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1 A bill to be entitled

2 An act relating to elections; amending s. 97.012, F.S.;
3 revising and providing duties of the Secretary of State as
4 chief election officer; amending s. 97.021, F.S.; deleting
5 the definition of "central voter file"; revising the
6 definition of "provisional ballot"; amending s. 97.052,
7 F.S.; requiring the uniform statewide voter registration
8 application to contain a notice to first-time registrants
9 about required identification prior to voting the first
10 time; amending s. 97.053, F.S.; authorizing use of a
11 driver's license or state-issued identification card
12 number in lieu of a portion of the social security number
13 on a voter registration application; creating s. 97.028,
14 F.S.; providing procedures on complaints of violations of
15 Title III of the Help America Vote Act of 2002; creating
16 s. 97.0535, F.S.; providing registration requirements for
17 applicants who register by mail and who haven't previously
18 voted in the county; amending s. 98.045, F.S.; deleting a
19 reference, to conform; repealing s. 98.097, F.S., relating
20 to the central voter file; amending s. 98.0977, F.S.;
21 providing for continued operation and maintenance of the
22 statewide voter registration database until the statewide
23 voter registration system required by the Help America
24 Vote Act of 2002 is operational; requiring the Department
25 of State to begin the development of a statewide voter
26 registration system designed to meet certain requirements
27 of the Help America Vote Act of 2002; amending s. 98.212,
28 F.S.; removing duty of supervisors of elections relating
29 to the central voter file, to conform; amending s. 98.461,
30 F.S.; requiring use of a computer printout as a precinct



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31 register at the polls; requiring the precinct register to
32 contain space for elector signatures and clerk or
33 inspector initials; amending and renumbering s. 98.471,
34 F.S.; providing requirements for identification required
35 at the polls; providing for voting a provisional ballot
36 under certain circumstances; repealing s. 98.491, F.S.,
37 relating to intent that alternative electronic procedures
38 for registration and elections be followed at the
39 discretion of the supervisor of elections; amending s.
40 101.048, F.S.; providing for casting a provisional ballot
41 by electronic means; requiring each supervisor of
42 elections to create a free access system that allows each
43 person casting a provisional ballot to find out whether
44 the ballot was counted and, if not, why; requiring each
45 person casting a provisional ballot to be given written
46 instructions regarding the free access system; creating s.
47 101.049, F.S.; requiring voting that occurs during polling
48 hours extended by a court or other order to be done by
49 provisional ballot; providing requirements for casting
50 provisional ballots under such circumstances; amending s.
51 101.111, F.S.; revising provisions relating to challenging
52 the right of a person to vote; providing for voting a
53 provisional ballot under certain circumstances; amending
54 s. 101.62, F.S.; providing an exception to limiting an
55 absentee ballot request to ballots for elections within a
56 single calendar year; amending s. 101.64, F.S.; revising a
57 reference on the Voter's Certificate; amending s. 101.65,
58 F.S.; revising the instructions to absentee electors to
59 include instructions to prevent overvoting; amending s.
60 101.657, F.S.; requiring certain persons voting absentee



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61 in person to vote a provisional ballot; creating s.
62 101.6921, F.S.; providing requirements for delivery of
63 special absentee ballots for certain first-time voters;
64 creating s. 101.6923, F.S.; providing voter instructions
65 for such special absentee ballots; creating s. 101.6925,
66 F.S.; providing requirements for the canvassing of special
67 absentee ballots; amending s. 101.694, F.S.; authorizing
68 federal postcard applicants for absentee ballots to
69 receive ballots for two general election cycles; amending
70 s. 102.141, F.S.; requiring the canvassing of provisional
71 ballots cast during any extended polling-hour period to
72 segregate the votes from such ballots from other votes;
73 directing the Department of State to adopt uniform rules
74 for machine recounts; amending s. 125.01, F.S.; conforming
75 a cross reference; repealing s. 20, ch. 2002-281, Laws of
76 Florida; eliminating future revision of a cross reference,
77 to conform; amending s. 163.511, F.S.; revising a
78 reference; providing for construction of the act in pari
79 materia with laws enacted during the 2003 Regular Session
80 of the Legislature; providing effective dates.

81

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

83

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

86 97.012 Secretary of State as chief election officer.--The
87 Secretary of State is the chief election officer of the state,
88 and it is his or her responsibility to:

89 (1) Obtain and maintain uniformity in the application,
90 operation, and interpretation of the election laws.



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91 (2) Provide uniform standards for the proper and equitable
 92 implementation of the registration laws.

93 (3) Actively seek out and collect the data and statistics
 94 necessary to knowledgeably scrutinize the effectiveness of
 95 election laws.

96 (4) Provide technical assistance to the supervisors of
 97 elections on voter education and election personnel training
 98 services.

99 (5) Provide technical assistance to the supervisors of
 100 elections on voting systems.

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

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

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

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

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

113 (11) Create and maintain a statewide voter registration
 114 database ~~central voter file~~.

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

117 (13) Designate an office within the department to be
 118 responsible for providing information regarding voter
 119 registration procedures and absentee ballot procedures to absent
 120 uniformed services voters and overseas voters.



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121 Section 2. Section 97.021, Florida Statutes, is amended to
 122 read:

123 97.021 Definitions.--For the purposes of this code, except
 124 where the context clearly indicates otherwise, the term:

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

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

131 (3) "Ballot" or "official ballot" when used in reference
 132 to:

133 (a) "Paper ballots" means that printed sheet of paper,
 134 used in conjunction with an electronic or electromechanical vote
 135 tabulation voting system, containing the names of candidates, or
 136 a statement of proposed constitutional amendments or other
 137 questions or propositions submitted to the electorate at any
 138 election, on which sheet of paper an elector casts his or her
 139 vote.

140 (b) "Electronic or electromechanical devices" means a
 141 ballot that is voted by the process of electronically
 142 designating, including by touchscreen, or marking with a marking
 143 device for tabulation by automatic tabulating equipment or data
 144 processing equipment.

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

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

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



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151 (c) Any person who receives contributions or makes
152 expenditures, or gives his or her consent for any other person
153 to receive contributions or make expenditures, with a view to
154 bringing about his or her nomination or election to, or
155 retention in, public office.

