

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.0555, F.S.; requiring late registration to
4 be done in the office of the supervisor of
5 elections; amending s. 98.045, F.S.; including
6 the statewide voter registration database in
7 provisions governing the administration of
8 voter registration; amending s. 98.0977, F.S.;
9 revising provisions relating to accessing
10 agency data for the statewide voter
11 registration database; amending s. 98.0979,
12 F.S.; revising provisions for requesting and
13 furnishing voter registration information from
14 the statewide voter registration database;
15 amending s. 101.031, F.S.; revising the Voter's
16 Bill of Rights and Responsibilities; amending
17 s. 101.048, F.S.; revising the procedure for
18 canvassing provisional ballots; revising the
19 Provisional Ballot Voter's Certificate;
20 amending s. 101.151, F.S.; revising
21 specifications for ballots; creating s.
22 101.2512, F.S.; providing requirements for the
23 printing of candidates' names on general
24 election ballots; amending s. 101.5601, F.S.;
25 revising a reference; amending s. 101.5606,
26 F.S.; revising requirements for voting systems
27 with respect to overvoted and undervoted
28 ballots; amending s. 101.5608, F.S.; revising a
29 reference; amending s. 101.5611, F.S.;
30 requiring direct voting instruction instead of
31 provision of a voting instruction model;

1 amending s. 101.5612, F.S.; revising
2 requirements for sample testing of electronic
3 or electromechanical tabulation devices;
4 correcting terminology; amending s. 101.5614,
5 F.S.; revising provisions for duplicating
6 defective ballots for purposes of tallying
7 valid votes; clarifying the prohibition against
8 releasing the results of an election prior to
9 the closing of the polls; eliminating obsolete
10 provisions; amending s. 101.595, F.S.; limiting
11 the information on voting problems that
12 supervisors of elections are required to report
13 to the Department of State following a general
14 election; amending s. 101.68, F.S.; clarifying
15 the prohibition against releasing the results
16 of a canvassing or processing of absentee
17 ballots prior to the closing of the polls;
18 amending s. 101.69, F.S.; revising requirements
19 for electors who have received absentee ballots
20 but desire to vote in person; amending s.
21 102.014, F.S.; revising minimum training
22 requirements for poll workers; amending s.
23 102.141, F.S.; revising times for canvassing
24 boards to submit unofficial returns to the
25 Department of State, including those submitted
26 after a recount has been conducted; providing
27 for the duplication of ballots that are damaged
28 and cannot be counted by the automatic
29 tabulating equipment during a recount;
30 eliminating obsolete provisions; amending s.
31 102.166, F.S.; revising the date by which a

1 request for a manual recount must be made;
2 requiring comparison of duplicate ballots with
3 their original ballots during a manual recount;
4 amending s. 46, ch. 2001-40, Laws of Florida;
5 providing campaign finance reporting
6 requirements preceding the 2002 primary
7 election for candidates involved in public
8 campaign financing races; amending s. 105.031,
9 F.S.; providing an earlier qualifying period
10 for candidates for judicial office; repealing
11 s. 101.22, F.S., relating to the voting
12 procedure for paper ballots; repealing s.
13 101.5615, F.S., relating to recounts and
14 election contests under the "Electronic Voting
15 Systems Act"; repealing s. 101.72, F.S.,
16 relating to voting booths and compartments;
17 amending s. 106.11, F.S.; defining the term
18 "sufficient funds on deposit in the primary
19 depository account of the candidate or
20 political committee"; amending s. 101.635,
21 F.S.; prohibiting denial of local political
22 party requests for absentee ballots; reenacting
23 and amending s. 106.08(5), F.S., to clarify
24 requirements for soliciting and accepting
25 charitable contributions and to reenact a
26 prohibition against indirect campaign
27 contributions; providing penalties; amending s.
28 106.021, F.S.; providing for candidate
29 reimbursement for certain expenses; providing
30 for retroactive application; amending s.
31 106.07, F.S.; providing for reporting of

1 candidate reimbursement for certain expenses;
2 providing for retroactive application;
3 providing effective dates.
4

5 Be It Enacted by the Legislature of the State of Florida:
6

7 Section 1. Section 97.0555, Florida Statutes, is
8 amended to read:

9 97.0555 Late registration.--An individual or
10 accompanying family member who has been discharged or
11 separated from the uniformed services or the Merchant Marine,
12 or from employment outside the territorial limits of the
13 United States, after the book-closing date for an election
14 pursuant to s. 97.055 and who is otherwise qualified, may
15 register to vote in such election until 5 p.m. on the Friday
16 before that election in the office of the supervisor of
17 elections. Such persons must produce sufficient documentation
18 showing evidence of qualifying for late registration pursuant
19 to this section. The Department of State shall adopt rules
20 specifying documentation that is sufficient to determine
21 eligibility.

