

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representative Hogan offered the following:

Amendment (with title amendment)

Remove everything after the enacting clause, and insert:

Section 1. Section 97.012, Florida Statutes, is amended to read:

97.012 Secretary of State as chief election officer.--The Secretary of State is the chief election officer of the state, and it is his or her responsibility to:

- (1) Obtain and maintain uniformity in the application, operation, and interpretation of the election laws.
- (2) Provide uniform standards for the proper and equitable implementation of the registration laws.
- (3) Actively seek out and collect the data and statistics necessary to knowledgeably scrutinize the effectiveness of election laws.

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27 (4) Provide technical assistance to the supervisors of
28 elections on voter education and election personnel training
29 services.

30 (5) Provide technical assistance to the supervisors of
31 elections on voting systems.

32 (6) Provide voter education assistance to the public.

33 (7) Coordinate the state's responsibilities under the
34 National Voter Registration Act of 1993.

35 (8) Provide training to all affected state agencies on the
36 necessary procedures for proper implementation of this chapter.

37 (9) Ensure that all registration applications and forms
38 prescribed or approved by the department are in compliance with
39 the Voting Rights Act of 1965.

40 (10) Coordinate with the United States Department of
41 Defense so that armed forces recruitment offices administer
42 voter registration in a manner consistent with the procedures
43 set forth in this code for voter registration agencies.

44 (11) Create and maintain a statewide voter registration
45 database ~~central voter file~~.

46 (12) Maintain a voter fraud hotline and provide election
47 fraud education to the public.

48 (13) Designate an office within the department to be
49 responsible for providing information regarding voter
50 registration procedures and absentee ballot procedures to absent
51 uniformed services voters and overseas voters.

52 Section 2. Section 97.021, Florida Statutes, is amended to
53 read:

54 97.021 Definitions.--For the purposes of this code, except
55 where the context clearly indicates otherwise, the term:

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56 (1) "Absent elector" means any registered and qualified
57 voter who casts an absentee ballot.

58 (2) "Alternative formats" has the meaning ascribed in the
59 Americans with Disabilities Act of 1990, Pub. L. No. 101-336, 42
60 U.S.C. ss. 12101 et seq., including specifically the technical
61 assistance manuals promulgated thereunder, as amended.

62 (3) "Ballot" or "official ballot" when used in reference
63 to:

64 (a) "Paper ballots" means that printed sheet of paper,
65 used in conjunction with an electronic or electromechanical vote
66 tabulation voting system, containing the names of candidates, or
67 a statement of proposed constitutional amendments or other
68 questions or propositions submitted to the electorate at any
69 election, on which sheet of paper an elector casts his or her
70 vote.

71 (b) "Electronic or electromechanical devices" means a
72 ballot that is voted by the process of electronically
73 designating, including by touchscreen, or marking with a marking
74 device for tabulation by automatic tabulating equipment or data
75 processing equipment.

76 (4) "Candidate" means any person to whom any one or more
77 of the following applies:

78 (a) Any person who seeks to qualify for nomination or
79 election by means of the petitioning process.

80 (b) Any person who seeks to qualify for election as a
81 write-in candidate.

82 (c) Any person who receives contributions or makes
83 expenditures, or gives his or her consent for any other person
84 to receive contributions or make expenditures, with a view to

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85 bringing about his or her nomination or election to, or
86 retention in, public office.

87 (d) Any person who appoints a treasurer and designates a
88 primary depository.

89 (e) Any person who files qualification papers and
90 subscribes to a candidate's oath as required by law.

91
92 However, this definition does not include any candidate for a
93 political party executive committee.

94 ~~(5) "Central voter file" means a statewide, centrally~~
95 ~~maintained database containing voter registration information of~~
96 ~~all counties in this state.~~

97 (5)~~(6)~~ "Department" means the Department of State.

98 (6)~~(7)~~ "Division" means the Division of Elections of the
99 Department of State.

100 (7)~~(8)~~ "Election" means any primary election, special
101 primary election, special election, general election, or
102 presidential preference primary election.

103 (8)~~(9)~~ "Election board" means the clerk and inspectors
104 appointed to conduct an election.

105 (9)~~(10)~~ "Election costs" shall include, but not be limited
106 to, expenditures for all paper supplies such as envelopes,
107 instructions to voters, affidavits, reports, ballot cards,
108 ballot booklets for absentee voters, postage, notices to voters;
109 advertisements for registration book closings, testing of voting
110 equipment, sample ballots, and polling places; forms used to
111 qualify candidates; polling site rental and equipment delivery
112 and pickup; data processing time and supplies; election records
113 retention; and labor costs, including those costs uniquely

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114 associated with absentee ballot preparation, poll workers, and
115 election night canvass.

116 ~~(10)~~(11) "Elector" is synonymous with the word "voter" or
117 "qualified elector or voter," except where the word is used to
118 describe presidential electors.

119 ~~(11)~~(12) "General election" means an election held on the
120 first Tuesday after the first Monday in November in the even-
121 numbered years, for the purpose of filling national, state,
122 county, and district offices and for voting on constitutional
123 amendments not otherwise provided for by law.

124 ~~(12)~~(13) "Lists of registered electors" means copies of
125 printed lists of registered electors, computer tapes or disks,
126 or any other device used by the supervisor of elections to
127 maintain voter records.

128 ~~(13)~~(14) "Member of the Merchant Marine" means an
129 individual, other than a member of a uniformed service or an
130 individual employed, enrolled, or maintained on the Great Lakes
131 for the inland waterways, who is:

132 (a) Employed as an officer or crew member of a vessel
133 documented under the laws of the United States, a vessel owned
134 by the United States, or a vessel of foreign-flag registry under
135 charter to or control of the United States; or

136 (b) Enrolled with the United States for employment or
137 training for employment, or maintained by the United States for
138 emergency relief service, as an officer or crew member of such
139 vessel.

140 ~~(14)~~(15) "Minor political party" is any group as defined
141 in this subsection which on January 1 preceding a primary
142 election does not have registered as members 5 percent of the

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143 total registered electors of the state. Any group of citizens
144 organized for the general purposes of electing to office
145 qualified persons and determining public issues under the
146 democratic processes of the United States may become a minor
147 political party of this state by filing with the department a
148 certificate showing the name of the organization, the names of
149 its current officers, including the members of its executive
150 committee, and a copy of its constitution or bylaws. It shall be
151 the duty of the minor political party to notify the department
152 of any changes in the filing certificate within 5 days of such
153 changes.

154 ~~(15)(16)~~ "Newspaper of general circulation" means a
155 newspaper printed in the language most commonly spoken in the
156 area within which it circulates and which is readily available
157 for purchase by all inhabitants in the area of circulation, but
158 does not include a newspaper intended primarily for members of a
159 particular professional or occupational group, a newspaper the
160 primary function of which is to carry legal notices, or a
161 newspaper that is given away primarily to distribute
162 advertising.

163 ~~(16)(17)~~ "Nominal value" means having a retail value of
164 \$10 or less.

165 ~~(17)(18)~~ "Nonpartisan office" means an office for which a
166 candidate is prohibited from campaigning or qualifying for
167 election or retention in office based on party affiliation.

168 ~~(18)(19)~~ "Office that serves persons with disabilities"
169 means any state office that takes applications either in person
170 or over the telephone from persons with disabilities for any

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171 program, service, or benefit primarily related to their
172 disabilities.

173 ~~(19)~~~~(20)~~ "Overseas voter" means:

174 (a) Members of the uniformed services while in the active
175 service who are permanent residents of the state and are
176 temporarily residing outside the territorial limits of the
177 United States and the District of Columbia;

178 (b) Members of the Merchant Marine of the United States
179 who are permanent residents of the state and are temporarily
180 residing outside the territorial limits of the United States and
181 the District of Columbia; and

182 (c) Other citizens of the United States who are permanent
183 residents of the state and are temporarily residing outside the
184 territorial limits of the United States and the District of
185 Columbia,

186
187 who are qualified and registered to vote as provided by law.

188 ~~(20)~~~~(21)~~ "Overvote" means that the elector marks or
189 designates more names than there are persons to be elected to an
190 office or designates more than one answer to a ballot question,
191 and the tabulator records no vote for the office or question.

192 ~~(21)~~~~(22)~~ "Persons with disabilities" means individuals who
193 have a physical or mental impairment that substantially limits
194 one or more major life activities.

195 ~~(22)~~~~(23)~~ "Polling place" is the building which contains
196 the polling room where ballots are cast.

197 ~~(23)~~~~(24)~~ "Polling room" means the actual room in which
198 ballots are cast.

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199 ~~(24)(25)~~ "Primary election" means an election held
200 preceding the general election for the purpose of nominating a
201 party nominee to be voted for in the general election to fill a
202 national, state, county, or district office. The first primary
203 is a nomination or elimination election; the second primary is a
204 nominating election only.

205 ~~(25)(26)~~ "Provisional ballot" means a conditional ballot,
206 the validity of which is determined by the canvassing board
207 ~~issued to a voter by the election board at the polling place on~~
208 ~~election day for one of the following reasons:~~

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

212 ~~(b) There is an indication on the precinct register that~~
213 ~~the voter has requested an absentee ballot and there is no~~
214 ~~indication whether the voter has returned the absentee ballot.~~

215 ~~(26)(27)~~ "Public assistance" means assistance provided
216 through the food stamp program; the Medicaid program; the
217 Special Supplemental Food Program for Women, Infants, and
218 Children; and the WAGES Program.

219 ~~(27)(28)~~ "Public office" means any federal, state, county,
220 municipal, school, or other district office or position which is
221 filled by vote of the electors.

222 ~~(28)(29)~~ "Qualifying educational institution" means any
223 public or private educational institution receiving state
224 financial assistance which has, as its primary mission, the
225 provision of education or training to students who are at least
226 18 years of age, provided such institution has more than 200
227 students enrolled in classes with the institution and provided

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228 that the recognized student government organization has
229 requested this designation in writing and has filed the request
230 with the office of the supervisor of elections in the county in
231 which the institution is located.