156 (d) Any person who appoints a treasurer and designates a
157 primary depository.

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

160

161 However, this definition does not include any candidate for a
162 political party executive committee.

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

166 (5)~~(6)~~ "Department" means the Department of State.

167 (6)~~(7)~~ "Division" means the Division of Elections of the
168 Department of State.

169 (7)~~(8)~~ "Election" means any primary election, special
170 primary election, special election, general election, or
171 presidential preference primary election.

172 (8)~~(9)~~ "Election board" means the clerk and inspectors
173 appointed to conduct an election.

174 (9)~~(10)~~ "Election costs" shall include, but not be limited
175 to, expenditures for all paper supplies such as envelopes,
176 instructions to voters, affidavits, reports, ballot cards,
177 ballot booklets for absentee voters, postage, notices to voters;
178 advertisements for registration book closings, testing of voting
179 equipment, sample ballots, and polling places; forms used to
180 qualify candidates; polling site rental and equipment delivery



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181 and pickup; data processing time and supplies; election records
182 retention; and labor costs, including those costs uniquely
183 associated with absentee ballot preparation, poll workers, and
184 election night canvass.

185 ~~(10)~~~~(11)~~ "Elector" is synonymous with the word "voter" or
186 "qualified elector or voter," except where the word is used to
187 describe presidential electors.

188 ~~(11)~~~~(12)~~ "General election" means an election held on the
189 first Tuesday after the first Monday in November in the even-
190 numbered years, for the purpose of filling national, state,
191 county, and district offices and for voting on constitutional
192 amendments not otherwise provided for by law.

193 ~~(12)~~~~(13)~~ "Lists of registered electors" means copies of
194 printed lists of registered electors, computer tapes or disks,
195 or any other device used by the supervisor of elections to
196 maintain voter records.

197 ~~(13)~~~~(14)~~ "Member of the Merchant Marine" means an
198 individual, other than a member of a uniformed service or an
199 individual employed, enrolled, or maintained on the Great Lakes
200 for the inland waterways, who is:

201 (a) Employed as an officer or crew member of a vessel
202 documented under the laws of the United States, a vessel owned
203 by the United States, or a vessel of foreign-flag registry under
204 charter to or control of the United States; or

205 (b) Enrolled with the United States for employment or
206 training for employment, or maintained by the United States for
207 emergency relief service, as an officer or crew member of such
208 vessel.

209 ~~(14)~~~~(15)~~ "Minor political party" is any group as defined
210 in this subsection which on January 1 preceding a primary



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211 election does not have registered as members 5 percent of the
212 total registered electors of the state. Any group of citizens
213 organized for the general purposes of electing to office
214 qualified persons and determining public issues under the
215 democratic processes of the United States may become a minor
216 political party of this state by filing with the department a
217 certificate showing the name of the organization, the names of
218 its current officers, including the members of its executive
219 committee, and a copy of its constitution or bylaws. It shall be
220 the duty of the minor political party to notify the department
221 of any changes in the filing certificate within 5 days of such
222 changes.

223 (15)~~(16)~~ "Newspaper of general circulation" means a
224 newspaper printed in the language most commonly spoken in the
225 area within which it circulates and which is readily available
226 for purchase by all inhabitants in the area of circulation, but
227 does not include a newspaper intended primarily for members of a
228 particular professional or occupational group, a newspaper the
229 primary function of which is to carry legal notices, or a
230 newspaper that is given away primarily to distribute
231 advertising.

232 (16)~~(17)~~ "Nominal value" means having a retail value of
233 \$10 or less.

234 (17)~~(18)~~ "Nonpartisan office" means an office for which a
235 candidate is prohibited from campaigning or qualifying for
236 election or retention in office based on party affiliation.

237 (18)~~(19)~~ "Office that serves persons with disabilities"
238 means any state office that takes applications either in person
239 or over the telephone from persons with disabilities for any
240 program, service, or benefit primarily related to their



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241 disabilities.

242 (19)~~(20)~~ "Overseas voter" means:

243 (a) Members of the uniformed services while in the active
244 service who are permanent residents of the state and are
245 temporarily residing outside the territorial limits of the
246 United States and the District of Columbia;

247 (b) Members of the Merchant Marine of the United States
248 who are permanent residents of the state and are temporarily
249 residing outside the territorial limits of the United States and
250 the District of Columbia; and

251 (c) Other citizens of the United States who are permanent
252 residents of the state and are temporarily residing outside the
253 territorial limits of the United States and the District of
254 Columbia,

255
256 who are qualified and registered to vote as provided by law.

257 (20)~~(21)~~ "Overvote" means that the elector marks or
258 designates more names than there are persons to be elected to an
259 office or designates more than one answer to a ballot question,
260 and the tabulator records no vote for the office or question.

261 (21)~~(22)~~ "Persons with disabilities" means individuals who
262 have a physical or mental impairment that substantially limits
263 one or more major life activities.

264 (22)~~(23)~~ "Polling place" is the building which contains
265 the polling room where ballots are cast.

266 (23)~~(24)~~ "Polling room" means the actual room in which
267 ballots are cast.

268 (24)~~(25)~~ "Primary election" means an election held
269 preceding the general election for the purpose of nominating a
270 party nominee to be voted for in the general election to fill a



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271 national, state, county, or district office. The first primary
272 is a nomination or elimination election; the second primary is a
273 nominating election only.

274 ~~(25)(26)~~ "Provisional ballot" means a conditional ballot,
275 the validity of which is determined by the canvassing board
276 ~~issued to a voter by the election board at the polling place on~~
277 ~~election day for one of the following reasons:~~

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

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

284 ~~(26)(27)~~ "Public assistance" means assistance provided
285 through the food stamp program; the Medicaid program; the
286 Special Supplemental Food Program for Women, Infants, and
287 Children; and the WAGES Program.

288 ~~(27)(28)~~ "Public office" means any federal, state, county,
289 municipal, school, or other district office or position which is
290 filled by vote of the electors.