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

24 98.045 Administration of voter registration.--

25 (1) Each supervisor must ensure that any eligible
26 applicant for voter registration is registered to vote. Once a
27 voter is registered, the name of that voter may not be removed
28 from the registration books except at the written request of
29 the voter, by reason of the voter's conviction of a felony or
30 adjudication as mentally incapacitated with respect to voting,
31 by death of the voter, or pursuant to a registration list

1 maintenance program or other registration list maintenance
2 activity conducted pursuant to s. 98.065, or s. 98.075, or s.
3 98.0977.

4 (3) Notwithstanding the provisions of ss. 98.095, and
5 98.097, and 98.0977 each supervisor shall maintain for at
6 least 2 years, and make available for public inspection and
7 copying, all records concerning implementation of registration
8 list maintenance programs and activities conducted pursuant to
9 ss. 98.065, and 98.075, and 98.0977. The records must include
10 lists of the name and address of each person to whom an
11 address confirmation final notice was sent and information as
12 to whether each such person responded to the mailing, but may
13 not include any information that is confidential or exempt
14 from public record requirements under this code.

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

17 98.0977 Statewide voter registration database;
18 development and maintenance.--

19 (4) To the maximum extent feasible, state and local
20 government entities shall facilitate provision of information
21 and access to data to the department ~~Florida Association of~~
22 ~~Court Clerks~~ in order to compare information in the statewide
23 voter registration database with available information in
24 other computer databases, including, but not limited to,
25 databases that contain reliable criminal records and records
26 of deceased persons. State and local governmental agencies
27 that provide such data shall do so without charge if the
28 direct cost incurred by those agencies is not significant.

29 Section 4. Paragraph (b) of subsection (1) of section
30 98.0979, Florida Statutes, is amended to read:

31

1 98.0979 Statewide voter registration database open to
2 inspection; copies.--

3 (1)

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

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

18 101.031 Instructions for electors.--

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

22
23 VOTER'S BILL OF RIGHTS
24

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

- 26 1. Vote and have his or her vote accurately counted.
27 2. Cast a vote if he or she is in line at the official
28 closing of ~~when~~ the polls in that county are closing.
29 3. Ask for and receive assistance in voting.
30 4. Receive up to two replacement ballots if he or she
31 makes a mistake prior to the ballot being cast.

1 5. An explanation if his or her registration is in
2 question.

3 6. If his or her registration is in question, cast a
4 provisional ballot.

5 7. Prove his or her identity by signing an affidavit
6 if election officials doubt the voter's identity.

7 8. Written instructions to use when voting, and, upon
8 request, oral instructions in voting from elections officers.

9 9. Vote free from coercion or intimidation by
10 elections officers or any other person.

11 10. Vote on a voting system that is in working
12 condition and that will allow votes to be accurately cast.

13
14 VOTER RESPONSIBILITIES

15
16 Each registered voter in this state should ~~has the~~
17 ~~responsibility to~~:

18 1. Familiarize himself or herself with the ~~Study and~~
19 ~~know~~ candidates and issues.

20 2. Maintain with the office of the supervisor of
21 elections a ~~Keep his or her voter address~~ current address.

22 3. Know the location of his or her polling place
23 ~~precinct~~ and its hours of operation.

24 4. Bring proper identification to the polling station.

25 5. Familiarize himself or herself with the operation
26 of the ~~Know how to operate~~ voting equipment in his or her
27 precinct properly.

28 6. Treat precinct workers with courtesy.

29 7. Respect the privacy of other voters.

30 8. Report any problems or violations of election laws
31 to the supervisor of elections ~~law~~.

1 9. Ask questions, if needed ~~when confused~~.

2 10. Make sure that ~~check~~ his or her completed ballot
3 is correct before leaving the polling station ~~for accuracy~~.

4

5 NOTE TO VOTER: Failure to perform any of these
6 responsibilities does not prohibit a voter from voting.

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

9 101.048 Provisional ballots.--

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

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

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

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

30

31 STATE OF FLORIDA

1 COUNTY OF

2

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

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

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

21
22 Precinct # Ballot Style/Party Issued:

23

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

27

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

30 101.151 Specifications for ballots.--

31

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

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

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

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

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

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

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

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

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

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

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

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

22 101.5614 Canvass of returns.--

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

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

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

12 101.595 Analysis and reports of voting problems ~~voter~~
13 ~~error~~.--

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

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

28 (a) An identification of problems with the ballot
29 design or instructions which may have contributed to voter
30 confusion;

31

1 (b) An identification of voting system design
2 problems; and

3 (c) Recommendations for correcting any problems
4 identified.