232 ~~(29)~~~~(30)~~ "Special election" is a special election called
233 for the purpose of voting on a party nominee to fill a vacancy
234 in the national, state, county, or district office.

235 ~~(30)~~~~(31)~~ "Special primary election" is a special
236 nomination election designated by the Governor, called for the
237 purpose of nominating a party nominee to be voted on in a
238 general or special election.

239 ~~(31)~~~~(32)~~ "Supervisor" means the supervisor of elections.

240 ~~(32)~~~~(33)~~ "Tactile input device" means a device that
241 provides information to a voting system by means of a voter
242 touching the device, such as a keyboard, and that complies with
243 the requirements of s. 101.56062(1)(k) and (l).

244 ~~(33)~~~~(34)~~ "Undervote" means that the elector does not
245 properly designate any choice for an office or ballot question,
246 and the tabulator records no vote for the office or question.

247 ~~(34)~~~~(35)~~ "Uniformed services" means the Army, Navy, Air
248 Force, Marine Corps, and Coast Guard, the commissioned corps of
249 the Public Health Service, and the commissioned corps of the
250 National Oceanic and Atmospheric Administration.

251 ~~(35)~~~~(36)~~ "Voter interface device" means any device that
252 communicates voting instructions and ballot information to a
253 voter and allows the voter to select and vote for candidates and
254 issues.

255 ~~(36)~~~~(37)~~ "Voter registration agency" means any office that
256 provides public assistance, any office that serves persons with

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257 disabilities, any center for independent living, or any public
258 library.

259 ~~(37)~~(38) "Voting booth" or "booth" means that booth or
260 enclosure wherein an elector casts his or her ballot for
261 tabulation by an electronic or electromechanical device.

262 ~~(38)~~(39) "Voting system" means a method of casting and
263 processing votes that functions wholly or partly by use of
264 electromechanical or electronic apparatus or by use of paper
265 ballots and includes, but is not limited to, the procedures for
266 casting and processing votes and the programs, operating
267 manuals, tabulating cards, printouts, and other software
268 necessary for the system's operation.

269 Section 3. (1) Subsection (32) of section 97.021, Florida
270 Statutes, as amended by this act, is amended to read:

271 97.021 Definitions.--For the purposes of this code, except
272 where the context clearly indicates otherwise, the term:

273 (32) "Tactile input device" means a device that provides
274 information to a voting system by means of a voter touching the
275 device, such as a keyboard, and that complies with the
276 requirements of s. 101.56062(1)(j) and (k) ~~and (l)~~.

277 (2) The amendment of subsection (32) of section 97.021,
278 Florida Statutes, by this section shall take effect on the date
279 the amendment of section 101.56062, Florida Statutes, by this
280 act takes effect.

281 Section 4. Subsection (3) of section 97.052, Florida
282 Statutes, is amended to read:

283 97.052 Uniform statewide voter registration application.--

284 (3) The uniform statewide voter registration application
285 must also contain:

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286 (a) The oath required by s. 3, Art. VI of the State
287 Constitution and s. 97.051.

288 (b) A statement specifying each eligibility requirement
289 under s. 97.041.

290 (c) The penalties provided in s. 104.011 for false
291 swearing in connection with voter registration.

292 (d) A statement that, if an applicant declines to register
293 to vote, the fact that the applicant has declined to register
294 will remain confidential and may be used only for voter
295 registration purposes.

296 (e) A statement that informs the applicant who chooses to
297 register to vote or update a voter registration record that the
298 office at which the applicant submits a voter registration
299 application or updates a voter registration record will remain
300 confidential and may be used only for voter registration
301 purposes.

302 (f) A statement that informs the applicant that any person
303 who has been granted a homestead exemption in this state, and
304 who registers to vote in any precinct other than the one in
305 which the property for which the homestead exemption has been
306 granted, shall have that information forwarded to the property
307 appraiser where such property is located, which may result in
308 the person's homestead exemption being terminated and the person
309 being subject to assessment of back taxes under s. 193.092,
310 unless the homestead granted the exemption is being maintained
311 as the permanent residence of a legal or natural dependent of
312 the owner and the owner resides elsewhere.

313 (g) A statement informing the applicant that if the form
314 is submitted by mail and the applicant is registering for the

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315 first time, the applicant will be required to provide
316 identification prior to voting the first time.

317 Section 5. Paragraph (a) of subsection (5) of section
318 97.053, Florida Statutes, is amended to read:

319 97.053 Acceptance of voter registration applications.--

320 (5)(a) A voter registration application is complete if it
321 contains:

322 1. The applicant's name.

323 2. The applicant's legal residence address.

324 3. The applicant's date of birth.

325 4. An indication that the applicant is a citizen of the
326 United States.

327 5. The applicant's Florida driver's license number, the
328 identification number from a Florida identification card issued
329 under s. 322.051, or the last four digits of the applicant's
330 social security number.

331 6. An indication that the applicant has not been convicted
332 of a felony or that, if convicted, has had his or her civil
333 rights restored.

334 7. An indication that the applicant has not been
335 adjudicated mentally incapacitated with respect to voting or
336 that, if so adjudicated, has had his or her right to vote
337 restored.

338 8. Signature of the applicant swearing or affirming under
339 the penalty for false swearing pursuant to s. 104.011 that the
340 information contained in the registration application is true
341 and subscribing to the oath required by s. 3, Art. VI of the
342 State Constitution and s. 97.051.

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343 Section 6. Effective upon this act becoming a law, section
344 97.028, Florida Statutes, is created to read:

345 97.028 Procedures on complaints of violations of Title III
346 of the Help America Vote Act of 2002.--

347 (1)(a) Any person who believes that a violation of Title
348 III of the Help America Vote Act of 2002 has occurred, is
349 occurring, or is about to occur may file a complaint with the
350 department.

351 (b) The complaint must be in writing and must be signed
352 and sworn to before a notary by the person filing the complaint.
353 Further, the complaint must state the alleged violation and the
354 person or entity responsible for the violation. The department
355 shall prescribe the form for complaints filed under this
356 section. If the department determines that the complaint fails
357 to allege both a violation and a person or entity responsible
358 for the violation, or that the complaint is not properly
359 executed, the department shall inform the complainant in writing
360 that the complaint is legally insufficient.

361 (c) For purposes of this section, a violation of Title III
362 of the Help America Vote Act of 2002 is the failure to perform
363 an act required or the performance of an act prohibited by Title
364 III of the Help America Vote Act of 2002 by a covered person or
365 entity.

366 (d) The department shall have sole jurisdiction over
367 complaints filed under the provisions of this section.

368 (e) This section provides the sole avenue of redress for
369 alleged violations of Title III of the Help America Vote Act of
370 2002 and does not give rise to any other cause of action.

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371 (f) The department may consolidate complaints filed under
372 this section.

373 (g) All proceedings under this section are exempt from
374 chapter 120.

375 (2)(a) When a legally sufficient complaint is filed with
376 the department, the agency head shall designate a hearing
377 officer who shall:

378 1. Provide the subject of the complaint with a copy of the
379 complaint. The subject of the complaint shall, within 10 days
380 after receipt of the complaint, file with the department a
381 written, sworn response to the complaint.

382 2. Upon receipt of the response, the hearing officer shall
383 review both sworn filings to determine whether a violation of
384 the Title III of the Help America Vote Act of 2002 has occurred,
385 is occurring, or is about to occur. The complaint and the
386 response shall constitute the official hearing record to be
387 considered by the hearing officer. The hearing officer shall
388 provide the complainant with a copy of the response.

389 3. At the hearing officer's discretion, the complainant
390 and the respondent may be ordered by the hearing officer to
391 provide additional sworn oral or written statements or
392 additional documents to assist the hearing officer in making his
393 or her determination. Further, other relevant witnesses may also
394 be ordered by the hearing officer to give sworn testimony or to
395 provide relevant documents to assist the hearing officer in
396 making his or her determination. Any such statements or
397 documents received by the hearing officer shall also become part
398 of the official hearing record. For purposes of this section,

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399 the hearing officer is authorized to administer oaths and to
400 issue subpoenas.

401 4. The hearing officer shall advise both the complainant
402 and respondent in writing of their determination. If the hearing
403 officer determines that no violation has occurred, is occurring,
404 or is about to occur, the department shall dismiss the complaint
405 and publish its determination. If the hearing officer determines
406 that a violation of Title III of the Help America Vote Act has
407 occurred, is occurring, or is about to occur, the department
408 shall issue and deliver an order directing the appropriate
409 remedy to persons responsible for effecting such remedy. The
410 issuance of an order does not constitute agency action for which
411 a hearing under ss. 120.569 or 120.57 may be sought. For
412 purposes of enforcing the order, the department may initiate a
413 proceeding in the name of the state seeking issuance of an
414 injunction, a writ of mandamus, or other equitable remedy
415 against any person who violates any provision of such order.

416 5. The department shall make a final determination with
417 respect to the complaint within 90 days after the date that the
418 complaint was filed, unless the complainant consents to a longer
419 period for making such a determination.

420 (b) If the department fails to meet the deadline
421 established in subparagraph (a)5., the complaint shall be
422 forwarded to mediation. Mediation shall occur within 60 days
423 after the department's failure to make a determination within
424 the timeframe established in subparagraph (a)5. The record
425 created under this section shall be made available for use in
426 the mediation.

