

By Senator Fasano

11-1581A-03

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; redesignating "paper ballots" as
4 "marksense ballots" and redefining the term
5 "voting system"; amending s. 97.052, F.S.;
6 providing an additional purpose for statewide
7 voter registration applications; amending s.
8 99.095, F.S.; revising procedures for
9 qualification by petition; amending s. 99.0955,
10 F.S.; revising method of qualification by
11 candidates with no party affiliation; amending
12 s. 99.096, F.S.; revising method of
13 qualification by minor party candidates;
14 amending s. 100.011, F.S.; providing that
15 electors in line to vote at the closing of the
16 polls must be allowed to vote; amending s.
17 100.111, F.S.; revising procedures to be
18 followed in the event of a vacancy in
19 nomination; amending s. 101.031, F.S.; revising
20 provisions regarding the responsibility for
21 furnishing instructions for electors; amending
22 s. 101.131, F.S.; revising the number of
23 authorized poll watchers; providing for certain
24 political committees to have poll watchers;
25 revising provisions for designation of poll
26 watchers; amending s. 101.151, F.S.; revising
27 specifications for ballots; amending s.
28 101.171, F.S.; providing for copies of
29 constitutional amendments to be provided in
30 booklet or poster form; amending s. 101.253,
31 F.S.; prescribing duties of the supervisor of

1 elections with respect to ballots in cases of
2 vacancy in nomination; amending s. 101.5606,
3 F.S.; conforming to a change in terminology;
4 amending s. 101.595, F.S.; revising duties of
5 the supervisor of elections with respect to
6 reporting undervotes and overvotes; amending s.
7 101.694, F.S.; revising guidelines for absentee
8 envelopes; amending s. 102.012, F.S.; providing
9 for a single election board in each precinct;
10 amending s. 102.111, F.S.; allowing the
11 Elections Canvassing Commission to delegate the
12 authority to order recounts to the chief
13 election officer; amending s. 102.071, F.S.;
14 deleting the requirement that the certificate
15 of results be prepared in triplicate; amending
16 s. 102.141, F.S.; deleting the requirement that
17 the canvass be filed with the county court
18 judge; clarifying responsibility for ordering
19 recounts; amending s. 102.166, F.S.; clarifying
20 responsibility for ordering manual recounts;
21 amending s. 102.168, F.S.; revising provisions
22 with respect to the time for contesting an
23 election; declaring the county canvassing board
24 and the Elections Canvassing Commission
25 indispensable parties in contested elections;
26 amending s. 105.031, F.S.; exempting write-in
27 candidates for certain office from payment of
28 the qualifying fee; amending s. 105.035, F.S.;
29 revising procedures for qualifying as write-in
30 candidate for judicial or school board office
31 by petition; amending s. 106.011, F.S.;

1 defining the term "eliminated candidate";
2 creating s. 106.0705, F.S.; providing for
3 electronic filing of campaign treasurer's
4 reports; providing standards and guidelines;
5 amending s. 106.075, F.S.; revising
6 requirements with respect to reporting loans;
7 amending s. 106.08, F.S.; prohibiting
8 candidates from expending funds from campaign
9 accounts to obtain endorsements; amending s.
10 106.087, F.S.; exempting committees of
11 continuous existence from certain prohibitions
12 with respect to expenditures; amending s.
13 106.09, F.S.; prohibiting acceptance of certain
14 contributions made by money order; providing
15 penalties; amending s. 106.11, F.S.; revising
16 provisions relating to reporting use of credit
17 cards and debit cards; repealing s. 98.181,
18 F.S., relating to the supervisor of elections
19 making up indexes or records; repealing s.
20 101.635, F.S., relating to distribution of
21 blocks of printed ballots; repealing s.
22 102.061, F.S., relating to duties of election
23 boards; repealing s. 106.085, F.S., relating to
24 independent expenditures; repealing s. 106.144,
25 F.S., relating to endorsements or opposition by
26 certain groups and organizations; providing an
27 effective date.

28
29 Be It Enacted by the Legislature of the State of Florida:
30
31

1 Section 1. Subsections (3) and (39) of section 97.021,
2 Florida Statutes, are amended to read:

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

6 (3) "Ballot" or "official ballot" when used in
7 reference to:

8 (a) "Marksense ~~Paper~~ ballots" means that printed sheet
9 of paper, used in conjunction with an electronic or
10 electromechanical vote tabulation voting system, containing
11 the names of candidates, or a statement of proposed
12 constitutional amendments or other questions or propositions
13 submitted to the electorate at any election, on which sheet of
14 paper an elector casts his or her vote.

15 (b) "Electronic or electromechanical devices" means a
16 ballot that is voted by the process of electronically
17 designating, including by touchscreen, or marking with a
18 marking device for tabulation by automatic tabulating
19 equipment or data processing equipment.

20 (39) "Voting system" means a method of casting and
21 processing votes that functions wholly or partly by use of
22 electromechanical or electronic apparatus or by use of
23 marksense ~~paper~~ ballots and includes, but is not limited to,
24 the procedures for casting and processing votes and the
25 programs, operating manuals, supplies ~~tabulating cards~~,
26 printouts, and other software necessary for the system's
27 operation.

28 Section 2. Subsection (1) of section 97.052, Florida
29 Statutes, is amended to read:

30 97.052 Uniform statewide voter registration
31 application.--

1 (1) The department shall prescribe a uniform statewide
2 voter registration application for use in this state.

3 (a) The uniform statewide voter registration
4 application must be accepted for any one or more of the
5 following purposes:

- 6 1. Initial registration.
- 7 2. Change of address.
- 8 3. Change of party affiliation.
- 9 4. Change of name.
- 10 5. Replacement of voter registration identification
11 card.
- 12 6. Signature update.

13 (b) The department is responsible for printing the
14 uniform statewide voter registration application and the voter
15 registration application form prescribed by the Federal
16 Election Commission pursuant to the National Voter
17 Registration Act of 1993. The applications and forms must be
18 distributed, upon request, to the following:

- 19 1. Individuals seeking to register to vote.
- 20 2. Individuals or groups conducting voter registration
21 programs. A charge of 1 cent per application shall be assessed
22 on requests for 10,000 or more applications.
- 23 3. The Department of Highway Safety and Motor
24 Vehicles.
- 25 4. Voter registration agencies.
- 26 5. Armed forces recruitment offices.
- 27 6. Qualifying educational institutions.
- 28 7. Supervisors, who must make the applications and
29 forms available in the following manner:
 - 30 a. By distributing the applications and forms in their
31 offices to any individual or group.

1 b. By distributing the applications and forms at other
2 locations designated by each supervisor.

3 c. By mailing the applications and forms to applicants
4 upon the request of the applicant.

5 (c) The uniform statewide voter registration
6 application may be reproduced by any of the entities described
7 in paragraph (b) ~~private individual or group~~, provided the
8 reproduced application is in the same format as the
9 application prescribed under this section.