291 ~~(28)(29)~~ "Qualifying educational institution" means any
292 public or private educational institution receiving state
293 financial assistance which has, as its primary mission, the
294 provision of education or training to students who are at least
295 18 years of age, provided such institution has more than 200
296 students enrolled in classes with the institution and provided
297 that the recognized student government organization has
298 requested this designation in writing and has filed the request
299 with the office of the supervisor of elections in the county in
300 which the institution is located.



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301 (29)~~(30)~~ "Special election" is a special election called
302 for the purpose of voting on a party nominee to fill a vacancy
303 in the national, state, county, or district office.

304 (30)~~(31)~~ "Special primary election" is a special
305 nomination election designated by the Governor, called for the
306 purpose of nominating a party nominee to be voted on in a
307 general or special election.

308 (31)~~(32)~~ "Supervisor" means the supervisor of elections.

309 (32)~~(33)~~ "Tactile input device" means a device that
310 provides information to a voting system by means of a voter
311 touching the device, such as a keyboard, and that complies with
312 the requirements of s. 101.56062(1)(k) and (l).

313 (33)~~(34)~~ "Undervote" means that the elector does not
314 properly designate any choice for an office or ballot question,
315 and the tabulator records no vote for the office or question.

316 (34)~~(35)~~ "Uniformed services" means the Army, Navy, Air
317 Force, Marine Corps, and Coast Guard, the commissioned corps of
318 the Public Health Service, and the commissioned corps of the
319 National Oceanic and Atmospheric Administration.

320 (35)~~(36)~~ "Voter interface device" means any device that
321 communicates voting instructions and ballot information to a
322 voter and allows the voter to select and vote for candidates and
323 issues.

324 (36)~~(37)~~ "Voter registration agency" means any office that
325 provides public assistance, any office that serves persons with
326 disabilities, any center for independent living, or any public
327 library.

328 (37)~~(38)~~ "Voting booth" or "booth" means that booth or
329 enclosure wherein an elector casts his or her ballot for
330 tabulation by an electronic or electromechanical device.



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331 (38)~~(39)~~ "Voting system" means a method of casting and
332 processing votes that functions wholly or partly by use of
333 electromechanical or electronic apparatus or by use of paper
334 ballots and includes, but is not limited to, the procedures for
335 casting and processing votes and the programs, operating
336 manuals, tabulating cards, printouts, and other software
337 necessary for the system's operation.

338 Section 3. Subsection (3) of section 97.052, Florida
339 Statutes, is amended to read:

340 97.052 Uniform statewide voter registration application.--

341 (3) The uniform statewide voter registration application
342 must also contain:

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

345 (b) A statement specifying each eligibility requirement
346 under s. 97.041.

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

349 (d) A statement that, if an applicant declines to register
350 to vote, the fact that the applicant has declined to register
351 will remain confidential and may be used only for voter
352 registration purposes.

353 (e) A statement that informs the applicant who chooses to
354 register to vote or update a voter registration record that the
355 office at which the applicant submits a voter registration
356 application or updates a voter registration record will remain
357 confidential and may be used only for voter registration
358 purposes.

359 (f) A statement that informs the applicant that any person
360 who has been granted a homestead exemption in this state, and



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361 who registers to vote in any precinct other than the one in
362 which the property for which the homestead exemption has been
363 granted, shall have that information forwarded to the property
364 appraiser where such property is located, which may result in
365 the person's homestead exemption being terminated and the person
366 being subject to assessment of back taxes under s. 193.092,
367 unless the homestead granted the exemption is being maintained
368 as the permanent residence of a legal or natural dependent of
369 the owner and the owner resides elsewhere.

370 (g) A statement informing the applicant that if the form is
371 submitted by mail and the applicant is registering for the first
372 time, the applicant will be required to provide identification
373 prior to voting the first time.

374 Section 4. Paragraph (a) of subsection (5) of section
375 97.053, Florida Statutes, is amended to read:

376 97.053 Acceptance of voter registration applications.--

377 (5)(a) A voter registration application is complete if it
378 contains:

- 379 1. The applicant's name.
- 380 2. The applicant's legal residence address.
- 381 3. The applicant's date of birth.
- 382 4. An indication that the applicant is a citizen of the
383 United States.

384 5. The applicant's Florida driver's license number, the
385 identification number from a Florida identification card issued
386 under s. 322.051, or the last four digits of the applicant's
387 social security number.

388 6. An indication that the applicant has not been convicted
389 of a felony or that, if convicted, has had his or her civil
390 rights restored.



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391 7. An indication that the applicant has not been
392 adjudicated mentally incapacitated with respect to voting or
393 that, if so adjudicated, has had his or her right to vote
394 restored.

395 8. Signature of the applicant swearing or affirming under
396 the penalty for false swearing pursuant to s. 104.011 that the
397 information contained in the registration application is true
398 and subscribing to the oath required by s. 3, Art. VI of the
399 State Constitution and s. 97.051.

400 Section 5. Effective upon this act becoming a law, section
401 97.028, Florida Statutes, is created to read:

402 97.028 Procedures on complaints of violations of Title III
403 of the Help America Vote Act of 2002.--

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

408 (b) The complaint must be in writing and must be signed and
409 sworn to before a notary by the person filing the complaint.
410 Further, the complaint must state the alleged violation and the
411 person or entity responsible for the violation. The department
412 shall prescribe the form for complaints filed under this section.
413 If the department determines that the complaint fails to allege
414 both a violation and a person or entity responsible for the
415 violation, or that the complaint is not properly executed, the
416 department shall inform the complainant in writing that the
417 complaint is legally insufficient.

418 (c) For purposes of this section, a violation of Title III
419 of the Help America Vote Act of 2002 is the failure to perform an
420 act required or the performance of an act prohibited by Title III



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421 of the Help America Vote Act of 2002 by a covered person or
422 entity.

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

425 (e) This section provides the sole avenue of redress for
426 alleged violations of Title III of the Help America Vote Act of
427 2002 and does not give rise to any other cause of action.

428 (f) The department may consolidate complaints filed under
429 this section.

430 (g) All proceedings under this section are exempt from
431 chapter 120.

432 (2)(a) When a legally sufficient complaint is filed with
433 the department, the agency head shall designate a hearing officer
434 who shall:

435 1. Provide the subject of the complaint with a copy of the
436 complaint. The subject of the complaint shall, within 10 days
437 after receipt of the complaint, file with the department a
438 written, sworn response to the complaint.