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427 Section 7. Section 97.0535, Florida Statutes, is created
428 to read:

429 97.0535 Special requirements for certain applicants.--

430 (1) Each applicant who registers by mail and who has never
431 previously voted in the county shall be required to provide a
432 copy of a current and valid photo identification, as provided in
433 subsection (3), or indicate that he or she is exempt from the
434 requirements prior to voting. The applicant may provide the
435 identification or indication at the time of registering, or at
436 any time prior to voting for the first time in the county. If
437 the voter registration application clearly provides information
438 from which the supervisor can determine that the applicant meets
439 at least one of the exemptions in subsection (4), the supervisor
440 shall make the notation on the registration records and the
441 applicant shall not be required to provide further information
442 that is required of first time voters who register by mail.

443 (2) The supervisor of elections shall, upon accepting the
444 voter registration for an applicant who registered by mail and
445 who has not previously voted in the county, determine if the
446 applicant provided the required identification at the time of
447 registering. If the required identification was not provided,
448 the supervisor shall notify the applicant that he or she must
449 provide the identification prior to voting the first time in the
450 county.

451 (3) The following forms of identification shall be
452 considered current and valid if they contain the name and
453 photograph of the applicant and have not expired:

454 (a) Florida driver's license.

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455 (b) Florida identification card issued by the Department
456 of Highway Safety and Motor Vehicles.

457 (c) United States passport.

458 (d) Employee badge or identification.

459 (e) Buyer's club identification.

460 (f) Debit or credit card.

461 (g) Military identification.

462 (h) Student identification.

463 (i) Retirement center identification.

464 (j) Neighborhood association identification.

465 (k) Entertainment identification.

466 (l) Public assistance identification.

467 (4) The following persons are exempt from the
468 identification requirements of this section:

469 (a) Persons 65 years of age or older.

470 (b) Persons with a temporary or permanent physical
471 disability.

472 (c) Members of the uniformed service on active duty who,
473 by reason of such active duty, are absent from the county on
474 election day.

475 (d) Members of the merchant marine who, by reason of
476 service in the merchant marine, are absent from the county on
477 election day.

478 (e) The spouse or dependent of a member referred to in
479 paragraph (c) or paragraph (d) who, by reason of the active duty
480 or service of the member, is absent from the county on election
481 day.

482 (f) Persons currently residing outside the United States
483 who are eligible to vote in Florida.

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484 Section 8. Subsection (3) of section 98.045, Florida
485 Statutes, is amended to read:

486 98.045 Administration of voter registration.--

487 (3) Notwithstanding the provisions of ss. 98.095, ~~98.097,~~
488 and 98.0977, each supervisor shall maintain for at least 2
489 years, and make available for public inspection and copying, all
490 records concerning implementation of registration list
491 maintenance programs and activities conducted pursuant to ss.
492 98.065, 98.075, and 98.0977. The records must include lists of
493 the name and address of each person to whom an address
494 confirmation final notice was sent and information as to whether
495 each such person responded to the mailing, but may not include
496 any information that is confidential or exempt from public
497 record requirements under this code.

498 Section 9. Section 98.097, Florida Statutes, is repealed.

499 Section 10. Section 98.0977, Florida Statutes, is amended
500 to read:

501 98.0977 Statewide voter registration database; operation
502 ~~development~~ and maintenance.--

503 (1) ~~From the funds appropriated,~~ The department shall ~~may~~
504 ~~contract with the Florida Association of Court Clerks to~~
505 ~~analyze, design, develop, operate, and maintain the~~ a statewide,
506 on-line voter registration database and associated website until
507 such time as the statewide voter registration system required to
508 be developed pursuant to the Help America Vote Act of 2002 is
509 operational, ~~to be fully operational statewide by June 1, 2002.~~
510 The database shall contain voter registration information from
511 each of the 67 supervisors of elections in this state and shall
512 be accessible through an Internet website. The system shall

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513 provide functionality for ensuring that the database is updated
514 on a daily basis to determine if a registered voter is
515 ineligible to vote for any of the following reasons, including,
516 but not limited to:

517 (a) The voter is deceased;

518 (b) The voter has been convicted of a felony and has not
519 had his or her civil rights restored; or

520 (c) The voter has been adjudicated mentally incompetent
521 and his or her mental capacity with respect to voting has not
522 been restored.

523

524 The database shall also allow for duplicate voter registrations
525 to be identified.

526 (2) The Department of State shall not contract with any
527 private entity ~~other than the Florida Association of Court~~
528 ~~Clerks~~ for the operation ~~or maintenance~~ of the statewide voter
529 registration database.

530 (3)(a) In administering the database, each supervisor of
531 elections shall compare registration information provided by a
532 voter with information held by the Department of Law
533 Enforcement, the Board of Executive Clemency, the Office of
534 Vital Statistics, and other relevant sources.

535 (b) The supervisor of elections shall remove from the
536 voter registration rolls the name of any person who is listed in
537 the database as deceased.

538 (c) Information in the database indicating that a person
539 registered to vote in a given county has subsequently registered
540 to vote in another jurisdiction shall be considered as a written
541 request from that voter to have his or her name removed from the

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542 voter registration rolls of that county, and the supervisor of
543 elections of that county shall remove that voter's name from the
544 county's voter registration rolls.

545 (d) When the supervisor of elections finds information
546 through the database that suggests that a voter has been
547 convicted of a felony and has not had his or her civil rights
548 restored or has been adjudicated mentally incompetent and his or
549 her mental capacity with respect to voting has not been
550 restored, the supervisor of elections shall notify the voter by
551 certified United States mail. The notification shall contain a
552 statement as to the reason for the voter's potential
553 ineligibility to be registered to vote and shall request
554 information from the voter on forms provided by the supervisor
555 of elections. As an alternative, the voter may attend a hearing
556 at a time and place specified in the notice. If there is
557 evidence that the notice was not received, notice must be given
558 once by publication in a newspaper of general circulation in the
559 county. The notice must plainly state that the voter is
560 potentially ineligible to be registered to vote and must state a
561 time and place for the person to appear before the supervisor of
562 elections to show cause why his or her name should not be
563 removed from the voter registration rolls. After reviewing the
564 information provided by the voter, if the supervisor of
565 elections determines that the voter is not eligible to vote
566 under the laws of this state, the supervisor of elections shall
567 notify the voter by certified United States mail that he or she
568 has been found ineligible to be registered to vote in this
569 state, shall state the reason for the ineligibility, and shall
570 inform the voter that he or she has been removed from the voter

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571 registration rolls. The supervisor of elections shall remove
572 from the voter registration rolls the name of any voter who
573 fails either to respond within 30 days to the notice sent by
574 certified mail or to attend the hearing.

575 (e) Upon hearing all evidence in a hearing, the supervisor
576 of elections must determine whether there is sufficient evidence
577 to strike the person's name from the registration books. If the
578 supervisor determines that there is sufficient evidence, he or
579 she must strike the name.

580 (f) Appeal may be taken to the circuit court in and for
581 the county where the person was registered. Notice of appeal
582 must be filed within the time and in the manner provided by the
583 Florida Rules of Appellate Procedure and acts as supersedeas.
584 Trial in the circuit court is de novo and governed by the rules
585 of that court. Unless the person can show that his or her name
586 was erroneously or illegally stricken from the registration
587 books or that he or she is indigent, the person must bear the
588 costs of the trial in the circuit court. Otherwise, the cost of
589 the appeal must be paid by the board of county commissioners.

590 (4) To the maximum extent feasible, state and local
591 government entities shall facilitate provision of information
592 and access to data to the department in order to compare
593 information in the statewide voter registration database with
594 available information in other computer databases, including,
595 but not limited to, databases that contain reliable criminal
596 records and records of deceased persons. State and local
597 governmental agencies that provide such data shall do so without
598 charge if the direct cost incurred by those agencies is not
599 significant.

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600 ~~(5) The Division of Elections shall provide written~~
601 ~~quarterly progress reports on each phase of development of the~~
602 ~~voter registration database to the President of the Senate and~~
603 ~~the Speaker of the House of Representatives beginning July 1,~~
604 ~~2001, and continuing until the database is fully implemented.~~

605 ~~(5)(6)~~ The duties of the supervisors of elections under
606 this section shall be considered part of their regular
607 registration list maintenance duties under this chapter, and any
608 supervisor of elections who willfully refuses or willfully
609 neglects to perform his or her duties under this section shall
610 be in violation of s. 104.051(2).

611 Section 11. (1) Beginning July 1, 2003, from the funds
612 appropriated the Department of State shall begin the development
613 of a statewide voter registration system designed to meet the
614 requirements of sections 303 through 305 of the Help America
615 Vote Act of 2002. The Legislature recognizes that the January 1,
616 2004, implementation date for the system provided in the federal
617 bill cannot be met because there is not sufficient time for
618 implementation of such a system. Accordingly, the department
619 shall certify these facts to the Election Assistance Commission
620 in order to qualify for waiver and extension of the due date
621 until January 1, 2006.

622 (2) The department shall begin system needs assessments
623 and design activities by July 1, 2003. The Department of Highway
624 Safety and Motor Vehicles, the Department of Health, the
625 Department of Law Enforcement, the Board of Executive Clemency,
626 the State Technology Office, and representatives of the Florida
627 State Association of Supervisors of Elections shall cooperate
628 and participate in the development of the system. Other state

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629 agencies and local government entities that may have data or
630 systems needed for integration with the system shall also
631 cooperate and participate in the development of the system upon
632 a request from the department.

633 (3) No later than January 31, 2004, the department shall
634 present to the Governor, the President of the Senate, and the
635 Speaker of the House of Representatives a plan for completion of
636 the system, which shall include:

637 (a) Business process design for all participants in the
638 system operation.

639 (b) Design, location, and specifications for hardware,
640 system software components, and communications infrastructure of
641 the system.

642 (c) Design, specifications, and development plans for
643 application software for the system.

644 (d) Budget for completion of the system, including all
645 agencies and county offices.

646 (e) Recommended statutory changes needed to implement the
647 system.