10 Section 3. Section 99.095, Florida Statutes, is
11 amended to read:

12 (Substantial rewording of section. See
13 s. 99.095, F.S., for present text.)

14 99.095 Petition process in lieu of qualifying fee and
15 party assessment.--

16 (1) A person seeking to qualify as a candidate for any
17 office is not required to pay the qualifying fee or party
18 assessment required by this chapter if he or she meets the
19 petition requirements of this section.

20 (2)(a) A candidate shall obtain the signatures of
21 voters in the geographical area represented by the office
22 sought equal to at least 1 percent of the total number of
23 voters of the geographical area, as shown by the compilation
24 by the department for the last preceding general election. No
25 signature may be obtained until the candidate has filed the
26 appointment of campaign treasurer and designation of campaign
27 depository pursuant to s. 106.021.

28 (b) The format of the petition shall be prescribed by
29 the division and shall be used by candidates to reproduce
30 petitions for circulation. If the candidate is running for an
31 office that requires a group or district designation, the

1 petition must indicate that designation or the signatures are
2 not valid. A separate petition is required for each candidate.

3 (3) Each petition must be submitted before noon of the
4 28th day preceding the first day of the qualifying period for
5 the office sought to the supervisor of elections of the county
6 in which such petition was circulated. Each supervisor shall
7 check the signatures on the petitions to verify their status
8 as voters in the county, district, or other geographical area
9 represented by the office sought. No later than the 7th day
10 before the first day of the qualifying period, the supervisor
11 shall certify the number of valid signatures.

12 (4)(a) Certifications for candidates for federal,
13 state, or multicounty district office shall be submitted to
14 the division. The division shall determine whether the
15 required number of signatures has been obtained and shall
16 notify the candidate.

17 (b) For the candidates for county or district office
18 not covered by paragraph (a), the supervisor shall determine
19 whether the required number of signatures has been obtained
20 and shall notify the candidate.

21 (5) If the required number of signatures has been
22 obtained, the candidate is eligible to qualify pursuant to s.
23 99.061.

24 Section 4. Section 99.0955, Florida Statutes, is
25 amended to read:

26 99.0955 Candidates with no party affiliation; name on
27 general election ballot.--

28 (1) Each person seeking to qualify ~~for election~~ as a
29 candidate with no party affiliation shall file his or her
30 qualifying ~~qualification~~ papers and pay the qualifying fee or
31 qualify by the petition process pursuant to s. 99.095

1 ~~alternative method prescribed in subsection (3)~~with the
2 officer and during the times and under the circumstances
3 prescribed in s. 99.061. Upon qualifying, the candidate is
4 entitled to have his or her name placed on the general
5 election ballot.

6 (2) The qualifying fee for candidates with no party
7 affiliation shall consist of a filing fee and an election
8 assessment. ~~The amount of the filing fee is 3 percent of the~~
9 ~~annual salary of the office sought. The amount of the election~~
10 ~~assessment is 1 percent of the annual salary of the office~~
11 ~~sought. The election assessment shall be deposited into the~~
12 ~~Elections Commission Trust Fund. Filing fees paid to the~~
13 ~~Department of State shall be deposited into the General~~
14 ~~Revenue Fund of the state. Filing fees paid to the supervisor~~
15 ~~of elections shall be deposited into the general revenue fund~~
16 ~~of the county.~~

17 ~~(3)(a) A candidate with no party affiliation may, in~~
18 ~~lieu of paying the qualifying fee, qualify for office by the~~
19 ~~alternative method prescribed in this subsection. A candidate~~
20 ~~using this petitioning process shall file an oath with the~~
21 ~~officer before whom the candidate would qualify for the office~~
22 ~~stating that he or she intends to qualify by this alternative~~
23 ~~method. If the person is running for an office that requires~~
24 ~~a group or district designation, the candidate must indicate~~
25 ~~the designation in his or her oath. The oath shall be filed~~
26 ~~at any time after the first Tuesday after the first Monday in~~
27 ~~January of the year in which the election is held, but before~~
28 ~~the 21st day preceding the first day of the qualifying period~~
29 ~~for the office sought. The Department of State shall~~
30 ~~prescribe the form to be used in administering and filing the~~
31 ~~oath. Signatures may not be obtained by a candidate on any~~

1 ~~petition until the candidate has filed the oath required in~~
2 ~~this subsection. Upon receipt of the written oath from a~~
3 ~~candidate, the qualifying officer shall provide the candidate~~
4 ~~with petition forms in sufficient numbers to facilitate the~~
5 ~~gathering of signatures. If the candidate is running for an~~
6 ~~office that requires a group or district designation, the~~
7 ~~petition must indicate that designation or the signatures~~
8 ~~obtained on the petition will not be counted.~~

9 ~~(b) A candidate shall obtain the signatures of a~~
10 ~~number of qualified electors in the geographical entity~~
11 ~~represented by the office sought equal to 1 percent of the~~
12 ~~registered electors of the geographical entity represented by~~
13 ~~the office sought, as shown by the compilation by the~~
14 ~~Department of State for the preceding general election.~~

15 ~~(c) Each petition must be submitted before noon of the~~
16 ~~21st day preceding the first day of the qualifying period for~~
17 ~~the office sought, to the supervisor of elections of the~~
18 ~~county for which such petition was circulated. Each supervisor~~
19 ~~to whom a petition is submitted shall check the signatures on~~
20 ~~the petition to verify their status as electors in the county,~~
21 ~~district, or other geographical entity represented by the~~
22 ~~office sought. Before the first day for qualifying, the~~
23 ~~supervisor shall certify the number shown as registered~~
24 ~~electors.~~

25 ~~(d)1. Certifications for candidates for federal,~~
26 ~~state, or multicounty district office shall be submitted to~~
27 ~~the Department of State. The Department of State shall~~
28 ~~determine whether the required number of signatures has been~~
29 ~~obtained for the name of the candidate to be placed on the~~
30 ~~ballot and shall notify the candidate.~~

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1 ~~2. For candidates for county or district office not~~
2 ~~covered by subparagraph 1., the supervisor of elections shall~~
3 ~~determine whether the required number of signatures has been~~
4 ~~obtained for the name of the candidate to be placed on the~~
5 ~~ballot and shall notify the candidate.~~

6 ~~(e) If the required number of signatures has been~~
7 ~~obtained, the candidate shall, during the time prescribed for~~
8 ~~qualifying for office, submit a copy of the notice received~~
9 ~~under paragraph (d) and file his or her qualifying papers and~~
10 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

11 Section 5. Section 99.096, Florida Statutes, is
12 amended to read:

13 99.096 Minor party candidates; names on ballot.--

14 (1) The executive committee of a minor political party
15 shall, no later than noon of the third day prior to the first
16 day of the qualifying period prescribed for federal
17 candidates, submit to the Department of State a list of
18 federal candidates nominated by the party to be on the general
19 election ballot. ~~and~~ No later than noon of the third day prior
20 to the first day of the qualifying period for state
21 candidates, the executive committee of a minor party must
22 ~~submit to the Department of State~~ the official list of the
23 state, multicounty, and county ~~respective~~ candidates nominated
24 by that party to be on the ballot in the general election to
25 the filing officer for each of the candidates. ~~The Department~~
26 ~~of State shall notify the appropriate supervisors of elections~~
27 ~~of the name of each minor party candidate eligible to qualify~~
28 ~~before such supervisor.~~ The official list of nominated
29 candidates may not be changed by the party after having been
30 filed with the filing officers ~~Department of State~~, except
31 that candidates who have qualified may withdraw from the

1 ballot pursuant to the provisions of this code, and vacancies
2 in nominations may be filled pursuant to s. 100.111.