439 2. Upon receipt of the response, the hearing officer shall
440 review both sworn filings to determine whether a violation of the
441 Title III of the Help America Vote Act of 2002 has occurred, is
442 occurring, or is about to occur. The complaint and the response
443 shall constitute the official hearing record to be considered by
444 the hearing officer. The hearing officer shall provide the
445 complainant with a copy of the response.

446 3. At the hearing officer's discretion, the complainant and
447 the respondent may be ordered by the hearing officer to provide
448 additional sworn oral or written statements or additional
449 documents to assist the hearing officer in making his or her
450 determination. Further, other relevant witnesses may also be



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451 ordered by the hearing officer to give sworn testimony or to
452 provide relevant documents to assist the hearing officer in
453 making his or her determination. Any such statements or documents
454 received by the hearing officer shall also become part of the
455 official hearing record. For purposes of this section, the
456 hearing officer is authorized to administer oaths and to issue
457 subpoenas.

458 4. The hearing officer shall advise both the complainant
459 and respondent in writing of their determination. If the hearing
460 officer determines that no violation has occurred, is occurring,
461 or is about to occur, the department shall dismiss the complaint
462 and publish its determination. If the hearing officer determines
463 that a violation of Title III of the Help America Vote Act has
464 occurred, is occurring, or is about to occur, the department
465 shall issue and deliver an order directing the appropriate
466 remedy to persons responsible for effecting such remedy. The
467 issuance of an order does not constitute agency action for which
468 a hearing under ss. 120.569 or 120.57 may be sought. For
469 purposes of enforcing the order, the department may initiate a
470 proceeding in the name of the state seeking issuance of an
471 injunction, a writ of mandamus, or other equitable remedy
472 against any person who violates any provision of such order.

473 5. The department shall make a final determination with
474 respect to the complaint within 90 days after the date that the
475 complaint was filed, unless the complainant consents to a longer
476 period for making such a determination.

477 (b) If the department fails to meet the deadline
478 established in subparagraph (a)5., the complaint shall be
479 forwarded to mediation. Mediation shall occur within 60 days
480 after the department's failure to make a determination within the



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481 timeframe established in subparagraph (a)5. The record created
482 under this section shall be made available for use in the
483 mediation.

484 Section 6. Section 97.0535, Florida Statutes, is created
485 to read:

486 97.0535 Special requirements for certain applicants.--

487 (1) Each applicant who registers by mail and who has never
488 previously voted in the county shall be required to provide a
489 copy of a current and valid photo identification, as provided in
490 subsection (3), or indicate that he or she is exempt from the
491 requirements prior to voting. The applicant may provide the
492 identification or indication at the time of registering, or at
493 any time prior to voting for the first time in the county. If the
494 voter registration application clearly provides information from
495 which the supervisor can determine that the applicant meets at
496 least one of the exemptions in subsection (4), the supervisor
497 shall make the notation on the registration records and the
498 applicant shall not be required to provide further information
499 that is required of first time voters who register by mail.

500 (2) The supervisor of elections shall, upon accepting the
501 voter registration for an applicant who registered by mail and
502 who has not previously voted in the county, determine if the
503 applicant provided the required identification at the time of
504 registering. If the required identification was not provided, the
505 supervisor shall notify the applicant that he or she must provide
506 the identification prior to voting the first time in the county.

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

510 (a) Florida driver's license.



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

513 (c) United States passport.

514 (d) Employee badge or identification.

515 (e) Buyer's club identification.

516 (f) Debit or credit card.

517 (g) Military identification.

518 (h) Student identification.

519 (i) Retirement center identification.

520 (j) Neighborhood association identification.

521 (k) Entertainment identification.

522 (l) Public assistance identification.

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

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

526 (b) Persons with a temporary or permanent physical
 527 disability.

528 (c) Members of the uniformed service on active duty who, by
 529 reason of such active duty, are absent from the county on
 530 election day.

531 (d) Members of the merchant marine who, by reason of
 532 service in the merchant marine, are absent from the county on
 533 election day.

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

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

540 Section 7. Subsection (3) of section 98.045, Florida



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541 Statutes, is amended to read:

542 98.045 Administration of voter registration.--

543 (3) Notwithstanding the provisions of ss. 98.095,~~98.097,~~
 544 and 98.0977, each supervisor shall maintain for at least 2
 545 years, and make available for public inspection and copying, all
 546 records concerning implementation of registration list
 547 maintenance programs and activities conducted pursuant to ss.
 548 98.065, 98.075, and 98.0977. The records must include lists of
 549 the name and address of each person to whom an address
 550 confirmation final notice was sent and information as to whether
 551 each such person responded to the mailing, but may not include
 552 any information that is confidential or exempt from public
 553 record requirements under this code.

554 Section 8. Section 98.097, Florida Statutes, is repealed.

555 Section 9. Section 98.0977, Florida Statutes, is amended
 556 to read:

557 98.0977 Statewide voter registration database; operation
 558 ~~development~~ and maintenance.--

559 (1) ~~From the funds appropriated,~~ The department shall ~~may~~
 560 ~~contract with the Florida Association of Court Clerks to~~
 561 ~~analyze, design, develop, operate, and maintain the~~ a statewide,
 562 on-line voter registration database and associated website until
 563 such time as the statewide voter registration system required to
 564 be developed pursuant to the Help America Vote Act of 2002 is
 565 operational, ~~to be fully operational statewide by June 1, 2002.~~
 566 The database shall contain voter registration information from
 567 each of the 67 supervisors of elections in this state and shall
 568 be accessible through an Internet website. The system shall
 569 provide functionality for ensuring that the database is updated
 570 on a daily basis to determine if a registered voter is



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571 ineligible to vote for any of the following reasons, including,
572 but not limited to:

573 (a) The voter is deceased;

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

576 (c) The voter has been adjudicated mentally incompetent
577 and his or her mental capacity with respect to voting has not
578 been restored.

579

580 The database shall also allow for duplicate voter registrations
581 to be identified.

582 (2) The Department of State shall not contract with any
583 private entity ~~other than the Florida Association of Court~~
584 ~~Clerks~~ for the operation ~~or maintenance~~ of the statewide voter
585 registration database.