648 (4) This phase of the development shall continue through
649 June 30, 2004, and shall include design and development of the
650 core system, which will be operated by the Department of State;
651 definition of the business processes which will be required of
652 the other agencies and counties; and functional requirements
653 specifications for integration with the data systems of the
654 other agencies and the counties.

655 (5) This section shall take effect upon this act becoming
656 a law.

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657 Section 12. Section 98.212, Florida Statutes, is amended
658 to read:

659 98.212 Supervisors to furnish statistical and other
660 information.--

661 (1)(a) Upon written request, supervisors shall, as
662 promptly as possible, furnish to recognized public or private
663 universities and senior colleges within the state, to state or
664 county governmental agencies, and to recognized political party
665 committees statistical information for the purpose of analyzing
666 election returns and results.

667 (b) Supervisors may require reimbursement for any part or
668 all of the actual expenses of supplying any information
669 requested under paragraph (a). For the purposes of this
670 subsection, supervisors may use the services of any research and
671 statistical personnel that may be supplied.

672 (c) Lists of names submitted to supervisors for indication
673 of registration or nonregistration or of party affiliation shall
674 be processed at any time at cost, except that in no case shall
675 the charge exceed 10 cents for each name on which the
676 information is furnished.

677 (2) The supervisors shall provide information as requested
678 by the department for program evaluation and reporting to the
679 Federal Election Commission pursuant to the National Voter
680 Registration Act of 1993.

681 ~~(3) The supervisors shall provide information as requested~~
682 ~~by the department for the creation and maintenance of the~~
683 ~~central voter file.~~

684 Section 13. Section 98.461, Florida Statutes, is amended
685 to read:

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686 98.461 Registration form, precinct register; contents.--A
687 registration form, approved by the Department of State,
688 containing the information required in s. 97.052 shall be filed
689 alphabetically in the office of the supervisor as the master
690 list of electors of the county. However, the registration forms
691 may be microfilmed and such microfilms substituted for the
692 original registration forms; or, when voter registration
693 information, including the voter's signature, is maintained
694 digitally or on electronic, magnetic, or optic media, such
695 stored information may be substituted for the original
696 registration form. Such microfilms or stored information shall
697 be retained in the custody of the supervisor of elections. In
698 the event the original registration forms are microfilmed or
699 maintained digitally or on electronic or other media, such
700 originals may be destroyed in accordance with the schedule
701 approved by the Bureau of Archives and Records Management of the
702 Division of Library and Information Services of the Department
703 of State. As an alternative, the information from the
704 registration form, including the signature, may be
705 electronically reproduced and stored as provided in s. 98.451. A
706 computer printout shall ~~may~~ be used at the polls as a precinct
707 register in lieu of the registration books. The precinct
708 register shall contain the date of the election, the precinct
709 number, and the following information concerning each registered
710 elector: last name, first name, and middle name or initial;
711 party affiliation; residence address; registration number; date
712 of birth; sex, if provided; race, if provided; whether the voter
713 needs assistance in voting; and such other additional
714 information as to readily identify the elector. ~~The precinct~~

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715 ~~register may also contain a list of the forms of identification,~~
716 ~~which must include, but is not limited to, a Florida driver's~~
717 ~~license, a Florida identification card issued under s. 322.051,~~
718 ~~or another form of picture identification approved by the~~
719 ~~Department of State. The precinct register shall~~ may also
720 contain a space for the elector's signature and, a space for the
721 initials of the witnessing clerk or inspector, ~~and a space for~~
722 ~~the signature slip or ballot number.~~

723 Section 14. Section 98.471, Florida Statutes, is
724 renumbered as section 101.043, Florida Statutes, and amended to
725 read:

726 101.043 98.471 Identification required ~~Use of precinct~~
727 ~~register~~ at polls.--

728 (1) The precinct register, as prescribed in s. 98.461,
729 shall ~~may~~ be used at the polls in lieu of the registration books
730 for the purpose of identifying the elector at the polls prior to
731 allowing him or her to vote. The clerk or inspector shall
732 require each elector, upon entering the polling place, to
733 present a current and valid ~~Florida driver's license, a Florida~~
734 ~~identification card issued under s. 322.051, or another form of~~
735 picture identification as provided in s. 97.0535(3). If the
736 picture identification does not contain the signature of the
737 voter, an additional identification that provides the voter's
738 signature shall be required ~~approved by the Department of State.~~
739 The elector shall sign his or her name in the space provided,
740 and the clerk or inspector shall compare the signature with that
741 on the identification provided by the elector and enter his or
742 her initials in the space provided and allow the elector to vote

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743 if the clerk or inspector is satisfied as to the identity of the
744 elector.

745 (2) Except as provided in subsection (3), if the elector
746 fails to furnish the required identification, or if the clerk or
747 inspector is in doubt as to the identity of the elector, such
748 clerk or inspector shall follow the procedure prescribed in s.
749 101.49.

750 (3) If the elector who fails to furnish the required
751 identification is a first-time voter who registered by mail and
752 has not provided the required identification to the supervisor
753 of elections prior to election day, the elector shall be allowed
754 to vote a provisional ballot. The canvassing board shall
755 determine the validity of the ballot pursuant to s. 101.048(2).

756 Section 15. Section 98.491, Florida Statutes, is repealed.

757 Section 16. Section 101.048, Florida Statutes, is amended
758 to read:

759 101.048 Provisional ballots.--

760 (1) At all elections, a voter claiming to be properly
761 registered in the county and eligible to vote at the precinct in
762 the election, but whose eligibility cannot be determined, and
763 other persons specified in the code shall be entitled to vote a
764 provisional ballot. Once voted, the provisional ballot shall be
765 placed in a secrecy envelope and thereafter sealed in a
766 provisional ballot envelope. The provisional ballot shall be
767 deposited in a ballot box. All provisional ballots shall remain
768 sealed in their envelopes for return to the supervisor of
769 elections. The department shall prescribe the form of the
770 provisional ballot envelope.

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771 (2)(a) The county canvassing board shall examine each
772 provisional ballot envelope to determine if the person voting
773 that ballot was entitled to vote at the precinct where the
774 person cast a vote in the election and that the person had not
775 already cast a ballot in the election.

776 (b)1. If it is determined that the person was registered
777 and entitled to vote at the precinct where the person cast a
778 vote in the election, the canvassing board shall compare the
779 signature on the provisional ballot envelope with the signature
780 on the voter's registration and, if it matches, shall count the
781 ballot.

782 2. If it is determined that the person voting the
783 provisional ballot was not registered or entitled to vote at the
784 precinct where the person cast a vote in the election, the
785 provisional ballot shall not be counted and the ballot shall
786 remain in the envelope containing the Provisional Ballot Voter's
787 Certificate and Affirmation and the envelope shall be marked
788 "Rejected as Illegal."

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

791
792 STATE OF FLORIDA
793 COUNTY OF _____
794

795 I do solemnly swear (or affirm) that my name is _____; that
796 my date of birth is _____; that I am registered to vote and at
797 the time I registered I resided at _____, in the municipality of
798 _____, in _____ County, Florida; that I am registered in the
799 _____ Party; that I am a qualified voter of the county; and that

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800 I have not voted in this election. I understand that if I commit
801 any fraud in connection with voting, vote a fraudulent ballot,
802 or vote more than once in an election, I can be convicted of a
803 felony of the third degree and fined up to \$5,000 and/or
804 imprisoned for up to 5 years.

805 ... (Signature of Voter) ...
806 ... (Current Residence Address) ...
807 ... (Current Mailing Address) ...
808 ... (City, State, Zip Code) ...
809 ... (Driver's License Number or Last Four Digits of Social
810 Security Number) ...

811
812 Sworn to and subscribed before me this _____ day of _____,
813 ... (year)
814 ... (Election Official) ...

815
816 Precinct # _____ Ballot Style/Party Issued: _____

817
818 ~~Additional information may be provided to further assist the~~
819 ~~supervisor of elections in determining eligibility.~~

820
821 (4) In counties where the voting system does not utilize a
822 paper ballot, the supervisor of elections may shall provide the
823 appropriate provisional ballot to the voter by electronic means
824 as provided for by the certified voting system. Each person
825 casting a provisional ballot by electronic means shall, prior to
826 casting his or her ballot, complete the Provisional Ballot
827 Voter's Certificate and Affirmation as provided in subsection
828 (3) ballots to each polling place.

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829 (5) Each person casting a provisional ballot shall be
830 given written instructions regarding the free access system
831 established pursuant to subsection (6). The instructions shall
832 contain information on how to access the system and the
833 information the voter will need to provide to obtain information
834 on his or her particular ballot. The instructions shall also
835 include the following statement: "If this is a primary election,
836 you should contact the supervisor of elections' office
837 immediately to confirm that you are registered and can vote in
838 the general election."

839 (6) Each supervisor of elections shall establish a free
840 access system that allows each person who casts a provisional
841 ballot to determine whether his or her provisional ballot was
842 counted in the final canvass of votes and, if not, the reasons
843 why. Information regarding provisional ballots shall be
844 available no later than 30 days following the election. The
845 system established must restrict information regarding an
846 individual ballot to the person who cast the ballot.

847 Section 17. Section 101.049, Florida Statutes, is created
848 to read:

849 101.049 Provisional ballots; special circumstances.--

850 (1) Any person who votes in an election after the regular
851 poll-closing time pursuant to a court or other order extending
852 the statutory polling hours must vote a provisional ballot. Once
853 voted, the provisional ballot shall be placed in a secrecy
854 envelope and thereafter sealed in a provisional ballot envelope.
855 The election official witnessing the voter's subscription and
856 affirmation on the Provisional Ballot Voter's Certificate shall
857 indicate whether or not the voter met all requirements to vote a

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858 regular ballot at the polls. All such provisional ballots shall
859 remain sealed in their envelopes and transmitted to the
860 supervisor of elections.

861 (2) Separate and apart from all other ballots, the county
862 canvassing board shall count all late-voted provisional ballots
863 that the canvassing board determines to be valid.