3 (2) Each person seeking to qualify for election as a
4 candidate of a minor party shall file his or her qualifying
5 ~~qualification~~ papers with, and pay the qualifying fee and, if
6 one has been levied, the party assessment, or qualify by the
7 petition process pursuant to s. 99.095 ~~alternative method~~
8 ~~prescribed in subsection (3)~~, with the officer and at the
9 times and under the circumstances provided in s. 99.061.

10 ~~(3)(a) A minor party candidate may, in lieu of paying~~
11 ~~the qualifying fee and party assessment, qualify for office by~~
12 ~~the alternative method prescribed in this subsection. A~~
13 ~~candidate using this petitioning process shall file an oath~~
14 ~~with the officer before whom the candidate would qualify for~~
15 ~~the office stating that he or she intends to qualify by this~~
16 ~~alternative method. If the person is running for an office~~
17 ~~that requires a group or district designation, the candidate~~
18 ~~must indicate the designation in his or her oath. The oath~~
19 ~~must be filed at any time after the first Tuesday after the~~
20 ~~first Monday in January of the year in which the election is~~
21 ~~held, but before the 21st day preceding the first day of the~~
22 ~~qualifying period for the office sought. The Department of~~
23 ~~State shall prescribe the form to be used in administering and~~
24 ~~filing the oath. Signatures may not be obtained by a~~
25 ~~candidate on any petition until the candidate has filed the~~
26 ~~oath required in this section. Upon receipt of the written~~
27 ~~oath from a candidate, the qualifying officer shall provide~~
28 ~~the candidate with petition forms in sufficient numbers to~~
29 ~~facilitate the gathering of signatures. If the candidate is~~
30 ~~running for an office that requires a group or district~~

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1 ~~designation, the petition must indicate that designation or~~
2 ~~the signatures on such petition will not be counted.~~

3 ~~(b) A candidate shall obtain the signatures of a~~
4 ~~number of qualified electors in the geographical entity~~
5 ~~represented by the office sought equal to 1 percent of the~~
6 ~~registered electors in the geographical entity represented by~~
7 ~~the office sought, as shown by the compilation by the~~
8 ~~Department of State for the last preceding general election.~~

9 ~~(c) Each petition shall be submitted prior to noon of~~
10 ~~the 21st day preceding the first day of the qualifying period~~
11 ~~for the office sought to the supervisor of elections of the~~
12 ~~county for which the petition was circulated. Each supervisor~~
13 ~~to whom a petition is submitted shall check the signatures on~~
14 ~~the petition to verify their status as electors in the county,~~
15 ~~district, or other geographical entity represented by the~~
16 ~~office sought. Before the first day for qualifying, the~~
17 ~~supervisor shall certify the number shown as registered~~
18 ~~electors.~~

19 ~~(d)1. Certifications for candidates for federal,~~
20 ~~state, or multicounty district office shall be submitted to~~
21 ~~the Department of State. The Department of State shall~~
22 ~~determine whether the required number of signatures has been~~
23 ~~obtained for the name of the candidate to be placed on the~~
24 ~~ballot and shall notify the candidate.~~

25 ~~2. For candidates for county or district office not~~
26 ~~covered by subparagraph 1., the supervisor of elections shall~~
27 ~~determine whether the required number of signatures has been~~
28 ~~obtained for the name of the candidate to be placed on the~~
29 ~~ballot and shall notify the candidate.~~

30 ~~(e) If the required number of signatures has been~~
31 ~~obtained, the candidate shall, during the prescribed time for~~

1 ~~qualifying for office, submit a copy of the notice received~~
2 ~~under paragraph (d) and file his or her qualifying papers and~~
3 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

4 ~~(4) A minor party candidate whose name has been~~
5 ~~submitted pursuant to subsection (1) and who has qualified for~~
6 ~~office is entitled to have his or her name placed on the~~
7 ~~general election ballot.~~

8 Section 6. Subsection (1) of section 100.011, Florida
9 Statutes, is amended to read:

10 100.011 Opening and closing of polls, all elections;
11 expenses.--

12 (1) The polls shall be open at the voting places at
13 7:00 a.m., on the day of the election, and shall be kept open
14 until 7:00 p.m., of the same day, and the time shall be
15 regulated by the customary time in standard use in the county
16 seat of the locality. The inspectors shall make public
17 proclamation of the opening and closing of the polls. During
18 the election and canvass of the votes, the ballot box shall
19 not be concealed. Any elector in line at the official closing
20 of the polls shall be allowed to cast a vote in that election.

21 Section 7. Paragraph (b) of subsection (4) of section
22 100.111, Florida Statutes, is amended to read:

23 100.111 Filling vacancy.--

24 (4)

25 (b) If the vacancy in nomination occurs later than
26 September 15, or if the vacancy in nomination occurs with
27 respect to a candidate of a minor political party which has
28 obtained a position on the ballot, no special primary election
29 shall be held and the Department of State shall notify the
30 chair of the appropriate state, district, or county political
31 party executive committee of such party; and, within 7 days,

1 the chair shall call a meeting of his or her executive
2 committee to consider designation of a nominee to fill the
3 vacancy. The name of any person so designated shall be
4 submitted to the Department of State within 14 days of notice
5 to the chair ~~in order that the person designated may have his~~
6 ~~or her name printed or otherwise placed on the ballot of the~~
7 ~~ensuing general election, but in no event shall the supervisor~~
8 ~~of elections be required to place on a ballot a name submitted~~
9 ~~less than 21 days prior to the election.~~ If the name of the
10 new nominee is submitted after the ballots have been printed
11 or programmed into the machines and the supervisor of
12 elections is not able to reprint or reprogram the ballots or
13 otherwise strike the former nominee's name and insert the new
14 nominee's name ~~vacancy occurs less than 21 days prior to the~~
15 ~~election~~, the person designated by the political party will
16 replace the former party nominee even though the former party
17 nominee's name will be on the ballot. Any ballots cast for
18 the former party nominee will be counted for the person
19 designated by the political party to replace the former party
20 nominee. If there is no opposition to the party nominee, the
21 person designated by the political party to replace the former
22 party nominee will be elected to office at the general
23 election. For purposes of this paragraph, the term "district
24 political party executive committee" means the members of the
25 state executive committee of a political party from those
26 counties comprising the area involving a district office.