586 (3)(a) In administering the database, each supervisor of
587 elections shall compare registration information provided by a
588 voter with information held by the Department of Law
589 Enforcement, the Board of Executive Clemency, the Office of
590 Vital Statistics, and other relevant sources.

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

594 (c) Information in the database indicating that a person
595 registered to vote in a given county has subsequently registered
596 to vote in another jurisdiction shall be considered as a written
597 request from that voter to have his or her name removed from the
598 voter registration rolls of that county, and the supervisor of
599 elections of that county shall remove that voter's name from the
600 county's voter registration rolls.



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601 (d) When the supervisor of elections finds information
602 through the database that suggests that a voter has been
603 convicted of a felony and has not had his or her civil rights
604 restored or has been adjudicated mentally incompetent and his or
605 her mental capacity with respect to voting has not been
606 restored, the supervisor of elections shall notify the voter by
607 certified United States mail. The notification shall contain a
608 statement as to the reason for the voter's potential
609 ineligibility to be registered to vote and shall request
610 information from the voter on forms provided by the supervisor
611 of elections. As an alternative, the voter may attend a hearing
612 at a time and place specified in the notice. If there is
613 evidence that the notice was not received, notice must be given
614 once by publication in a newspaper of general circulation in the
615 county. The notice must plainly state that the voter is
616 potentially ineligible to be registered to vote and must state a
617 time and place for the person to appear before the supervisor of
618 elections to show cause why his or her name should not be
619 removed from the voter registration rolls. After reviewing the
620 information provided by the voter, if the supervisor of
621 elections determines that the voter is not eligible to vote
622 under the laws of this state, the supervisor of elections shall
623 notify the voter by certified United States mail that he or she
624 has been found ineligible to be registered to vote in this
625 state, shall state the reason for the ineligibility, and shall
626 inform the voter that he or she has been removed from the voter
627 registration rolls. The supervisor of elections shall remove
628 from the voter registration rolls the name of any voter who
629 fails either to respond within 30 days to the notice sent by
630 certified mail or to attend the hearing.



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631 (e) Upon hearing all evidence in a hearing, the supervisor
632 of elections must determine whether there is sufficient evidence
633 to strike the person's name from the registration books. If the
634 supervisor determines that there is sufficient evidence, he or
635 she must strike the name.

636 (f) Appeal may be taken to the circuit court in and for
637 the county where the person was registered. Notice of appeal
638 must be filed within the time and in the manner provided by the
639 Florida Rules of Appellate Procedure and acts as supersedeas.
640 Trial in the circuit court is de novo and governed by the rules
641 of that court. Unless the person can show that his or her name
642 was erroneously or illegally stricken from the registration
643 books or that he or she is indigent, the person must bear the
644 costs of the trial in the circuit court. Otherwise, the cost of
645 the appeal must be paid by the board of county commissioners.

646 (4) To the maximum extent feasible, state and local
647 government entities shall facilitate provision of information
648 and access to data to the department in order to compare
649 information in the statewide voter registration database with
650 available information in other computer databases, including,
651 but not limited to, databases that contain reliable criminal
652 records and records of deceased persons. State and local
653 governmental agencies that provide such data shall do so without
654 charge if the direct cost incurred by those agencies is not
655 significant.

656 ~~(5) The Division of Elections shall provide written~~
657 ~~quarterly progress reports on each phase of development of the~~
658 ~~voter registration database to the President of the Senate and~~
659 ~~the Speaker of the House of Representatives beginning July 1,~~
660 ~~2001, and continuing until the database is fully implemented.~~



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661 ~~(5)(6)~~ The duties of the supervisors of elections under
662 this section shall be considered part of their regular
663 registration list maintenance duties under this chapter, and any
664 supervisor of elections who willfully refuses or willfully
665 neglects to perform his or her duties under this section shall
666 be in violation of s. 104.051(2).

667 Section 10. (1) Beginning July 1, 2003, from the funds
668 appropriated the Department of State shall begin the development
669 of a statewide voter registration system designed to meet the
670 requirements of sections 303 through 305 of the Help America Vote
671 Act of 2002. The Legislature recognizes that the January 1, 2004,
672 implementation date for the system provided in the federal bill
673 cannot be met because there is not sufficient time for
674 implementation of such a system. Accordingly, the department
675 shall certify these facts to the Election Assistance Commission
676 in order to qualify for waiver and extension of the due date
677 until January 1, 2006.

678 (2) The department shall begin system needs assessments and
679 design activities by July 1, 2003. The Department of Highway
680 Safety and Motor Vehicles, the Department of Health, the
681 Department of Law Enforcement, the Board of Executive Clemency,
682 the State Technology Office, and representatives of the Florida
683 State Association of Supervisors of Elections shall cooperate and
684 participate in the development of the system. Other state
685 agencies and local government entities that may have data or
686 systems needed for integration with the system shall also
687 cooperate and participate in the development of the system upon a
688 request from the department.

689 (3) No later than January 31, 2004, the department shall
690 present to the Governor, the President of the Senate, and the



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691 Speaker of the House of Representatives a plan for completion of
692 the system, which shall include:

693 (a) Business process design for all participants in the
694 system operation.

695 (b) Design, location, and specifications for hardware,
696 system software components, and communications infrastructure of
697 the system.

698 (c) Design, specifications, and development plans for
699 application software for the system.

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

702 (e) Recommended statutory changes needed to implement the
703 system.

704 (4) This phase of the development shall continue through
705 June 30, 2004, and shall include design and development of the
706 core system, which will be operated by the Department of State;
707 definition of the business processes which will be required of
708 the other agencies and counties; and functional requirements
709 specifications for integration with the data systems of the other
710 agencies and the counties.

711 (5) This section shall take effect upon this act becoming a
712 law.

713 Section 11. Section 98.212, Florida Statutes, is amended
714 to read:

715 98.212 Supervisors to furnish statistical and other
716 information.--

717 (1)(a) Upon written request, supervisors shall, as
718 promptly as possible, furnish to recognized public or private
719 universities and senior colleges within the state, to state or
720 county governmental agencies, and to recognized political party



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721 committees statistical information for the purpose of analyzing
722 election returns and results.