864 (3) The supervisor shall ensure that late-voted
865 provisional ballots are not commingled with other ballots during
866 the canvassing process or at any other time they are statutorily
867 required to be in the supervisor's possession.

868 (4) This section shall not apply to voters in line at the
869 poll-closing time provided in s. 100.011 who cast their ballot
870 subsequent to that time.

871 (5) As an alternative, provisional ballots cast pursuant
872 to this section may be cast in accordance with the provisions of
873 s. 101.048(4).

874 Section 18. Section 101.111, Florida Statutes, is amended
875 to read:

876 101.111 Person desiring to vote may be challenged;
877 challenger to execute oath; oath of person challenged elector;
878 determination of challenge.--

879 (1) When the right to vote of any person who desires to
880 vote is challenged ~~questioned~~ by any elector or poll watcher,
881 the challenge shall be reduced to writing with an oath as
882 provided in this section, giving reasons for the challenge,
883 which shall be delivered to the clerk or inspector. Any elector
884 or ~~authorized~~ poll watcher challenging the right of a person to
885 vote an elector at an election shall execute the oath set forth
886 below:

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OATH OF PERSON ENTERING CHALLENGE

State of Florida
County of _____

I do solemnly swear that my name is _____; that I am a member of
the _____ party; that I am _____ years old; ~~that I was born in~~
~~the state of _____ or the country of _____~~; that my residence
address is ~~on~~ _____ street, in the municipality of _____; and
that I have reason to believe that _____ is attempting to vote
illegally and the reasons for my belief are set forth herein to
wit:

... (Signature of person challenging voter) ...

Sworn and subscribed to before me this _____ day of _____, ...
(year)

... (Clerk of election) ...

(2) Before a person who is challenged elector is permitted
to vote ~~by any officer or person in charge of admission to the~~
~~polling place~~, the challenged person's elector's right to vote
shall be determined in accordance with the provisions of
subsection (3). The clerk or inspector shall immediately deliver
to the challenged person elector a copy of the oath of the
person entering the challenge and shall request the challenged
person elector to execute the following oath affidavit:

OATH OF PERSON CHALLENGED VOTER

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State of Florida
County of _____

I do solemnly swear that my name is _____; that I am a member of
the _____ party; that my date of birth is ~~I am _____ years old;~~
~~that I was born in the state of _____ or the country of _____;~~
that my residence address is ~~on~~ _____ ~~street~~, in the
municipality of _____, in this the _____ precinct of _____
county; that I personally made application for registration and
signed my name and that I am a qualified voter in this election,
~~and I am not registered to vote in any other precinct other than~~
~~the one in which I am presently seeking to vote.~~

... (Signature of person voter) ...

Sworn and subscribed to before me this _____ day of _____, ...
(year)

... (Clerk of election or Inspector) ...

Any inspector or clerk of election may administer the oath.

(3)(a) The clerk and inspectors shall compare the
information in the challenged person's oath with that entered on
the precinct register and shall take any other evidence that may
be offered. The clerk and inspectors shall then decide by a
majority vote whether the challenged person may vote a regular
ballot.

(b) If the challenged person refuses to complete the oath
or if a majority of the clerk and inspectors doubt the
eligibility of the person to vote, the challenged person shall

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945 be allowed to vote a provisional ballot. The oath of the person
946 entering the challenge and the oath of the person challenged
947 shall be attached to the provisional ballot for transmittal to
948 the canvassing board. If the challenged person refuses to make
949 and sign the affidavit, the clerk or inspector shall refuse to
950 allow him or her to vote. If such person makes the affidavit,
951 the inspectors and clerk of election shall compare the
952 information in the affidavit with that entered on the
953 registration books opposite the person's name, and, upon such
954 comparison of the information and the person's signature and the
955 taking of other evidence which may then be offered, the clerk
956 and inspectors shall decide by a majority vote whether the
957 challenged person may vote. If the challenged person is unable
958 to write or sign his or her name, the clerk or inspector shall
959 examine the precinct register to ascertain whether the person
960 registered under the name of such person is represented to have
961 signed his or her name. If the person is so represented, then he
962 or she shall be denied permission to vote without further
963 examination; but, if not, then the clerk or one of the
964 inspectors shall place such person under oath and orally examine
965 him or her upon the subject matter contained in the affidavit,
966 and, if there is any doubt as to the identity of such person,
967 the clerk or inspector shall compare the person's appearance
968 with the description entered upon the precinct register opposite
969 the person's name. The clerk or inspector shall then proceed as
970 in other cases to determine whether the challenged person may
971 vote.

972 Section 19. (1) Section 101.56062, Florida Statutes, is
973 amended to read:

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974 101.56062 Standards for accessible voting systems.--

975 (1) Notwithstanding anything in this chapter to the
976 contrary, each voting system certified by the Department of
977 State for use in local, state, and federal elections must
978 include the capability to install accessible voter interface
979 devices in the system configuration which will allow the system
980 to meet the following minimum standards:

981 (a) The voting system must provide a tactile input or
982 audio input device, or both.

983 (b) The voting system must provide a method by which
984 voters can confirm any tactile or audio input by having the
985 capability of audio output using synthetic or recorded human
986 speech that is reasonably phonetically accurate.

987 (c) Any operable controls on the input device which are
988 needed for voters who are visually impaired must be discernible
989 tactilely without actuating the keys.

990 ~~(d) Audio and visual access approaches must be able to~~
991 ~~work both separately and simultaneously.~~

992 (d)(e) If a nonaudio access approach is provided, the
993 system may not require color perception. The system must use
994 black text or graphics, or both, on white background or white
995 text or graphics, or both, on black background, unless the
996 office of the Secretary of State approves other high-contrast
997 color combinations that do not require color perception.

998 (e)(f) Any voting system that requires any visual
999 perception must offer the election official who programs the
1000 system, prior to its being sent to the polling place, the
1001 capability to set the font size, as it appears to the voter,
1002 from a minimum of 14 points to a maximum of 24 points.

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1003 ~~(f)~~~~(g)~~ The voting system must provide audio information,
1004 including any audio output using synthetic or recorded human
1005 speech or any auditory feedback tones that are important for the
1006 use of the audio approach, through at least one mode, by handset
1007 or headset, in enhanced auditory fashion (increased
1008 amplification), and must provide incremental volume control with
1009 output amplification up to a level of at least 97 dB SPL.

1010 ~~(g)~~~~(h)~~ For transmitted voice signals to the voter, the
1011 voting system must provide a gain adjustable up to a minimum of
1012 20 dB with at least one intermediate step of 12 dB of gain.

1013 ~~(h)~~~~(i)~~ For the safety of others, if the voting system has
1014 the possibility of exceeding 120 dB SPL, then a mechanism must
1015 be included to reset the volume automatically to the voting
1016 system's default volume level after every use, for example when
1017 the handset is replaced, but not before. Also, universal
1018 precautions in the use and sharing of headsets should be
1019 followed.

1020 ~~(i)~~~~(j)~~ If sound cues and audible information such as
1021 "beeps" are used, there must be simultaneous corresponding
1022 visual cues and information.

1023 ~~(j)~~~~(k)~~ Controls and operable mechanisms must be operable
1024 with one hand, including operability with a closed fist, and
1025 operable without tight grasping, pinching, or twisting of the
1026 wrist.

1027 ~~(k)~~~~(l)~~ The force required to operate or activate the
1028 controls must be no greater than 5 pounds of force.

1029 ~~(l)~~~~(m)~~ Voting booths must have voting controls at a
1030 minimum height of 36 inches above the finished floor with a
1031 minimum knee clearance of 27 inches high, 30 inches wide, and 19

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1032 inches deep, or the accessible voter interface devices must be
1033 designed so as to allow their use on top of a table to meet
1034 these requirements. Tabletop installations must include adequate
1035 privacy.

1036 ~~(n)~~ Any audio ballot must provide the voter with the
1037 following functionalities:

1038 1. After the initial instructions that the system requires
1039 election officials to provide to each voter, the voter should be
1040 able to independently operate the voter interface through the
1041 final step of casting a ballot without assistance.

1042 2. The voter must be able to determine the races that he
1043 or she is allowed to vote in and to determine which candidates
1044 are available in each race.

1045 3. The voter must be able to determine how many candidates
1046 may be selected in each race.

1047 4. The voter must be able to have confidence that the
1048 physical or vocal inputs given to the system have selected the
1049 candidates that he or she intended to select.

1050 5. The voter must be able to review the candidate
1051 selections that he or she has made.

1052 6. Prior to the act of casting the ballot, the voter must
1053 be able to change any selections previously made and confirm a
1054 new selection.

1055 7. The system must communicate to the voter the fact that
1056 the voter has failed to vote in a race or has failed to vote the
1057 number of allowable candidates in any race and require the voter
1058 to confirm his or her intent to undervote before casting the
1059 ballot.

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1060 8. The system must prevent the voter from overvoting any
1061 race.

1062 9. The voter must be able to input a candidate's name in
1063 each race that allows a write-in candidate.

1064 10. The voter must be able to review his or her write-in
1065 input to the interface, edit that input, and confirm that the
1066 edits meet the voter's intent.

1067 11. There must be a clear, identifiable action that the
1068 voter takes to "cast" the ballot. The system must make clear to
1069 the voter how to take this action so that the voter has minimal
1070 risk of taking the action accidentally but, when the voter
1071 intends to cast the ballot, the action can be easily performed.

1072 12. Once the ballot is cast, the system must confirm to
1073 the voter that the action has occurred and that the voter's
1074 process of voting is complete.

1075 13. Once the ballot is cast, the system must preclude the
1076 voter from modifying the ballot cast or voting or casting
1077 another ballot.