27 Section 8. Subsection (1) of section 101.031, Florida
28 Statutes, is amended to read:

29 101.031 Instructions for electors.--

30 (1) The Department of State, ~~or in case of municipal~~
31 ~~elections the governing body of the municipality,~~ shall print,

1 in large type on cards, instructions for the electors to use
2 in voting. ~~It shall provide not less than two cards for each~~
3 ~~voting precinct for each election and furnish such cards to~~
4 ~~each supervisor upon requisition.~~ Each supervisor of elections
5 shall send a sufficient number of these cards to the precincts
6 prior to an election. The election inspectors shall display
7 the cards in the polling places as information for electors.
8 The cards shall contain information about how to vote and such
9 other information as the Department of State may deem
10 necessary. The cards must also include the list of rights and
11 responsibilities afforded to Florida voters, as described in
12 subsection (2).

13 Section 9. Section 101.131, Florida Statutes, is
14 amended to read:

15 101.131 Watchers at polls.--

16 (1) Each political party and each candidate may have
17 one watcher in each polling room at any one time during the
18 election. A political committee, if formed for the specific
19 purpose of opposing or supporting a named issue on the ballot,
20 may have one watcher for each polling place at any one time
21 during the election. No watcher shall be permitted to come
22 closer to the officials' table or the voting booths than is
23 reasonably necessary to properly perform his or her functions,
24 but each shall be allowed within the polling room to watch and
25 observe the conduct of electors and officials. The watchers
26 shall furnish their own materials and necessities and shall
27 not obstruct the orderly conduct of any election. Each
28 watcher shall be a qualified and registered elector of the
29 county in which he or she serves.

30 (2) Each party, each committee, and each candidate
31 requesting to have poll watchers shall designate, in writing,

1 poll watchers for each polling place ~~precinct~~ prior to noon of
2 the second Tuesday preceding the election. The designation
3 shall include specific times for each watcher to be in the
4 polling place.The poll watchers for each polling place
5 ~~precinct~~ shall be approved by the supervisor of elections on
6 or before the Tuesday before the election. The supervisor
7 shall furnish to each election board ~~precinct~~ a list of the
8 poll watchers designated and approved for such polling place
9 ~~precinct~~.

10 (3) No candidate or sheriff, deputy sheriff, police
11 officer, or other law enforcement officer may be designated as
12 a poll watcher.

13 Section 10. Subsection (1) of section 101.151, Florida
14 Statutes, is amended to read:

15 101.151 Specifications for ballots.--

16 (1) Marksense ~~Paper~~ ballots shall be printed on paper
17 of such thickness that the printing cannot be distinguished
18 from the back and shall meet the specifications of the voting
19 system that will be used to read the ballots.

20 Section 11. Section 101.171, Florida Statutes, is
21 amended to read:

22 101.171 Copy of constitutional amendment ~~to be~~
23 ~~posted~~--Whenever any amendment to the State Constitution is
24 to be voted upon at any election, the Department of State
25 shall have printed, and shall furnish to each supervisor of
26 elections, a sufficient number of copies of the amendment
27 either in poster or booklet form, and the supervisor shall
28 have a copy thereof conspicuously posted or available at each
29 precinct upon the day of election.

30 Section 12. Subsection (3) of section 101.253, Florida
31 Statutes, is amended to read:

1 101.253 When names not to be printed on ballot.--
2 (3) If ballots are printed or programmed into the
3 machines before the death, resignation, removal, or withdrawal
4 of a candidate, the supervisor of elections, at his or her
5 discretion, may:

6 (a) Strike the name of the candidate and, if
7 necessary, insert the name of the new nominee;

8 (b) Reprint or reprogram the ballot; or

9 (c) Provide notice in a newspaper of general
10 circulation in the county, post a notice in each voting booth,
11 and provide an insert with each absentee ballot mailed to a
12 voter explaining the consequences of a vote for the former
13 candidate.~~In no case shall the supervisor be required to~~
14 ~~print on the ballot a name which is submitted less than 21~~
15 ~~days prior to the election. In the event the ballots are~~
16 ~~printed 21 days or more prior to the election, the name of any~~
17 ~~candidate whose death, resignation, removal, or withdrawal~~
18 ~~created a vacancy in office or nomination shall be stricken~~
19 ~~from the ballot with a rubber stamp or appropriate printing~~
20 ~~device, and the name of the new nominee shall be inserted on~~
21 ~~the ballot in a like manner. The supervisor may, as an~~
22 ~~alternative, reprint the ballots to include the name of the~~
23 ~~new nominee.~~

24 Section 13. Subsection (4) of section 101.5606,
25 Florida Statutes, is amended to read:

26 101.5606 Requirements for approval of systems.--No
27 electronic or electromechanical voting system shall be
28 approved by the Department of State unless it is so
29 constructed that:

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

1 voter chooses to cast the ballot, but records no vote for any
2 office that has been overvoted or undervoted.

3 Section 14. Subsection (1) of section 101.595, Florida
4 Statutes, is amended to read:

5 101.595 Analysis and reports of voting problems.--

6 (1) No later than December 15 of each general election
7 year, the supervisor of elections in each county shall report
8 to the Department of State the total number of overvotes and
9 undervotes in either the presidential or gubernatorial race,
10 whichever is applicable ~~the first race appearing on the ballot~~
11 ~~pursuant to s. 101.151(2)~~, along with the likely reasons for
12 such overvotes and undervotes and other information as may be
13 useful in evaluating the performance of the voting system and
14 identifying problems with ballot design and instructions which
15 may have contributed to voter confusion.