723 (b) Supervisors may require reimbursement for any part or
724 all of the actual expenses of supplying any information
725 requested under paragraph (a). For the purposes of this
726 subsection, supervisors may use the services of any research and
727 statistical personnel that may be supplied.

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

733 (2) The supervisors shall provide information as requested
734 by the department for program evaluation and reporting to the
735 Federal Election Commission pursuant to the National Voter
736 Registration Act of 1993.

737 ~~(3) The supervisors shall provide information as requested~~
738 ~~by the department for the creation and maintenance of the~~
739 ~~central voter file.~~

740 Section 12. Section 98.461, Florida Statutes, is amended
741 to read:

742 98.461 Registration form, precinct register; contents.--A
743 registration form, approved by the Department of State,
744 containing the information required in s. 97.052 shall be filed
745 alphabetically in the office of the supervisor as the master
746 list of electors of the county. However, the registration forms
747 may be microfilmed and such microfilms substituted for the
748 original registration forms; or, when voter registration
749 information, including the voter's signature, is maintained
750 digitally or on electronic, magnetic, or optic media, such



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751 stored information may be substituted for the original
752 registration form. Such microfilms or stored information shall
753 be retained in the custody of the supervisor of elections. In
754 the event the original registration forms are microfilmed or
755 maintained digitally or on electronic or other media, such
756 originals may be destroyed in accordance with the schedule
757 approved by the Bureau of Archives and Records Management of the
758 Division of Library and Information Services of the Department
759 of State. As an alternative, the information from the
760 registration form, including the signature, may be
761 electronically reproduced and stored as provided in s. 98.451. A
762 computer printout shall ~~may~~ be used at the polls as a precinct
763 register in lieu of the registration books. The precinct
764 register shall contain the date of the election, the precinct
765 number, and the following information concerning each registered
766 elector: last name, first name, and middle name or initial;
767 party affiliation; residence address; registration number; date
768 of birth; sex, if provided; race, if provided; whether the voter
769 needs assistance in voting; and such other additional
770 information as to readily identify the elector. ~~The precinct~~
771 ~~register may also contain a list of the forms of identification,~~
772 ~~which must include, but is not limited to, a Florida driver's~~
773 ~~license, a Florida identification card issued under s. 322.051,~~
774 ~~or another form of picture identification approved by the~~
775 ~~Department of State.~~ The precinct register shall ~~may~~ also
776 contain a space for the elector's signature and, a space for the
777 initials of the witnessing clerk or inspector, ~~and a space for~~
778 ~~the signature slip or ballot number.~~

779 Section 13. Section 98.471, Florida Statutes, is
780 renumbered as section 101.043, Florida Statutes, and amended to



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781 read:

782 101.043 ~~98.471~~ Identification required ~~Use of precinct~~
783 ~~register~~ at polls.--

784 (1) The precinct register, as prescribed in s. 98.461,
785 ~~shall~~ ~~may~~ be used at the polls in lieu of the registration books
786 for the purpose of identifying the elector at the polls prior to
787 allowing him or her to vote. The clerk or inspector shall
788 require each elector, upon entering the polling place, to
789 present a current and valid Florida driver's license, a Florida
790 identification card issued under s. 322.051, or another form of
791 picture identification as provided in s. 97.0535(3). If the
792 picture identification does not contain the signature of the
793 voter, an additional identification that provides the voter's
794 signature shall be required ~~approved by the Department of State.~~
795 The elector shall sign his or her name in the space provided,
796 and the clerk or inspector shall compare the signature with that
797 on the identification provided by the elector and enter his or
798 her initials in the space provided and allow the elector to vote
799 if the clerk or inspector is satisfied as to the identity of the
800 elector.

801 (2) Except as provided in subsection (3), if the elector
802 fails to furnish the required identification, or if the clerk or
803 inspector is in doubt as to the identity of the elector, such
804 clerk or inspector shall follow the procedure prescribed in s.
805 101.49.

806 (3) If the elector who fails to furnish the required
807 identification is a first-time voter who registered by mail and
808 has not provided the required identification to the supervisor
809 of elections prior to election day, the elector shall be allowed
810 to vote a provisional ballot. The canvassing board shall



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811 determine the validity of the ballot pursuant to s. 101.048(2).

812 Section 14. Section 98.491, Florida Statutes, is repealed.

813 Section 15. Section 101.048, Florida Statutes, is amended
814 to read:

815 101.048 Provisional ballots.--

816 (1) At all elections, a voter claiming to be properly
817 registered in the county and eligible to vote at the precinct in
818 the election, but whose eligibility cannot be determined, and
819 other persons specified in the code shall be entitled to vote a
820 provisional ballot. Once voted, the provisional ballot shall be
821 placed in a secrecy envelope and thereafter sealed in a
822 provisional ballot envelope. The provisional ballot shall be
823 deposited in a ballot box. All provisional ballots shall remain
824 sealed in their envelopes for return to the supervisor of
825 elections. The department shall prescribe the form of the
826 provisional ballot envelope.

827 (2)(a) The county canvassing board shall examine each
828 provisional ballot envelope to determine if the person voting
829 that ballot was entitled to vote at the precinct where the
830 person cast a vote in the election and that the person had not
831 already cast a ballot in the election.

832 (b)1. If it is determined that the person was registered
833 and entitled to vote at the precinct where the person cast a
834 vote in the election, the canvassing board shall compare the
835 signature on the provisional ballot envelope with the signature
836 on the voter's registration and, if it matches, shall count the
837 ballot.

838 2. If it is determined that the person voting the
839 provisional ballot was not registered or entitled to vote at the
840 precinct where the person cast a vote in the election, the



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841 provisional ballot shall not be counted and the ballot shall
 842 remain in the envelope containing the Provisional Ballot Voter's
 843 Certificate and Affirmation and the envelope shall be marked
 844 "Rejected as Illegal."

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

847
 848 STATE OF FLORIDA
 849 COUNTY OF _____
 850

851 I do solemnly swear (or affirm) that my name is _____; that
 852 my date of birth is _____; that I am registered to vote and at
 853 the time I registered I resided at _____, in the municipality of
 854 _____, in _____ County, Florida; that I am registered in the
 855 _____ Party; that I am a qualified voter of the county; and that
 856 I have not voted in this election. I understand that if I commit
 857 any fraud in connection with voting, vote a fraudulent ballot,
 858 or vote more than once in an election, I can be convicted of a
 859 felony of the third degree and fined up to \$5,000 and/or
 860 imprisoned for up to 5 years.