1078 (2) Such voting system must include at least one
1079 accessible voter interface device installed in each precinct
1080 which meets the requirements of this section, ~~except for~~
1081 ~~paragraph (1)(d).~~

1082 (3) The Department of State may adopt rules in accordance
1083 with s. 120.54 which are necessary to administer this section.

1084 (2) The amendment of section 101.56062, Florida Statutes,
1085 by this section shall take effect on the date the section, as
1086 created by section 12 of chapter 2002-281, Laws of Florida,
1087 takes effect pursuant to section 22 of chapter 2002-281, Laws of
1088 Florida, as amended by this act.

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1089 Section 20. Paragraph (a) of subsection (1) of section
1090 101.62, Florida Statutes, is amended to read:

1091 101.62 Request for absentee ballots.--

1092 (1)(a) The supervisor may accept a request for an absentee
1093 ballot from an elector in person or in writing. Except as
1094 provided in s. 101.694, one request shall be deemed sufficient
1095 to receive an absentee ballot for all elections which are held
1096 within a calendar year, unless the elector or the elector's
1097 designee indicates at the time the request is made the elections
1098 for which the elector desires to receive an absentee ballot.
1099 Such request may be considered canceled when any first-class
1100 mail sent by the supervisor to the elector is returned as
1101 undeliverable.

1102 Section 21. Subsection (1) of section 101.64, Florida
1103 Statutes, is amended to read:

1104 101.64 Delivery of absentee ballots; envelopes; form.--

1105 (1) The supervisor shall enclose with each absentee ballot
1106 two envelopes: a secrecy envelope, into which the absent elector
1107 shall enclose his or her marked ballot; and a mailing envelope,
1108 into which the absent elector shall then place the secrecy
1109 envelope, which shall be addressed to the supervisor and also
1110 bear on the back side a certificate in substantially the
1111 following form:

1112

1113 Note: Please Read Instructions Carefully Before
1114 Marking Ballot and Completing Voter's Certificate.

1115

1116

VOTER'S CERTIFICATE

Amendment No. (for drafter's use only)

1117 I, _____, do solemnly swear or affirm that I am a qualified
 1118 and registered voter of _____ County, Florida, and that I have
 1119 not and will not vote more than one ballot in this election. I
 1120 understand that if I commit or attempt to commit any fraud in
 1121 connection with voting, vote a fraudulent ballot, or vote more
 1122 than once in an election, I can be convicted of a felony of the
 1123 third degree and fined up to \$5,000 and/or imprisoned for up to
 1124 5 years. I also understand that failure to sign this certificate
 1125 and have my signature properly witnessed will invalidate my
 1126 ballot.

1127
 1128 ... (Date) (Voter's Signature) ...

1129
 1130 Note: Your Signature Must Be Witnessed By One Witness 18 Years
 1131 of Age or Older as provided in ~~item 8 of~~ the Instruction Sheet.

1132
 1133 I swear or affirm that the voter signed this Voter's Certificate
 1134 in my presence.

1135
 1136 ... (Signature of Witness) ...

1137
 1138 ... (Address) ...

1139
 1140 ... (City/State) ...

1141
 1142 Section 22. Section 101.65, Florida Statutes, is amended
 1143 to read:

Amendment No. (for drafter's use only)

1144 101.65 Instructions to absent electors.--The supervisor
1145 shall enclose with each absentee ballot separate printed
1146 instructions in substantially the following form:

1147

1148 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1149 1. VERY IMPORTANT. In order to ensure that your absentee
1150 ballot will be counted, it should be completed and returned as
1151 soon as possible so that it can reach the supervisor of
1152 elections of the county in which your precinct is located no
1153 later than 7 p.m. on the day of the election.

1154 2. Mark your ballot in secret as instructed on the ballot.
1155 You must mark your own ballot unless you are unable to do so
1156 because of blindness, disability, or inability to read or write.

1157 3. Mark only the number of candidates or issue choices for
1158 a race as indicated on the ballot. If you are allowed to "Vote
1159 for One" candidate and you vote for more than one candidate,
1160 your vote in that race will not be counted.

1161 4.3- Place your marked ballot in the enclosed secrecy
1162 envelope.

1163 5.4- Insert the secrecy envelope into the enclosed mailing
1164 envelope which is addressed to the supervisor.

1165 6.5- Seal the mailing envelope and completely fill out the
1166 Voter's Certificate on the back of the mailing envelope.

1167 7.6- VERY IMPORTANT. In order for your absentee ballot to
1168 be counted, you must sign your name on the line above (Voter's
1169 Signature).

1170 8.7- VERY IMPORTANT. If you are an overseas voter, you
1171 must include the date you signed the Voter's Certificate on the
1172 line above (Date) or your ballot may not be counted.

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Amendment No. (for drafter's use only)

1173 ~~9.8.~~ VERY IMPORTANT. In order for your absentee ballot to
1174 be counted, it must include the signature and address of a
1175 witness 18 years of age or older affixed to the Voter's
1176 Certificate. No candidate may serve as an attesting witness.

1177 ~~10.9.~~ Mail, deliver, or have delivered the completed
1178 mailing envelope. Be sure there is sufficient postage if mailed.

1179 ~~11.10.~~ FELONY NOTICE. It is a felony under Florida law to
1180 accept any gift, payment, or gratuity in exchange for your vote
1181 for a candidate. It is also a felony under Florida law to vote
1182 in an election using a false identity or false address, or under
1183 any other circumstances making your ballot false or fraudulent.

1184 Section 23. Section 101.657, Florida Statutes, is amended
1185 to read:

1186 101.657 Voting absentee ballots in person.--

1187 (1) Any qualified and registered elector may pick up and
1188 vote an absentee ballot in person at the office of, and under
1189 the supervision of, the supervisor of elections. Before
1190 receiving the ballot, the elector must present a current and
1191 valid Florida driver's license, a Florida identification card
1192 issued under s. 322.051, or another form of picture
1193 identification as provided in s. 97.0535(3) approved by the
1194 Department of State. If the elector fails to furnish the
1195 required identification, or if the supervisor is in doubt as to
1196 the identity of the elector, the supervisor must follow the
1197 procedure prescribed in s. 101.49. If the elector who fails to
1198 furnish the required identification is a first-time voter who
1199 registered by mail and has not provided the required
1200 identification to the supervisor of elections prior to voting,
1201 the elector shall be allowed to vote a provisional ballot. The

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1202 canvassing board shall compare the signature on the provisional
1203 ballot envelope with the signature on the voter's registration
1204 and, if the signatures match, shall count the ballot.

1205 (2) As an alternative to the provisions of ss. 101.64 and
1206 101.65, the supervisor of elections may allow an elector to cast
1207 an absentee ballot in the main or branch office of the
1208 supervisor by depositing the voted ballot in a voting device
1209 used by the supervisor to collect or tabulate ballots. The
1210 results or tabulation may not be made before the close of the
1211 polls on election day.

1212 (a) The elector must provide ~~picture~~ identification as
1213 required in subsection (1) and must complete an In-Office Voter
1214 Certificate in substantially the following form:

1215
1216 IN-OFFICE VOTER CERTIFICATE

1217
1218 I, _____, am a qualified elector in this election and registered
1219 voter of _____ County, Florida. I do solemnly swear or affirm
1220 that I am the person so listed on the voter registration rolls
1221 of _____ County and that I reside at the listed address. I
1222 understand that if I commit or attempt to commit fraud in
1223 connection with voting, vote a fraudulent ballot, or vote more
1224 than once in an election I could be convicted of a felony of the
1225 third degree and both fined up to \$5,000 and imprisoned for up
1226 to 5 years. I understand that my failure to sign this
1227 certificate and have my signature witnessed invalidates my
1228 ballot.

1229

1230

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1231 ... (Voter's Signature) ...

1232

1233 ... (Address) ...

1234

1235 ... (City/State) ...

1236

1237 ... (Name of Witness) ...

1238

1239 ... (Signature of Witness) ...

1240

1241 ... (Type of identification provided) ...

1242

1243 (b) Any elector may challenge an elector seeking to cast
1244 an absentee ballot under the provisions of s. 101.111. Any
1245 challenged ballot must be placed in a regular absentee ballot
1246 envelope. The canvassing board shall review the ballot and
1247 decide the validity of the ballot by majority vote.

1248 (c) The canvass of returns for ballots cast under this
1249 subsection shall be substantially the same as votes cast by
1250 electors in precincts, as provided in s. 101.5614.

1251 Section 24. Section 101.6921, Florida Statutes, is created
1252 to read:

1253 101.6921 Delivery of special absentee ballot to certain
1254 first-time voters.--

1255 (1) The provisions of this section apply to voters who
1256 registered to vote by mail, who have not previously voted in the
1257 county, and who have not provided the identification or
1258 certification required by s. 97.0535 by the time the absentee
1259 ballot is mailed.

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1260 (2) The supervisor shall enclose with each absentee ballot
1261 three envelopes: a secrecy envelope, into which the absent
1262 elector will enclose his or her marked ballot; an envelope
1263 containing the Voter's Certificate, into which the absent
1264 elector shall place the secrecy envelope; and a mailing
1265 envelope, which shall be addressed to the supervisor and into
1266 which the absent elector will place the envelope containing the
1267 Voter's Certificate and a copy of the required identification.

1268 (3) The Voter's Certificate shall be in substantially the
1269 following form:

1270

1271 Note: Please Read Instructions Carefully Before Marking Ballot
1272 and Completing Voter's Certificate

1273

1274 VOTER'S CERTIFICATE

1275

1276 I , _____, do solemnly swear or affirm that I am a
1277 qualified and registered voter of _____ County, Florida, and
1278 that I have not and will not vote more than one ballot in this
1279 election. I understand that if I commit or attempt to commit any
1280 fraud in connection with voting, vote a fraudulent ballot, or
1281 vote more than once in an election, I can be convicted of a
1282 felony of the third degree and fined up to \$5,000 and/or
1283 imprisoned for up to 5 years. I also understand that failure to
1284 sign this certificate and have my signature properly witnessed
1285 will invalidate my ballot. I understand that unless I meet one
1286 of the exemptions below, I must provide a copy of a current and
1287 valid identification as provided in the instruction sheet to the
1288 supervisor of elections in order for my ballot to count.