16 Section 15. Subsection (3) of section 101.694, Florida
17 Statutes, is amended to read:

18 101.694 Mailing of ballots upon receipt of federal
19 postcard application.--

20 (3) Absentee envelopes printed for overseas voters
21 shall meet the specifications as determined by the Division of
22 Elections in conjunction with the Federal Voting Assistance
23 Program of the United States Department of Defense and the
24 United States Postal Service. The division shall adopt a rule
25 setting forth the specifications. ~~There shall be printed~~
26 ~~across the face of each envelope in which a ballot is sent to~~
27 ~~a federal postcard applicant, or is returned by such applicant~~
28 ~~to the supervisor, two parallel horizontal red bars, each~~
29 ~~one-quarter inch wide, extending from one side of the envelope~~
30 ~~to the other side, with an intervening space of one-quarter~~
31 ~~inch, the top bar to be 1 1/4 inches from the top of the~~

1 ~~envelope, and with the words "Official Election Balloting~~
2 ~~Material via Air Mail," or similar language, between the bars.~~
3 ~~There shall be printed in the upper right corner of each such~~
4 ~~envelope, in a box, the words "Free of U. S. Postage,~~
5 ~~including Air Mail." All printing on the face of each~~
6 ~~envelope shall be in red, and there shall be printed in red in~~
7 ~~the upper left corner of each ballot envelope an appropriate~~
8 ~~inscription or blanks for return address of sender.~~
9 ~~Additional specifications may be prescribed by rule of the~~
10 ~~Division of Elections upon recommendation of the presidential~~
11 ~~designee under the Uniformed and Overseas Citizens Absentee~~
12 ~~Voting Act. Otherwise, the envelopes shall be the same as~~
13 ~~those used in sending ballots to, or receiving them from,~~
14 ~~other absentee voters.~~

15 Section 16. Section 102.012, Florida Statutes, is
16 amended to read:

17 102.012 Inspectors and clerks to conduct elections.--

18 (1) The supervisor of elections of each county, at
19 least 20 days prior to the holding of any election, shall
20 appoint an two election board boards for each precinct in the
21 county; ~~however, the supervisor of elections may, in any~~
22 ~~election, appoint one election board if the supervisor has~~
23 ~~reason to believe that only one is necessary.~~ The clerk shall
24 be in charge of, and responsible for, seeing that the election
25 board carries out its duties and responsibilities. Each
26 inspector and each clerk shall take and subscribe to an oath
27 or affirmation, which shall be written or printed, to the
28 effect that he or she will perform the duties of inspector or
29 clerk of election, respectively, according to law and will
30 endeavor to prevent all fraud, deceit, or abuse in conducting
31 the election. The oath may be taken before an officer

1 authorized to administer oaths or before any of the persons
2 who are to act as inspectors, one of them to swear the others,
3 and one of the others sworn thus, in turn, to administer the
4 oath to the one who has not been sworn. The oaths shall be
5 returned with the poll list and the returns of the election to
6 the supervisor. In all questions that may arise before the
7 members of an election board, the decision of a majority of
8 them shall decide the question. The supervisor of elections
9 of each county shall be responsible for the attendance and
10 diligent performance of his or her duties by each clerk and
11 inspector.

12 (2) Each member of the election board shall be able to
13 read and write the English language and shall be a registered
14 qualified elector of the county in which the member is
15 appointed or a person who has preregistered to vote, pursuant
16 to s. 97.041(1)(b), in the county in which the member is
17 appointed. No election board shall be composed solely of
18 members of one political party; however, in any primary in
19 which only one party has candidates appearing on the ballot,
20 all clerks and inspectors may be of that party. Any person
21 whose name appears as an opposed candidate for any office
22 shall not be eligible to serve on an election board.

23 (3) The supervisor shall furnish inspectors of
24 election for each precinct with the registration books divided
25 alphabetically as will best facilitate the holding of an
26 election. The supervisor shall also furnish to the inspectors
27 of election at the polling place at each precinct in the
28 supervisor's county a sufficient number of forms and blanks
29 for use on election day.

30 (4)~~(a)~~ The election board of each precinct shall
31 attend the polling place by 6 a.m. of the day of the election

1 and shall arrange the furniture, stationery, and voting
2 equipment.

3 ~~(b) An election board shall conduct the voting,~~
4 ~~beginning and closing at the time set forth in s. 100.011. If~~
5 ~~more than one board has been appointed, the second board~~
6 ~~shall, upon the closing of the polls, come on duty and count~~
7 ~~the votes cast. In such case, the first board shall turn over~~
8 ~~to the second board all closed ballot boxes, registration~~
9 ~~books, and other records of the election at the time the~~
10 ~~boards change. The second board shall continue counting until~~
11 ~~the count is complete or until 7 a.m. the next morning, and,~~
12 ~~if the count is not completed at that time, the first board~~
13 ~~that conducted the election shall again report for duty and~~
14 ~~complete the count. The second board shall turn over to the~~
15 ~~first board all ballots counted, all ballots not counted, and~~
16 ~~all registration books and other records and shall advise the~~
17 ~~first board as to what has transpired in tabulating the~~
18 ~~results of the election.~~

19 ~~(5) In precincts in which there are more than 1,000~~
20 ~~registered electors, the supervisor of elections shall appoint~~
21 ~~additional election boards necessary for the election.~~

22 ~~(6) In any precinct in which there are fewer than 300~~
23 ~~registered electors, it is not necessary to appoint two~~
24 ~~election boards, but one such board will suffice. Such board~~
25 ~~shall be composed of at least one inspector and one clerk.~~

26 Section 17. Subsection (3) is added to section
27 102.111, Florida Statutes, to read:

28 102.111 Elections Canvassing Commission.--

29 (3) The Elections Canvassing Commission may delegate
30 the authority to order recounts pursuant to ss. 102.141(6) and
31

1 102.166 to the chief elections officer. Such delegation shall
2 be made at a public meeting.

3 Section 18. Section 102.071, Florida Statutes, is
4 amended to read:

5 102.071 Tabulation of votes and proclamation of
6 results ~~where ballots are used.~~--The election board shall post
7 at the polls, for the benefit of the public, the results of
8 the voting for each office or other item on the ballot as the
9 count is completed. Upon completion of all counts in all
10 races, a certificate ~~triplicate certificates~~ of the results
11 shall be drawn up by the inspectors and clerk at each precinct
12 upon a form provided by the supervisor of elections which
13 shall contain the name of each person voted for, for each
14 office, and the number of votes cast for each person for such
15 office; and, if any question is submitted, the certificate
16 shall also contain the number of votes cast for and against
17 the question. The certificate shall be signed by the
18 inspectors and clerk, ~~and one of the certificates~~ shall be
19 delivered without delay ~~by one of the inspectors~~, securely
20 sealed, to the supervisor for immediate publication; ~~the~~
21 ~~duplicate copy of the certificate shall be delivered to the~~
22 ~~county court judge; and the remaining copy shall be enclosed~~
23 ~~in the ballot box together with the oaths of inspectors and~~
24 ~~clerks.~~ All the ballot boxes, ballots, ballot stubs,
25 memoranda, and papers of all kinds used in the election shall
26 also be transmitted, after being sealed by the inspectors, to
27 ~~with the certificates of result of the election to be filed in~~
28 the supervisor's office. Registration books and the poll lists
29 shall not be placed in the ballot boxes but shall be returned
30 to the supervisor.