861 ... (Signature of Voter) ...
 862 ... (Current Residence Address) ...
 863 ... (Current Mailing Address) ...
 864 ... (City, State, Zip Code) ...
 865 ... (Driver's License Number or Last Four Digits of Social
 866 Security Number) ...

867
 868 Sworn to and subscribed before me this _____ day of _____,
 869 ... (year)
 870 ... (Election Official) ...



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871
872 Precinct # _____ Ballot Style/Party Issued: _____
873

874 ~~Additional information may be provided to further assist the~~
875 ~~supervisor of elections in determining eligibility.~~
876

877 (4) In counties where the voting system does not utilize a
878 paper ballot, the supervisor of elections may ~~shall~~ provide the
879 appropriate provisional ballot to the voter by electronic means
880 as provided for by the certified voting system. Each person
881 casting a provisional ballot by electronic means shall, prior to
882 casting his or her ballot, complete the Provisional Ballot
883 Voter's Certificate and Affirmation as provided in subsection (3)
884 ~~ballots to each polling place.~~

885 (5) Each person casting a provisional ballot shall be given
886 written instructions regarding the free access system established
887 pursuant to subsection (6). The instructions shall contain
888 information on how to access the system and the information the
889 voter will need to provide to obtain information on his or her
890 particular ballot. The instructions shall also include the
891 following statement: "If this is a primary election, you should
892 contact the supervisor of elections' office immediately to
893 confirm that you are registered and can vote in the general
894 election."

895 (6) Each supervisor of elections shall establish a free
896 access system that allows each person who casts a provisional
897 ballot to determine whether his or her provisional ballot was
898 counted in the final canvass of votes and, if not, the reasons
899 why. Information regarding provisional ballots shall be available
900 no later than 30 days following the election. The system



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901 established must restrict information regarding an individual
902 ballot to the person who cast the ballot.

903 Section 16. Section 101.049, Florida Statutes, is created
904 to read:

905 101.049 Provisional ballots; special circumstances.--

906 (1) Any person who votes in an election after the regular
907 poll-closing time pursuant to a court or other order extending
908 the statutory polling hours must vote a provisional ballot. Once
909 voted, the provisional ballot shall be placed in a secrecy
910 envelope and thereafter sealed in a provisional ballot envelope.
911 The election official witnessing the voter's subscription and
912 affirmation on the Provisional Ballot Voter's Certificate shall
913 indicate whether or not the voter met all requirements to vote a
914 regular ballot at the polls. All such provisional ballots shall
915 remain sealed in their envelopes and transmitted to the
916 supervisor of elections.

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

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

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

927 (5) As an alternative, provisional ballots cast pursuant to
928 this section may be cast in accordance with the provisions of s.
929 101.048(4).

930 Section 17. Section 101.111, Florida Statutes, is amended



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931 to read:

932 101.111 Person desiring to vote may be challenged;
 933 challenger to execute oath; oath of person challenged elector;
 934 determination of challenge.--

935 (1) When the right to vote of any person who desires to
 936 vote is challenged ~~questioned~~ by any elector or poll watcher,
 937 the challenge shall be reduced to writing with an oath as
 938 provided in this section, giving reasons for the challenge,
 939 which shall be delivered to the clerk or inspector. Any elector
 940 or ~~authorized~~ poll watcher challenging the right of a person to
 941 vote ~~an elector at an election~~ shall execute the oath set forth
 942 below:

943
 944 OATH OF PERSON ENTERING CHALLENGE

945
 946 State of Florida
 947 County of _____

948
 949 I do solemnly swear that my name is _____; that I am a member of
 950 the _____ party; that I am _____ years old; ~~that I was born in~~
 951 ~~the state of _____ or the country of _____;~~ that my residence
 952 address is ~~on~~ _____ street, in the municipality of _____; and
 953 that I have reason to believe that _____ is attempting to vote
 954 illegally and the reasons for my belief are set forth herein to
 955 wit:

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

957
 958 Sworn and subscribed to before me this _____ day of _____, ...
 959 (year)

960 ... (Clerk of election) ...



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(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~~

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) ...



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991 Any inspector or clerk of election may administer the oath.

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

998 (b) If the challenged person refuses to complete the oath
 999 or if a majority of the clerk and inspectors doubt the
 1000 eligibility of the person to vote, the challenged person shall be
 1001 allowed to vote a provisional ballot. The oath of the person
 1002 entering the challenge and the oath of the person challenged
 1003 shall be attached to the provisional ballot for transmittal to
 1004 the canvassing board. ~~If the challenged person refuses to make~~
 1005 ~~and sign the affidavit, the clerk or inspector shall refuse to~~
 1006 ~~allow him or her to vote. If such person makes the affidavit,~~
 1007 ~~the inspectors and clerk of election shall compare the~~
 1008 ~~information in the affidavit with that entered on the~~
 1009 ~~registration books opposite the person's name, and, upon such~~
 1010 ~~comparison of the information and the person's signature and the~~
 1011 ~~taking of other evidence which may then be offered, the clerk~~
 1012 ~~and inspectors shall decide by a majority vote whether the~~
 1013 ~~challenged person may vote. If the challenged person is unable~~
 1014 ~~to write or sign his or her name, the clerk or inspector shall~~
 1015 ~~examine the precinct register to ascertain whether the person~~
 1016 ~~registered under the name of such person is represented to have~~
 1017 ~~signed his or her name. If the person is so represented, then he~~
 1018 ~~or she shall be denied permission to vote without further~~
 1019 ~~examination; but, if not, then the clerk or one of the~~
 1020 ~~inspectors shall place such person under oath and orally examine~~



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1021 ~~him or her upon the subject matter contained in the affidavit,~~
1022 ~~and, if there is any doubt as to the identity of such person,~~
1023 ~~the clerk or inspector shall compare the person's appearance~~
1024 ~~with the description entered upon the precinct register opposite~~
1025 ~~the person's name. The clerk or inspector shall then proceed as~~
1026 ~~in other cases to determine whether the challenged person may~~
1027 ~~vote.~~

1028 Section 18. Paragraph (a) of subsection (1) of section
1029 101.62, Florida Statutes, is amended to read:

1030 101.62 Request for absentee ballots.--

1031 (1)(a) The supervisor may accept a request for an absentee
1032 ballot from an elector in person or in writing. Except as
1033 provided in s. 101.694, one request shall be deemed sufficient
1034 to receive an absentee ballot for all elections which are held
1035 within a calendar year, unless the elector or the elector's
1036 designee indicates at the time the request is made the elections
1037 for which the elector desires to receive an absentee ballot.
1038 Such request may be considered canceled when any first-class
1039 mail sent by the supervisor to the elector is returned as
1040 undeliverable.