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1289 I further certify that I am exempt from the requirements to
1290 furnish a copy of a current and valid identification with my
1291 ballot because of one or more of the following (check all that
1292 apply):

1293 I am 65 years of age or older.

1294 I have a permanent or temporary physical disability.

1295 I am a member of a uniformed service on active duty who,
1296 by reason of such active duty, will be absent from the county on
1297 election day.

1298 I am a member of the merchant marine who, by reason of
1299 service in the merchant marine, will be absent from the county
1300 on election day.

1301 I am the spouse or dependent of a member of the uniformed
1302 service or merchant marine who, by reason of the active duty or
1303 service of the member, will be absent from the county on
1304 election day.

1305 I am currently residing outside the United States.

1307 ... (Date) Voter's Signature ...

1309 Note: Your signature must be witnessed by one witness 18 years
1310 of age or older as provided in the instruction sheet.

1312 I swear or affirm that the voter signed this Voter's Certificate
1313 in my presence.

1315 ... (Signature of witness) ...

1317 ... (Address) ...

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... (City/State) ...

(4) The certificate shall be arranged on the back of the mailing envelope so that the lines for the signatures of the absent elector and the attesting witness are across the seal of the envelope.

Section 25. Section 101.6923, Florida Statutes, is created to read:

101.6923 Special absentee ballot instructions for certain first-time voters.--

(1) The provisions of this section apply to voters who registered to vote by mail, who have not previously voted in the county, and who have not provided the identification or information required by s. 97.0535 by the time the absentee ballot is mailed.

(2) A voter covered by this section shall be provided with the following printed instructions with his or her absentee ballot:

READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO COUNT.

1. In order to ensure that your absentee ballot will be counted, it should be completed and returned as soon as possible so that it can reach the supervisor of elections of the county in which your precinct is located no later than 7 p.m. on the date of the election.

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1347 2. Mark your ballot in secret as instructed on the ballot.
1348 You must mark your own ballot unless you are unable to do so
1349 because of blindness, disability, or inability to read or write.

1350 3. Mark only the number of candidates or issue choices for
1351 a race as indicated on the ballot. If you are allowed to "Vote
1352 for One" candidate and you vote for more than one, your vote in
1353 that race will not be counted.

1354 4. Place your marked ballot in the enclosed secrecy
1355 envelope and seal the envelope.

1356 5. Insert the secrecy envelope into the enclosed envelope
1357 bearing the Voter's Certificate. Seal the envelope and
1358 completely fill out the Voter's Certificate on the back of the
1359 envelope.

1360 a. You must sign your name on the line above (Voter's
1361 Signature).

1362 b. You must have your signature witnessed. Have the
1363 witness sign above (Signature of Witness) and include his or her
1364 address. No candidate may serve as an attesting witness.

1365 c. If you are an overseas voter, you must include the date
1366 you signed the Voter's Certificate on the line above (Date) or
1367 your ballot may not be counted.

1368 6. Unless you meet one of the exemptions in Item 7., you
1369 must make a copy of one of the following forms of
1370 identification:

1371 a. Identification which must include your name and
1372 photograph: current and valid Florida driver's license; Florida
1373 identification card issued by the Department of Highway Safety
1374 and Motor Vehicles; United States passport; employee badge or
1375 identification; buyer's club identification card; debit or

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1376 credit card; military identification; student identification;
1377 retirement center identification; neighborhood association
1378 identification; entertainment identification; or public
1379 assistance identification; or

1380 b. Identification which shows your name and current
1381 residence address: current utility bill, bank statement,
1382 government check, paycheck, or government document (excluding
1383 voter identification card).

1384 7. The identification requirements of Item 6. do not apply
1385 if you meet one of the following requirements:

1386 a. You are 65 years of age or older.

1387 b. You have a temporary or permanent physical disability.

1388 c. You are a member of a uniformed service on active duty
1389 who, by reason of such active duty, will be absent from the
1390 county on election day.

1391 d. You are a member of the merchant marine who, by reason
1392 of service in the merchant marine, will be absent from the
1393 county on election day.

1394 e. You are the spouse or dependent of a member referred to
1395 in paragraph c. or paragraph d. who, by reason of the active
1396 duty or service of the member, will be absent from the county on
1397 election day.

1398 f. You are currently residing outside the United States.

1399 8. Place the envelope bearing the Voter's Certificate into
1400 the mailing envelope addressed to the supervisor. Insert a copy
1401 of your identification in the mailing envelope. DO NOT PUT YOUR
1402 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1403 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1404 BALLOT WILL NOT COUNT.

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1405 9. Mail, deliver, or have delivered the completed mailing
1406 envelope. Be sure there is sufficient postage if mailed.

1407 10. FELONY NOTICE. It is a felony under Florida law to
1408 accept any gift, payment, or gratuity in exchange for your vote
1409 for a candidate. It is also a felony under Florida law to vote
1410 in an election using a false identity or false address, or under
1411 any other circumstances making your ballot false or fraudulent.

1412 Section 26. Section 101.6925, Florida Statutes, is created
1413 to read:

1414 101.6925 Canvassing special absentee ballots.--

1415 (1) The supervisor of the county where the absent elector
1416 resides shall receive the voted special absentee ballot, at
1417 which time the mailing envelope shall be opened to determine if
1418 the voter has enclosed the identification required or has
1419 indicated on the Voter's Certificate that he or she is exempt
1420 from the identification requirements.

1421 (2) If the identification is enclosed or the voter has
1422 indicated that he or she is exempt from the identification
1423 requirements, the supervisor shall make the note on the
1424 registration records of the voter and proceed to canvass the
1425 absentee ballot as provided in s. 101.68.

1426 (3) If the identification is not enclosed in the mailing
1427 envelope and the voter has not indicated that he or she is
1428 exempt from the identification requirements, the supervisor
1429 shall check the voter registration records to determine if the
1430 voter's identification was previously received or the voter had
1431 previously notified the supervisor that he or she was exempt.
1432 The envelope with the Voter's Certificate shall not be opened
1433 unless the identification has been received or the voter has

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1434 indicated that he or she is exempt. The ballot shall be treated
1435 as a provisional ballot until 7 p.m. on election day and shall
1436 not be canvassed unless the supervisor has received the required
1437 identification or written indication of exemption by 7 p.m. on
1438 election day.

1439 Section 27. Subsection (1) of section 101.694, Florida
1440 Statutes, is amended to read:

1441 101.694 Mailing of ballots upon receipt of federal
1442 postcard application.--

1443 (1) Upon receipt of a federal postcard application for an
1444 absentee ballot executed by a person whose registration is in
1445 order or whose application is sufficient to register or update
1446 the registration of that person, the supervisor shall mail to
1447 the applicant a ballot, if the ballots are available for
1448 mailing. The federal postcard application request for an
1449 absentee ballot shall be effective for all elections through the
1450 next two regularly scheduled general elections.

1451 Section 28. Subsections (2) and (6) of section 102.141,
1452 Florida Statutes, are amended to read:

1453 102.141 County canvassing board; duties.--

1454 (2) The county canvassing board shall meet in a building
1455 accessible to the public in the county where the election
1456 occurred at a time and place to be designated by the supervisor
1457 of elections to publicly canvass the absentee electors' ballots
1458 as provided for in s. 101.68 and provisional ballots as provided
1459 by ss. ~~s.~~ 101.048, 101.049, and 101.6925. Provisional ballots
1460 cast pursuant to s. 101.049 shall be canvassed in a manner that
1461 votes for candidates and issues on those ballots can be
1462 segregated from other votes. Public notice of the time and place

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1463 at which the county canvassing board shall meet to canvass the
1464 absentee electors' ballots and provisional ballots shall be
1465 given at least 48 hours prior thereto by publication once in one
1466 or more newspapers of general circulation in the county or, if
1467 there is no newspaper of general circulation in the county, by
1468 posting such notice in at least four conspicuous places in the
1469 county. As soon as the absentee electors' ballots and the
1470 provisional ballots are canvassed, the board shall proceed to
1471 publicly canvass the vote given each candidate, nominee,
1472 constitutional amendment, or other measure submitted to the
1473 electorate of the county, as shown by the returns then on file
1474 in the office of the supervisor of elections and the office of
1475 the county court judge.

1476 (6) If the unofficial returns reflect that a candidate for
1477 any office was defeated or eliminated by one-half of a percent
1478 or less of the votes cast for such office, that a candidate for
1479 retention to a judicial office was retained or not retained by
1480 one-half of a percent or less of the votes cast on the question
1481 of retention, or that a measure appearing on the ballot was
1482 approved or rejected by one-half of a percent or less of the
1483 votes cast on such measure, the board responsible for certifying
1484 the results of the vote on such race or measure shall order a
1485 recount of the votes cast with respect to such office or
1486 measure. A recount need not be ordered with respect to the
1487 returns for any office, however, if the candidate or candidates
1488 defeated or eliminated from contention for such office by one-
1489 half of a percent or less of the votes cast for such office
1490 request in writing that a recount not be made.