31

1 Section 19. Subsections (3), (4), (6), and (8) of
2 section 102.141, Florida Statutes, are amended to read:

3 102.141 County canvassing board; duties.--

4 (3) The canvass, except the canvass of absentee
5 electors' returns and the canvass of provisional ballots,
6 shall be made from the returns and certificates of the
7 inspectors as signed and filed by them with the ~~county court~~
8 ~~judge and supervisor, respectively,~~ and the county canvassing
9 board shall not change the number of votes cast for a
10 candidate, nominee, constitutional amendment, or other measure
11 submitted to the electorate of the county, respectively, in
12 any polling place, as shown by the returns. All returns shall
13 be made to the board on or before 2 a.m. of the day following
14 any primary, general, special, or other election. If the
15 returns from any precinct are missing, if there are any
16 omissions on the returns from any precinct, or if there is an
17 obvious error on any such returns, the canvassing board shall
18 order a retabulation ~~recount~~ of the returns from such
19 precinct. Before canvassing such returns, the canvassing
20 board shall examine the tabulation of the ballots cast in such
21 precinct and determine whether the returns correctly reflect
22 the votes cast. If there is a discrepancy between the returns
23 and the tabulation of the ballots cast, the tabulation of the
24 ballots cast shall be presumed correct and such votes shall be
25 canvassed accordingly.

26 (4) The canvassing board shall submit unofficial
27 returns on forms or formats provided by the division to the
28 Department of State for each federal, statewide, state, or
29 multicounty office or ballot measure no later than noon on the
30 second day after any primary, general, special, or other
31

1 election. Such returns shall include the canvass of all
2 ballots as required by subsection (2).

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

22 (a) ~~In counties with voting systems that use paper~~
23 ~~ballots,~~ Each canvassing board responsible for conducting a
24 recount shall put each marksense ballot through automatic
25 tabulating equipment and determine whether the returns
26 correctly reflect the votes cast. If any marksense ~~paper~~
27 ballot is physically damaged so that it cannot be properly
28 counted by the automatic tabulating equipment during the
29 recount, a true duplicate shall be made of the damaged ballot
30 pursuant to the procedures in s. 101.5614(5). Immediately
31 before the start of the recount and after completion of the

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

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

24 (c) The canvassing board shall submit a second set of
25 unofficial returns on forms or formats provided by the
26 division to the Department of State for each federal,
27 statewide, state, or multicounty office or ballot measure no
28 later than noon on the 4th ~~third~~ day after any election in
29 which a recount was conducted pursuant to this subsection. If
30 the canvassing board is unable to complete the recount
31 prescribed in this subsection by the deadline, the second set

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

9 (8) At the same time that the official results of an
10 election are certified to the Department of State, the county
11 canvassing board shall file a report with the Division of
12 Elections on the conduct of the election. The report shall
13 contain information relating to any problems incurred as a
14 result of equipment malfunctions either at the precinct level
15 or at a counting location, any difficulties or unusual
16 circumstances encountered by an election board or the
17 canvassing board, and any other additional information which
18 the canvassing board feels should be made a part of the
19 official election record. Such reports shall be maintained on
20 file in the Division of Elections and shall be available for
21 public inspection. The division shall utilize the reports
22 submitted by the canvassing boards to determine what problems
23 may be likely to occur in other elections and disseminate such
24 information, along with possible solutions, to the supervisors
25 of elections.

26 Section 20. Subsection (1) of section 102.166, Florida
27 Statutes, is amended to read:

28 102.166 Manual recounts.--

29 (1) If the second set of unofficial returns pursuant
30 to s. 102.141 indicates that a candidate for any office was
31 defeated or eliminated by one-quarter of a percent or less of

1 the votes cast for such office, that a candidate for retention
2 to a judicial office was retained or not retained by
3 one-quarter of a percent or less of the votes cast on the
4 question of retention, or that a measure appearing on the
5 ballot was approved or rejected by one-quarter of a percent or
6 less of the votes cast on such measure, the board responsible
7 for certifying the results of the vote on such race or measure
8 shall order a manual recount of the overvotes and undervotes
9 cast in the entire geographic jurisdiction of such office or
10 ballot measure. The county canvassing board is the board
11 responsible for ordering county and local manual recounts, and
12 the Elections Canvassing Commission is the board responsible
13 for ordering federal, state, and multicounty manual recounts.

14 Section 21. Subsections (2) and (4) of section
15 102.168, Florida Statutes, are amended to read:

16 102.168 Contest of election.--

17 (2) Such contestant shall file a complaint, together
18 with the fees prescribed in chapter 28, with the clerk of the
19 circuit court within 10 days after midnight of the date the
20 last board responsible for certifying the results officially
21 ~~county canvassing board empowered to canvass the returns~~
22 certifies the results of the election being contested.

23 (4) The county canvassing board ~~or Elections~~
24 ~~Canvassing Commission~~ shall be an indispensable and the proper
25 party defendant in county and local elections and the
26 Elections Canvassing Commission shall be an indispensable and
27 proper party defendant in federal, state, and multicounty
28 races, and the successful candidate shall be an indispensable
29 party to any action brought to contest the election or
30 nomination of a candidate.

31

1 Section 22. Subsection (3) of section 105.031, Florida
2 Statutes, is amended to read:

3 105.031 Qualification; filing fee; candidate's oath;
4 items required to be filed.--

5 (3) QUALIFYING FEE.--Each candidate qualifying for
6 election to a judicial office or the office of school board
7 member, except write-in judicial or school board candidates,
8 shall, during the time for qualifying, pay to the officer with
9 whom he or she qualifies a qualifying fee, which shall consist
10 of a filing fee and an election assessment, or qualify by the
11 alternative method. The amount of the filing fee is 3 percent
12 of the annual salary of the office sought. The amount of the
13 election assessment is 1 percent of the annual salary of the
14 office sought. The Department of State shall forward all
15 filing fees to the Department of Revenue for deposit in the
16 Elections Commission Trust Fund. The supervisor of elections
17 shall forward all filing fees to the Elections Commission
18 Trust Fund. The election assessment shall be deposited into
19 the Elections Commission Trust Fund. The annual salary of the
20 office for purposes of computing the qualifying fee shall be
21 computed by multiplying 12 times the monthly salary authorized
22 for such office as of July 1 immediately preceding the first
23 day of qualifying. This subsection shall not apply to
24 candidates qualifying for retention to judicial office.

25 Section 23. Section 105.035, Florida Statutes, is
26 amended to read:

27 105.035 Alternative method of qualifying for certain
28 judicial offices and the office of school board member.--

29 (1) A person seeking to qualify for election to the
30 office of circuit judge or county court judge or the office of
31 school board member may qualify for election to such office by

1 means of the petitioning process prescribed in this section.
2 A person qualifying by this alternative method shall not be
3 required to pay the qualifying fee required by this chapter.
4 ~~A person using this petitioning process shall file an oath~~
5 ~~with the officer before whom the candidate would qualify for~~
6 ~~the office stating that he or she intends to qualify by this~~
7 ~~alternative method for the office sought. Such oath shall be~~
8 ~~filed at any time after the first Tuesday after the first~~
9 ~~Monday in January of the year in which the election is held,~~
10 ~~but prior to the 21st day preceding the first day of the~~
11 ~~qualifying period for the office sought. The form of such oath~~
12 ~~shall be prescribed by the Division of Elections. No~~
13 ~~signatures shall be obtained until the person has filed the~~
14 ~~oath prescribed in this subsection.~~

15 (2) The ~~Upon receipt of a written oath from a~~
16 ~~candidate, the qualifying officer shall provide the candidate~~
17 ~~with a petition format shall be~~ prescribed by the Division of
18 Elections and shall ~~to~~ be used by the candidate to reproduce
19 petitions for circulation. If the candidate is running for an
20 office which will be grouped on the ballot with two or more
21 similar offices to be filled at the same election, the
22 candidate's petition must indicate, prior to the obtaining of
23 registered electors' signatures, for which group or district
24 office the candidate is running.

