which are distributed to the precincts, all  
31 or a sample of the devices to be used in the election shall be



1 publicly tested. If a sample is to be tested, the sample  
2 shall consist of a random selection of at least 5 percent of  
3 the devices for an optical scan system or 2 percent of the  
4 devices for a touchscreen system or 10 of the devices for  
5 either system, as applicable, whichever is greater. The test  
6 shall be conducted by processing a group of ballots, causing  
7 the device to output results for the ballots processed, and  
8 comparing the output of results to the results expected for  
9 the ballots processed. The group of ballots shall be produced  
10 so as to record a predetermined number of valid votes for each  
11 candidate and on each measure and to include for each office  
12 one or more ballots which have activated voting positions in  
13 excess of the number allowed by law in order to test the  
14 ability of the tabulating device to reject such votes.

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

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

31

1           (d) Any tabulating device deemed unsatisfactory shall  
2 be recoded ~~reprogrammed~~, repaired, or replaced and shall be  
3 made available for retesting. Such device must be determined  
4 by the canvassing board or its representative to be  
5 satisfactory before it may be used in any election. The  
6 canvassing board or its representative shall announce at the  
7 close of the first testing the date, place, and time that any  
8 unsatisfactory device will be retested or may, at the option  
9 of the board, notify by telephone each person who was present  
10 at the first testing as to the date, place, and time that the  
11 retesting will occur.

12           Section 18. Subsections (5) and (9) of section  
13 101.5614, Florida Statutes, are amended to read:

14           101.5614 Canvass of returns.--

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

1 and be counted in lieu of the defective ballot ~~a defective~~  
2 ~~ballot which shall not include the invalid votes. All~~  
3 ~~duplicate ballot cards shall be clearly labeled "duplicate,"~~  
4 ~~bear a serial number which shall be recorded on the damaged or~~  
5 ~~defective ballot card, and be counted in lieu of the damaged~~  
6 ~~or defective ballot. If any ballot card of the type for which~~  
7 ~~offices and measures are printed directly on the card is~~  
8 ~~damaged or defective so that it cannot properly be counted by~~  
9 ~~the automatic tabulating equipment, a true duplicate copy may~~  
10 ~~be made of the damaged ballot card in the presence of~~  
11 ~~witnesses and in the manner set forth above, or the valid~~  
12 ~~votes on the damaged ballot card may be manually counted at~~  
13 ~~the counting center by the canvassing board, whichever~~  
14 ~~procedure is best suited to the system used. If any paper~~  
15 ~~ballot is damaged or defective so that it cannot be counted~~  
16 ~~properly by the automatic tabulating equipment, the ballot~~  
17 ~~shall be counted manually at the counting center by the~~  
18 ~~canvassing board. The totals for all such ballots or ballot~~  
19 ~~cards counted manually shall be added to the totals for the~~  
20 ~~several precincts or election districts. No vote shall be~~  
21 ~~declared invalid or void if there is a clear indication on the~~  
22 ~~ballot that the voter has made a definite choice as determined~~  
23 ~~by the canvassing board. After duplicating a ballot has been~~  
24 duplicated, the defective ballot shall be placed in an  
25 envelope provided for that purpose, and the duplicate ballot  
26 shall be tallied with the other ballots for that precinct.

27 (9) Any supervisor of elections, deputy supervisor of  
28 elections, canvassing board member, election board member, or  
29 election employee who releases the results of any election  
30 prior to the closing of the polls in that county on election  
31

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

3 Section 19. Effective September 2, 2002, subsection  
4 (1) of section 101.5614, Florida Statutes, as amended by  
5 section 22 of chapter 2001-40, Laws of Florida, is amended to  
6 read:

7 101.5614 Canvass of returns.--

8 (1) ~~In precincts in which an electronic or~~  
9 ~~electromechanical voting system is used,~~As soon as the polls  
10 are closed, the election board shall secure the voting devices  
11 against further voting. The election board shall thereafter,  
12 ~~open the ballot box~~ in the presence of members of the public  
13 desiring to witness the proceedings, verify ~~and count~~ the  
14 number of voted ballots, unused ballots, provisional ballots,  
15 and spoiled ballots to ascertain whether such number  
16 corresponds with the number of ballots issued by the  
17 supervisor. If there is a difference, this fact shall be  
18 reported in writing to the county canvassing board with the  
19 reasons therefor if known. The total number of voted ballots  
20 shall be entered on the forms provided. The proceedings of the  
21 election board at the precinct after the polls have closed  
22 shall be open to the public; however, no person except a  
23 member of the election board shall touch any ballot or ballot  
24 container or interfere with or obstruct the orderly count of  
25 the ballots.