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

9 Section 17. Paragraph (a) of subsection (2) of section
10 101.68, Florida Statutes, is amended to read:

11 101.68 Canvassing of absentee ballot.--

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

29 Section 18. Section 101.69, Florida Statutes, is
30 amended to read:

31

1 101.69 Voting in person; return of absentee
2 ballot.--The provisions of this code shall not be construed to
3 prohibit any elector from voting in person at the elector's
4 precinct on the day of an election notwithstanding that the
5 elector has requested an absentee ballot for that election.
6 An elector who has received an absentee ballot, but desires to
7 vote in person, shall return the ballot, whether voted or not,
8 to the election board in the elector's precinct. The returned
9 ballot shall be marked "canceled" by the board and placed with
10 other canceled ballots. However, if the elector does not is
11 ~~unable to~~ return the ballot and the election official:

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

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

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

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

26 102.014 Poll worker recruitment and training.--

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

30 (a) No clerk shall be entitled to work at the polls
31 unless he or she has had a minimum of 3 6 hours of training

1 prior to each election ~~during a general election year, at~~
2 ~~least 2 hours of which must occur after June 1 of that year.~~

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

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

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

12 102.141 County canvassing board; duties.--

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

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

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

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

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

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

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

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

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

12 102.166 Manual recounts.--

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

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

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

1 manually recount the ballots. A counting team must have, when
2 possible, members of at least two political parties. A
3 candidate involved in the race shall not be a member of the
4 counting team.

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

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

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

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

24 Section 22. Paragraph (b) of subsection (4) of section
25 46 of chapter 2001-40, Laws of Florida, is amended to read:

26 Section 46.

27 (4)

28 (b) For the 2002 elections, following the last day of
29 qualifying for office, any statewide candidate who has
30 requested to receive contributions from the Election Campaign
31 Financing Trust Fund or any statewide candidate in a race with

1 a candidate who has requested to receive contributions from
2 the trust fund shall file reports on the 4th, 11th, 18th,
3 25th, and 32nd days immediately preceding the primary election
4 and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd
5 days prior to the general election.

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

8 105.031 Qualification; filing fee; candidate's oath;
9 items required to be filed.--

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

1 | been obtained, shall be entitled to subscribe to the
2 | candidate's oath and file the qualifying papers at any time
3 | within 5 days from the date he or she is notified that the
4 | necessary number of signatures has been obtained. Any person
5 | other than a write-in candidate who qualifies within the time
6 | prescribed in this subsection shall be entitled to have his or
7 | her name printed on the ballot.

8 | Section 24. Sections 101.22, 101.5615, and 101.72,
9 | Florida Statutes, are repealed.

10 | Section 25. Subsection (3) of section 106.11, Florida
11 | Statutes, is amended to read:

12 | 106.11 Expenses of and expenditures by candidates and
13 | political committees.--Each candidate and each political
14 | committee which designates a primary campaign depository
15 | pursuant to s. 106.021(1) shall make expenditures from funds
16 | on deposit in such primary campaign depository only in the
17 | following manner, with the exception of expenditures made from
18 | petty cash funds provided by s. 106.12:

19 | (3) No candidate, campaign manager, treasurer, deputy
20 | treasurer, or political committee or any officer or agent
21 | thereof, or any person acting on behalf of any of the
22 | foregoing, shall authorize any expenses, nor shall any
23 | campaign treasurer or deputy treasurer sign a check drawn on
24 | the primary campaign account for any purpose, unless there are
25 | sufficient funds on deposit in the primary depository account
26 | of the candidate or political committee to pay the full amount
27 | of the authorized expense, to honor all other checks drawn on
28 | such account, which checks are outstanding, and to meet all
29 | expenses previously authorized but not yet paid. However, an
30 | expense may be incurred for the purchase of goods or services
31 | if there are sufficient funds on deposit in the primary

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

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

24 101.635 Distribution of blocks of printed ballots.--In
25 any county in which the supervisor of elections maintains
26 deputies in a municipality other than the county seat and such
27 municipality has a population in excess of 90,000, blocks of
28 numbered ballots shall be made available as required and as
29 the supervisor may direct, in order to comply with the
30 provisions of s. 98.181. All ballots made available in any
31 such municipality shall be fully accounted for to the

1 supervisor. This section does not permit the supervisor to
2 deny a local political party's requests for absentee ballots.

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

5 106.08 Contributions; limitations on.--

6 (5)(a) A person may not make any contribution through
7 or in the name of another, directly or indirectly, in any
8 election.

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

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

18 ~~However,~~ It is not a violation of this paragraph subsection
19 for:

20 1. A candidate, political committee, or political
21 party executive committee to make gifts of money in lieu of
22 flowers in memory of a deceased person; or for

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

28 3. A candidate to may purchase, with campaign funds,
29 tickets, admission to events, or advertisements from
30 religious, civic, political party, or charitable groups.

31

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

3 106.021 Campaign treasurers; deputies; primary and
4 secondary depositories.--

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

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

28 106.07 Reports; certification and filing.--

29 (4)(a) Each report required by this section shall
30 contain:

31

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

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

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

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

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

30 6. The full name and address of each person to whom
31 expenditures have been made by or on behalf of the committee

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

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

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

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

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

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

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

31

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