25 (3) Each candidate for election to a judicial office
26 or the office of school board member shall obtain the
27 signature of a number of qualified electors equal to at least
28 1 percent of the total number of registered electors of the
29 district, circuit, county, or other geographic entity
30 represented by the office sought as shown by the compilation
31 by the Department of State for the last preceding general

1 election. A separate petition shall be circulated for each
2 candidate availing himself or herself of the provisions of
3 this section. No signatures may be obtained until the
4 candidate has filed the appointment of campaign treasurer and
5 designation of campaign depository pursuant to s. 106.021.

6 (4)(a) Each candidate seeking to qualify for election
7 to the office of circuit judge or the office of school board
8 member from a multicounty school district pursuant to this
9 section shall file a separate petition from each county from
10 which signatures are sought. Each petition shall be
11 submitted, prior to noon of the 28th ~~21st~~ day preceding the
12 first day of the qualifying period for the office sought, to
13 the supervisor of elections of the county for which such
14 petition was circulated. Each supervisor of elections to whom
15 a petition is submitted shall check the signatures on the
16 petition to verify their status as electors of that county and
17 of the geographic area represented by the office sought. No
18 later than the 7th day prior to the first date for qualifying,
19 the supervisor shall certify the number shown as registered
20 electors and submit such certification to the Division of
21 Elections. The division shall determine whether the required
22 number of signatures has been obtained for the name of the
23 candidate to be placed on the ballot and shall notify the
24 candidate. If the required number of signatures has been
25 obtained, the candidate shall, during the time prescribed for
26 qualifying for office, submit a copy of such notice and file
27 his or her qualifying papers and oath prescribed in s. 105.031
28 with the Division of Elections. Upon receipt of the copy of
29 such notice and qualifying papers, the division shall certify
30 the name of the candidate to the appropriate supervisor or
31

1 supervisors of elections as having qualified for the office
2 sought.

3 (b) Each candidate seeking to qualify for election to
4 the office of county court judge or the office of school board
5 member from a single county school district pursuant to this
6 section shall submit his or her petition, prior to noon of the
7 28th ~~21st~~ day preceding the first day of the qualifying period
8 for the office sought, to the supervisor of elections of the
9 county for which such petition was circulated. The supervisor
10 shall check the signatures on the petition to verify their
11 status as electors of the county and of the geographic area
12 represented by the office sought. No later than the 7th day
13 prior to the first date for qualifying, the supervisor shall
14 determine whether the required number of signatures has been
15 obtained for the name of the candidate to be placed on the
16 ballot and shall notify the candidate. If the required number
17 of signatures has been obtained, the candidate shall, during
18 the time prescribed for qualifying for office, submit a copy
19 of such notice and file his or her qualifying papers and oath
20 prescribed in s. 105.031 with the qualifying officer. Upon
21 receipt of the copy of such notice and qualifying papers, such
22 candidate shall be entitled to have his or her name printed on
23 the ballot.

24 Section 24. Present subsection (17) of section
25 106.011, Florida Statutes, is renumbered as subsection (18),
26 and a new subsection (17) is added to that section, to read:

27 106.011 Definitions.--As used in this chapter, the
28 following terms have the following meanings unless the context
29 clearly indicates otherwise:

30 (17) "Eliminated candidate" means a candidate for
31 electd office who failed to receive a sufficient number of

1 votes to be certified as the winner of an election or as a
2 runoff candidate in an election. Candidates who file a timely
3 contest of an election as provided for in s. 102.168 will not
4 be considered eliminated for the purposes of receiving
5 contributions and making expenditures solely for the purpose
6 of paying legal fees and costs associated with the candidate's
7 contest of the election.

8 Section 25. Section 106.0705, Florida Statutes, is
9 created to read:

10 106.0705 Electronic filing of campaign treasurer's
11 reports.--

12 (1)(a) Each candidate who is required to file reports
13 pursuant to s. 106.07 with the division and who accepts
14 contributions or makes expenditures in an aggregate amount in
15 excess of \$10,000 for the office sought must file such reports
16 with the division by means of electronic transfer.

17 (b) Each political committee, committee of continuous
18 existence, or state executive committee that is required to
19 file reports with the division under s. 106.04, s. 106.07, or
20 s. 106.29, as applicable, and that accepts contributions or
21 makes expenditures in an aggregate amount in excess of \$10,000
22 in a calendar year must file such reports with the division by
23 means of electronic transfer.

24 (c) Each person or organization that is required to
25 file reports with the division under s. 106.071 and that
26 accepts contributions or makes expenditures in an aggregate
27 amount in excess of \$10,000 in a calendar year must file such
28 reports with the division by means of electronic transfer.

29 (d) Reports required to be filed pursuant to s.
30 106.04, s. 106.07, s. 106.071, or s. 106.29 which are not
31

1 subject to the electronic filing provisions of this section
2 may be made on forms provided by the division.

3 (2) Reports filed pursuant to this section shall be
4 filed not later than midnight of the day designated. Reports
5 not received by midnight of the day designated are late filed
6 and are subject to the penalties under s. 106.04(8), s.
7 106.07(8), or s. 106.29(3), as applicable.

8 (3) Each report filed pursuant to this section is
9 considered to be under oath by the candidate and treasurer or
10 the chairman and treasurer, whichever is applicable, and such
11 persons are subject to the provisions of s. 106.04(4)(d), s.
12 106.07(5), or s. 106.29(2), as applicable. Persons given USER
13 ID's and passwords to the Electronic Campaign Filing System
14 are responsible for protecting such from disclosure and are
15 responsible for all filings using such credentials, unless
16 they have notified the division that their USER ID has been
17 compromised.

18 (4) The electronic filing system developed by the
19 division must:

20 (a) Be based on access by means of the Internet.

21 (b) Be accessible by anyone with Internet access using
22 standard web-browsing software.

23 (c) Provide for direct entry of campaign finance
24 information as well as download of such information from
25 campaign finance software certified by the division.

26 (d) Provide a method that verifies the identity of the
27 person submitting the report.