26 Section 20. Section 101.595, Florida Statutes, is  
27 amended to read:

28 101.595 Analysis and reports of voting problems ~~voter~~  
29 ~~error~~.--

30 (1) No later than December 15 of each general election  
31 year, the supervisor of elections in each county shall report

1 ~~on voter errors~~ to the Department of State the total number of  
2 overvotes and undervotes in the first race appearing on the  
3 ballot pursuant to s. 101.151(2), along with the likely  
4 reasons for such overvotes and undervotes ~~the errors~~ and other  
5 information as may be useful in evaluating the performance of  
6 the voting system and identifying problems with ballot design  
7 and instructions which may have contributed to voter  
8 confusion.

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

13 (a) An identification of problems with the ballot  
14 design or instructions which may have contributed to voter  
15 confusion;

16 (b) An identification of voting system design  
17 problems; and

18 (c) Recommendations for correcting any problems  
19 identified.

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

24 Section 21. Paragraph (a) of subsection (2) of section  
25 101.68, Florida Statutes, is amended to read:

26 101.68 Canvassing of absentee ballot.--

27 (2)(a) The county canvassing board may begin the  
28 canvassing of absentee ballots at 7 a.m. on the fourth day  
29 before the election, but not later than noon on the day  
30 following the election. In addition, for any county using  
31 electronic tabulating equipment, the processing of absentee

1 ballots through such tabulating equipment may begin at 7 a.m.  
2 on the fourth day before the election. However,  
3 notwithstanding any such authorization to begin canvassing or  
4 otherwise processing absentee ballots early, no result shall  
5 be released until after the closing of the polls in that  
6 county on election day. Any supervisor of elections, deputy  
7 supervisor of elections, canvassing board member, election  
8 board member, or election employee who releases the results of  
9 a canvassing or processing of absentee ballots prior to the  
10 closing of the polls in that county on election day commits a  
11 felony of the third degree, punishable as provided in s.  
12 775.082, s. 775.083, or s. 775.084.

13 Section 22. Section 101.69, Florida Statutes, is  
14 amended to read:

15 101.69 Voting in person; return of absentee  
16 ballot.--The provisions of this code shall not be construed to  
17 prohibit any elector from voting in person at the elector's  
18 precinct on the day of an election notwithstanding that the  
19 elector has requested an absentee ballot for that election.  
20 An elector who has received an absentee ballot, but desires to  
21 vote in person, shall return the ballot, whether voted or not,  
22 to the election board in the elector's precinct. The returned  
23 ballot shall be marked "canceled" by the board and placed with  
24 other canceled ballots. However, if the elector does not is  
25 unable to return the ballot, the election official shall  
26 contact the supervisor's office to determine whether the  
27 supervisor has received the elector's absentee ballot. If the  
28 election official:

29 (1) Confirms that the supervisor has not received the  
30 elector's absentee ballot, the elector shall be allowed to  
31 vote in person. The elector's absentee ballot, if

1 subsequently received, shall not be counted and shall remain  
2 in the mailing envelope, and the envelope shall be marked  
3 "Rejected as Illegal."

4 (2) Confirms that the supervisor has received the  
5 elector's absentee ballot, the elector shall not be allowed to  
6 vote in person. If the elector maintains that he or she has  
7 not returned the absentee ballot, the elector may vote a  
8 provisional ballot as provided in s. 101.048.

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

12 Section 23. Subsection (4) of section 102.014, Florida  
13 Statutes, is amended to read:

14 102.014 Poll worker recruitment and training.--

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

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

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

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

28 Section 24. Subsections (2), (4), and (6) of section  
29 102.141, Florida Statutes, are amended to read:

30 102.141 County canvassing board; duties.--

31

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

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

26           (6) If the unofficial returns reflect that a candidate  
27 for any office was defeated or eliminated by one-half of a  
28 percent or less of the votes cast for such office, that a  
29 candidate for retention to a judicial office was retained or  
30 not retained by one-half of a percent or less of the votes  
31 cast on the question of retention, or that a measure appearing



1 on the ballot was approved or rejected by one-half of a  
2 percent or less of the votes cast on such measure, the board  
3 responsible for certifying the results of the vote on such  
4 race or measure shall order a recount of the votes cast with  
5 respect to such office or measure. A recount need not be  
6 ordered with respect to the returns for any office, however,  
7 if the candidate or candidates defeated or eliminated from  
8 contention for such office by one-half of a percent or less of  
9 the votes cast for such office request in writing that a  
10 recount not be made.