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1491 (a) In counties with voting systems that use paper
1492 ballots, each canvassing board responsible for conducting a
1493 recount shall put each ballot through automatic tabulating
1494 equipment and determine whether the returns correctly reflect
1495 the votes cast. If any paper ballot is physically damaged so
1496 that it cannot be properly counted by the automatic tabulating
1497 equipment during the recount, a true duplicate shall be made of
1498 the damaged ballot pursuant to the procedures in s. 101.5614(5).
1499 Immediately before the start of the recount and after completion
1500 of the count, a test of the tabulating equipment shall be
1501 conducted as provided in s. 101.5612. If the test indicates no
1502 error, the recount tabulation of the ballots cast shall be
1503 presumed correct and such votes shall be canvassed accordingly.
1504 If an error is detected, the cause therefor shall be ascertained
1505 and corrected and the recount repeated, as necessary. The
1506 canvassing board shall immediately report the error, along with
1507 the cause of the error and the corrective measures being taken,
1508 to the Department of State. No later than 11 days after the
1509 election, the canvassing board shall file a separate incident
1510 report with the Department of State, detailing the resolution of
1511 the matter and identifying any measures that will avoid a future
1512 recurrence of the error.

1513 (b) In counties with voting systems that do not use paper
1514 ballots, each canvassing board responsible for conducting a
1515 recount shall examine the counters on the precinct tabulators to
1516 ensure that the total of the returns on the precinct tabulators
1517 equals the overall election return. If there is a discrepancy
1518 between the overall election return and the counters of the
1519 precinct tabulators, the counters of the precinct tabulators

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1520 shall be presumed correct and such votes shall be canvassed
1521 accordingly.

1522 (c) The canvassing board shall submit a second set of
1523 unofficial returns to the Department of State for each federal,
1524 statewide, state, or multicounty office or ballot measure no
1525 later than noon on the third day after any election in which a
1526 recount was conducted pursuant to this subsection. If the
1527 canvassing board is unable to complete the recount prescribed in
1528 this subsection by the deadline, the second set of unofficial
1529 returns submitted by the canvassing board shall be identical to
1530 the initial unofficial returns and the submission shall also
1531 include a detailed explanation of why it was unable to timely
1532 complete the recount. However, the canvassing board shall
1533 complete the recount prescribed in this subsection, along with
1534 any manual recount prescribed in s. 102.166, and certify
1535 election returns in accordance with the requirements of this
1536 chapter.

1537 (d) The Department of State shall adopt detailed rules
1538 prescribing additional recount procedures for each certified
1539 voting system, which shall be uniform to the extent practicable.

1540 Section 29. Paragraph (y) of subsection (1) of section
1541 125.01, Florida Statutes, is amended to read:

1542 125.01 Powers and duties.--

1543 (1) The legislative and governing body of a county shall
1544 have the power to carry on county government. To the extent not
1545 inconsistent with general or special law, this power includes,
1546 but is not restricted to, the power to:

1547 (y) Place questions or propositions on the ballot at any
1548 primary election, general election, or otherwise called special

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1549 election, when agreed to by a majority vote of the total
1550 membership of the legislative and governing body, so as to
1551 obtain an expression of elector sentiment with respect to
1552 matters of substantial concern within the county. No special
1553 election may be called for the purpose of conducting a straw
1554 ballot. Any election costs, as defined in s. 97.021(9),
1555 associated with any ballot question or election called
1556 specifically at the request of a district or for the creation of
1557 a district shall be paid by the district either in whole or in
1558 part as the case may warrant.

1559 Section 30. Section 20 of chapter 2002-281, Laws of
1560 Florida, is repealed.

1561 Section 31. Paragraph (a) of subsection (5) of section
1562 163.511, Florida Statutes, is amended to read:

1563 163.511 Special neighborhood improvement districts;
1564 creation; referendum; board of directors; duration; extension.--

1565 (5)(a) The city clerk or the supervisor of elections,
1566 whichever is appropriate, shall enclose with each ballot sent
1567 pursuant to this section two envelopes: a secrecy envelope, into
1568 which the elector or freeholder shall enclose the marked ballot;
1569 and a mailing envelope, into which the elector or freeholder
1570 shall then place the secrecy envelope, which shall be addressed
1571 to the city clerk or the supervisor of elections. The back side
1572 of the mailing envelope shall bear a certificate in
1573 substantially the following form:

1574

1575 Note: Please Read Instructions Carefully Before
1576 Marking Ballot and Completing Voter's Certificate.

1577

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VOTER'S CERTIFICATE

I, _____, am a duly qualified and registered ... (voter or freeholder, whichever is appropriate) ... of the proposed ... (name) ... (Special Residential or Business, whichever is appropriate) ... Neighborhood Improvement District; and I am entitled to vote this ballot. I do solemnly swear or affirm that I have not and will not vote more than one ballot in this election. I understand that failure to sign this certificate and have my signature witnessed will invalidate my ballot.

... (Voter's Signature) ...

Note: Your Signature Must Be Witnessed By One Witness 18 Years of Age or Older as provided in ~~Item 7.~~ of the Instruction Sheet.

I swear or affirm that the elector signed this Voter's Certificate in my presence.

... (Signature of Witness) ...

... (Address) (City/State) ...

Section 32. Section 22 of chapter 2002-281, Laws of Florida, is amended to read:

Section 22. Except as otherwise expressly provided in this act, sections 4, 5, 6, 8, 9, 10, 11, 12, 14, and 19 of this act shall take effect the earlier of January 1, 2006, or one year after the Legislature adopts the General Appropriations Act specifically appropriating to the Department of State, for distribution to the counties, \$8.7 million or such other amounts as it determines and appropriates for the specific purpose of funding this act.

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1607 Section 33. Except as otherwise provided herein, this act
1608 shall take effect January 1, 2004.

1609
1610 ===== T I T L E A M E N D M E N T =====

1611 Remove the entire title, and insert:

1612 A bill to be entitled
1613 An act relating to elections; amending s. 97.012, F.S.;
1614 revising and providing duties of the Secretary of State as
1615 chief election officer; amending s. 97.021, F.S.; deleting
1616 the definition of "central voter file"; revising the
1617 definition of "provisional ballot"; conforming a cross
1618 reference; amending s. 97.052, F.S.; requiring the uniform
1619 statewide voter registration application to contain a
1620 notice to first-time registrants about required
1621 identification prior to voting the first time; amending s.
1622 97.053, F.S.; authorizing use of a driver's license or
1623 state-issued identification card number in lieu of a
1624 portion of the social security number on a voter
1625 registration application; creating s. 97.028, F.S.;
1626 providing procedures on complaints of violations of Title
1627 III of the Help America Vote Act of 2002; creating s.
1628 97.0535, F.S.; providing registration requirements for
1629 applicants who register by mail and who haven't previously
1630 voted in the county; amending s. 98.045, F.S.; deleting a
1631 reference, to conform; repealing s. 98.097, F.S., relating
1632 to the central voter file; amending s. 98.0977, F.S.;
1633 providing for continued operation and maintenance of the
1634 statewide voter registration database until the statewide
1635 voter registration system required by the Help America

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1636 Vote Act of 2002 is operational; requiring the Department
1637 of State to begin the development of a statewide voter
1638 registration system designed to meet certain requirements
1639 of the Help America Vote Act of 2002; amending s. 98.212,
1640 F.S.; removing duty of supervisors of elections relating
1641 to the central voter file, to conform; amending s. 98.461,
1642 F.S.; requiring use of a computer printout as a precinct
1643 register at the polls; requiring the precinct register to
1644 contain space for elector signatures and clerk or
1645 inspector initials; amending and renumbering s. 98.471,
1646 F.S.; providing requirements for identification required
1647 at the polls; providing for voting a provisional ballot
1648 under certain circumstances; repealing s. 98.491, F.S.,
1649 relating to intent that alternative electronic procedures
1650 for registration and elections be followed at the
1651 discretion of the supervisor of elections; amending s.
1652 101.048, F.S.; providing for casting a provisional ballot
1653 by electronic means; requiring each supervisor of
1654 elections to create a free access system that allows each
1655 person casting a provisional ballot to find out whether
1656 the ballot was counted and, if not, why; requiring each
1657 person casting a provisional ballot to be given written
1658 instructions regarding the free access system; creating s.
1659 101.049, F.S.; requiring voting that occurs during polling
1660 hours extended by a court or other order to be done by
1661 provisional ballot; providing requirements for casting
1662 provisional ballots under such circumstances; amending s.
1663 101.111, F.S.; revising provisions relating to challenging
1664 the right of a person to vote; providing for voting a

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1665 provisional ballot under certain circumstances; amending
1666 s. 101.56062, F.S.; revising standards for accessible
1667 voting systems to remove standards relating to audio and
1668 visual access approaches; amending s. 101.62, F.S.;
1669 providing an exception to limiting an absentee ballot
1670 request to ballots for elections within a single calendar
1671 year; amending s. 101.64, F.S.; revising a reference on
1672 the Voter's Certificate; amending s. 101.65, F.S.;
1673 revising the instructions to absentee electors to include
1674 instructions to prevent overvoting; amending s. 101.657,
1675 F.S.; requiring certain persons voting absentee in person
1676 to vote a provisional ballot; creating s. 101.6921, F.S.;
1677 providing requirements for delivery of special absentee
1678 ballots for certain first-time voters; creating s.
1679 101.6923, F.S.; providing voter instructions for such
1680 special absentee ballots; creating s. 101.6925, F.S.;
1681 providing requirements for the canvassing of special
1682 absentee ballots; amending s. 101.694, F.S.; authorizing
1683 federal postcard applicants for absentee ballots to
1684 receive ballots for two general election cycles; amending
1685 s. 102.141, F.S.; requiring the canvassing of provisional
1686 ballots cast during any extended polling-hour period to
1687 segregate the votes from such ballots from other votes;
1688 directing the Department of State to adopt uniform rules
1689 for machine recounts; amending s. 125.01, F.S.; conforming
1690 a cross reference; repealing s. 20, ch. 2002-281, Laws of
1691 Florida; eliminating future revision of a cross reference,
1692 to conform; amending s. 163.511, F.S.; revising a
1693 reference; amending s. 22, ch. 2002-281, Laws of Florida;

Amendment No. (for drafter's use only)

1694 | deferring the applicability of certain revisions to the
1695 | election code affecting persons with disabilities;
1696 | providing effective dates.