28 (5) The division shall adopt rules pursuant to ss.
29 120.536(1) and 120.54 to administer this section and provide
30 for the reports required to be filed pursuant to this section.

31 Such rules shall, at a minimum, provide:

1 (a) Alternate filing procedures in case of failure by
2 the division's web server.

3 (b) For the issuance of an electronic receipt to the
4 person submitting the report indicating and verifying that the
5 report has been filed and received.

6 Section 26. Subsection (1) of section 106.075, Florida
7 Statutes, is amended to read:

8 106.075 Elected officials; report of loans made in
9 year preceding election; limitation on contributions to pay
10 loans.--

11 (1) A person who is elected to office must report all
12 personal loans, exceeding \$500 in value, made to him or her
13 and used for campaign purposes, and made in the 12 months
14 preceding his or her election to office, to the filing
15 officer. The report must be made, in the manner prescribed by
16 the Department of State, within 10 days after being elected to
17 office.

18 Section 27. Paragraph (d) is added to subsection (5)
19 of section 106.08, Florida Statutes, to read:

20 106.08 Contributions; limitations on.--

21 (5)

22 (d) Candidates may not make expenditures from their
23 campaign accounts for the purpose of receiving or obtaining an
24 endorsement from any person, group, or organization.

25 Section 28. Section 106.087, Florida Statutes, is
26 amended to read:

27 106.087 Independent expenditures; contribution limits;
28 restrictions on political parties and political committees,
29 ~~and committees of continuous existence.--~~

30 (1)(a) As a condition of receiving a rebate of filing
31 fees and party assessment funds pursuant to s. 99.061(2), s.

1 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
2 treasurer of a state or county executive committee shall take
3 and subscribe to an oath or affirmation in writing. During the
4 qualifying period for state candidates and prior to
5 distribution of such funds, a printed copy of the oath or
6 affirmation shall be filed with the Secretary of State and
7 shall be substantially in the following form:

8

9 State of Florida

10 County of....

11 Before me, an officer authorized to administer oaths,
12 personally appeared ...(name)..., to me well known, who, being
13 sworn, says that he or she is the ...(title)... of the
14 ...(name of party)... ...(state or specified county)...
15 executive committee; that the executive committee has not
16 made, either directly or indirectly, an independent
17 expenditure in support of or opposition to a candidate or
18 elected public official in the prior 6 months; that the
19 executive committee will not make, either directly or
20 indirectly, an independent expenditure in support of or
21 opposition to a candidate or elected public official, through
22 and including the upcoming general election; and that the
23 executive committee will not violate the contribution limits
24 applicable to candidates under s. 106.08(2), Florida Statutes.

25 ...(Signature of committee officer)...

26 ...(Address)...

27

28 Sworn to and subscribed before me this day of,

29 ...(year)..., at County, Florida.

30 ...(Signature and title of officer administering oath)...

31

1 (b) Any executive committee found to have violated the
2 provisions of the oath or affirmation in this section prior to
3 receiving funds shall be ineligible to receive the rebate for
4 that general election year.

5 (c) Any executive committee found to have violated the
6 provisions of the oath or affirmation in this section after
7 receiving funds shall be ineligible to receive the rebate from
8 candidates qualifying for the following general election
9 cycle.

10 (d) Any funds not distributed to the state or county
11 executive committee pursuant to this section shall be
12 deposited into the General Revenue Fund of the state.

13 (2)(a) Any political committee ~~or committee of~~
14 ~~continuous existence~~ that accepts the use of public funds,
15 equipment, personnel, or other resources to collect dues from
16 its members agrees not to make independent expenditures in
17 support of or opposition to a candidate or elected public
18 official. However, expenditures may be made for the sole
19 purpose of jointly endorsing three or more candidates.

20 (b) Any political committee ~~or committee of continuous~~
21 ~~existence~~ that violates this subsection is liable for a civil
22 fine of up to \$5,000 to be determined by the Florida Elections
23 Commission or the entire amount of the expenditures, whichever
24 is greater.

25 Section 29. Section 106.09, Florida Statutes, is
26 amended to read:

27 106.09 Cash contributions and contribution by
28 cashier's checks and money orders.--

29 (1) A person may not make or accept a cash
30 contribution or contribution by means of a cashier's check or
31 money order in excess of \$100.

1 (2)(a) Any person who makes or accepts a contribution
2 in excess of \$100 in violation of this section commits a
3 misdemeanor of the first degree, punishable as provided in s.
4 775.082 or s. 775.083.

5 (b) Any person who knowingly and willfully makes or
6 accepts a contribution in excess of \$5,000 in violation of
7 this section commits a felony of the third degree, punishable
8 as provided in s. 775.082, s. 775.083, or s. 775.084.

9 Section 30. Subsection (2) of section 106.11, Florida
10 Statutes, is amended to read:

11 106.11 Expenses of and expenditures by candidates and
12 political committees.--Each candidate and each political
13 committee which designates a primary campaign depository
14 pursuant to s. 106.021(1) shall make expenditures from funds
15 on deposit in such primary campaign depository only in the
16 following manner, with the exception of expenditures made from
17 petty cash funds provided by s. 106.12:

18 (2)(a) For purposes of this section, debit cards are
19 considered bank checks, if:

20 1. Debit cards are obtained from the same bank that
21 has been designated as the candidate's or political
22 committee's primary campaign depository.

23 2. Debit cards are issued in the name of the
24 treasurer, deputy treasurer, or authorized user and state
25 "Campaign Account of ...(name of candidate or political
26 committee)...."

27 3. No more than three debit cards are requested and
28 issued.

29 4. Before a debit card is used, a list of all persons
30 authorized to use the card is filed with the filing officer
31 division.

1 5. All debit cards issued to a candidate's campaign or
2 a political committee expire no later than midnight of the
3 last day of the month of the general election.

4 6. The person using the debit card does not receive
5 cash as part of, or independent of, any transaction for goods
6 or services.

7 7. All receipts for debit card transactions contain:

8 a. The last four digits of the debit card number.

9 b. The exact amount of the expenditure.

10 c. The name of the payee.

11 d. The signature of the campaign treasurer, deputy
12 treasurer, or authorized user.

13 e. The exact purpose for which the expenditure is
14 authorized.

15
16 Any information required by this subparagraph but not included
17 on the debit card transaction receipt may be handwritten on,
18 or attached to, the receipt by the authorized user before
19 submission to the treasurer.

20 (b) Debit cards are not subject to the requirements of
21 paragraph (1)(b).

22 Section 31. Sections 98.181, 101.635, 102.061,
23 106.085, and 106.144, Florida Statutes, are repealed.

24 Section 32. This act shall take effect January 1,
25 2004.

26
27 *****

28 SENATE SUMMARY

29 Revises, creates, and repeals a variety of provisions
30 relating to elections, including provisions relating to
31 duties of supervisors of elections; ballots; reporting
election results; and qualification through petition.
(See bill for details.)