11 (a) In counties with voting systems that use ~~ballot~~  
12 ~~cards or paper ballots~~, each canvassing board responsible for  
13 conducting a recount shall put each ballot through ~~the~~  
14 automatic tabulating equipment ~~for each precinct in which the~~  
15 ~~office or issue appeared on the ballot~~ and determine whether  
16 the returns correctly reflect the votes cast. If any paper  
17 ballot is physically damaged so that it cannot be properly  
18 counted by the automatic tabulating equipment during the  
19 recount, a true duplicate shall be made of the damaged ballot  
20 pursuant to the procedures in s. 101.5614(5). Immediately  
21 before the start of the recount and after completion of the  
22 count, a test of the tabulating equipment shall be conducted  
23 as provided in s. 101.5612. If the test indicates no error,  
24 the recount tabulation of the ballots cast shall be presumed  
25 correct and such votes shall be canvassed accordingly. If an  
26 error is detected, the cause therefor shall be ascertained and  
27 corrected and the recount repeated, as necessary. The  
28 canvassing board shall immediately report the error, along  
29 with the cause of the error and the corrective measures being  
30 taken, to the Department of State. No later than 11 days after  
31 the election, the canvassing board shall file a separate

1 incident report with the Department of State, detailing the  
2 resolution of the matter and identifying any measures that  
3 will avoid a future recurrence of the error.

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

13 (c) The canvassing board shall submit a second set of  
14 unofficial returns to the Department of State for each  
15 federal, statewide, state, or multicounty office or ballot  
16 measure no later than noon on the third ~~second~~ day after any  
17 election in which a recount was conducted pursuant to this  
18 subsection. If the canvassing board is unable to complete the  
19 recount prescribed in this subsection by the deadline, the  
20 second set of unofficial returns submitted by the canvassing  
21 board shall be identical to the initial unofficial returns and  
22 the submission shall also include a detailed explanation of  
23 why it was unable to timely complete the recount. However, the  
24 canvassing board shall complete the recount prescribed in this  
25 subsection, along with any manual recount prescribed in s.  
26 102.166, and certify election returns in accordance with the  
27 requirements of this chapter.

28 Section 25. Paragraph (a) of subsection (2) and  
29 subsection (6) of section 102.166, Florida Statutes, are  
30 amended to read:

31 102.166 Manual recounts.--

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

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

18           (a) The county canvassing board shall appoint as many  
19 counting teams of at least two electors as is necessary to  
20 manually recount the ballots. A counting team must have, when  
21 possible, members of at least two political parties. A  
22 candidate involved in the race shall not be a member of the  
23 counting team.

24           (b) Each duplicate ballot prepared pursuant to s.  
25 101.5614(5) or s. 102.141(6) shall be compared with the  
26 original ballot to ensure the correctness of the duplicate.

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

31

1           ~~(c)~~ (d) The Department of State shall adopt detailed  
2 rules prescribing additional recount procedures for each  
3 certified voting system which shall be uniform to the extent  
4 practicable. The rules shall address, at a minimum, the  
5 following areas:

- 6           1. Security of ballots during the recount process;
- 7           2. Time and place of recounts;
- 8           3. Public observance of recounts;
- 9           4. Objections to ballot determinations;
- 10          5. Record of recount proceedings; and
- 11          6. Procedures relating to candidate and petitioner  
12 representatives.

13           Section 26. Paragraph (b) of subsection (4) of section  
14 46 of chapter 2001-40, Laws of Florida, is amended to read:

15           Section 46.

16           (4)

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

26           Section 27. Subsection (1) of section 105.031, Florida  
27 Statutes, is amended to read:

28           105.031 Qualification; filing fee; candidate's oath;  
29 items required to be filed.--

30           (1) TIME OF QUALIFYING.--Except for candidates for  
31 judicial office, nonpartisan candidates for multicounty office

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

28 Section 28. Sections 101.22, 101.5615, and 101.72,  
29 Florida Statutes, are repealed.

30 Section 29. Except as otherwise provided in this act,  
31 this act shall take effect upon becoming a law.