1041 Section 19. Subsection (1) of section 101.64, Florida
1042 Statutes, is amended to read:

1043 101.64 Delivery of absentee ballots; envelopes; form.--

1044 (1) The supervisor shall enclose with each absentee ballot
1045 two envelopes: a secrecy envelope, into which the absent elector
1046 shall enclose his or her marked ballot; and a mailing envelope,
1047 into which the absent elector shall then place the secrecy
1048 envelope, which shall be addressed to the supervisor and also
1049 bear on the back side a certificate in substantially the
1050 following form:



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

VOTER'S CERTIFICATE

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

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

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

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

... (Signature of Witness) ...

... (Address) ...

... (City/State) ...



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1081 Section 20. Section 101.65, Florida Statutes, is amended
 1082 to read:

1083 101.65 Instructions to absent electors.--The supervisor
 1084 shall enclose with each absentee ballot separate printed
 1085 instructions in substantially the following form:

1086
 1087 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1088 1. VERY IMPORTANT. In order to ensure that your absentee
 1089 ballot will be counted, it should be completed and returned as
 1090 soon as possible so that it can reach the supervisor of
 1091 elections of the county in which your precinct is located no
 1092 later than 7 p.m. on the day of the election.

1093 2. Mark your ballot in secret as instructed on the ballot.
 1094 You must mark your own ballot unless you are unable to do so
 1095 because of blindness, disability, or inability to read or write.

1096 3. Mark only the number of candidates or issue choices for
 1097 a race as indicated on the ballot. If you are allowed to "Vote
 1098 for One" candidate and you vote for more than one candidate,
 1099 your vote in that race will not be counted.

1100 ~~4.3.~~ Place your marked ballot in the enclosed secrecy
 1101 envelope.

1102 ~~5.4.~~ Insert the secrecy envelope into the enclosed mailing
 1103 envelope which is addressed to the supervisor.

1104 ~~6.5.~~ Seal the mailing envelope and completely fill out the
 1105 Voter's Certificate on the back of the mailing envelope.

1106 ~~7.6.~~ VERY IMPORTANT. In order for your absentee ballot to
 1107 be counted, you must sign your name on the line above (Voter's
 1108 Signature).

1109 ~~8.7.~~ VERY IMPORTANT. If you are an overseas voter, you
 1110 must include the date you signed the Voter's Certificate on the



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1111 line above (Date) or your ballot may not be counted.

1112 ~~9.8.~~ VERY IMPORTANT. In order for your absentee ballot to
 1113 be counted, it must include the signature and address of a
 1114 witness 18 years of age or older affixed to the Voter's
 1115 Certificate. No candidate may serve as an attesting witness.

1116 ~~10.9.~~ Mail, deliver, or have delivered the completed
 1117 mailing envelope. Be sure there is sufficient postage if mailed.

1118 ~~11.10.~~ FELONY NOTICE. It is a felony under Florida law to
 1119 accept any gift, payment, or gratuity in exchange for your vote
 1120 for a candidate. It is also a felony under Florida law to vote
 1121 in an election using a false identity or false address, or under
 1122 any other circumstances making your ballot false or fraudulent.

1123 Section 21. Section 101.657, Florida Statutes, is amended
 1124 to read:

1125 101.657 Voting absentee ballots in person.--

1126 (1) Any qualified and registered elector may pick up and
 1127 vote an absentee ballot in person at the office of, and under
 1128 the supervision of, the supervisor of elections. Before
 1129 receiving the ballot, the elector must present a current and
 1130 valid Florida driver's license, a Florida identification card
 1131 issued under s. 322.051, or another form of picture
 1132 identification as provided in s. 97.0535(3) approved by the
 1133 Department of State. If the elector fails to furnish the
 1134 required identification, or if the supervisor is in doubt as to
 1135 the identity of the elector, the supervisor must follow the
 1136 procedure prescribed in s. 101.49. If the elector who fails to
 1137 furnish the required identification is a first-time voter who
 1138 registered by mail and has not provided the required
 1139 identification to the supervisor of elections prior to voting,
 1140 the elector shall be allowed to vote a provisional ballot. The



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1141 canvassing board shall compare the signature on the provisional
 1142 ballot envelope with the signature on the voter's registration
 1143 and, if the signatures match, shall count the ballot.

1144 (2) As an alternative to the provisions of ss. 101.64 and
 1145 101.65, the supervisor of elections may allow an elector to cast
 1146 an absentee ballot in the main or branch office of the
 1147 supervisor by depositing the voted ballot in a voting device
 1148 used by the supervisor to collect or tabulate ballots. The
 1149 results or tabulation may not be made before the close of the
 1150 polls on election day.

1151 (a) The elector must provide ~~picture~~ identification as
 1152 required in subsection (1) and must complete an In-Office Voter
 1153 Certificate in substantially the following form:

1154
 1155 IN-OFFICE VOTER CERTIFICATE
 1156

1157 I, _____, am a qualified elector in this election and registered
 1158 voter of _____ County, Florida. I do solemnly swear or affirm
 1159 that I am the person so listed on the voter registration rolls
 1160 of _____ County and that I reside at the listed address. I
 1161 understand that if I commit or attempt to commit fraud in
 1162 connection with voting, vote a fraudulent ballot, or vote more
 1163 than once in an election I could be convicted of a felony of the
 1164 third degree and both fined up to \$5,000 and imprisoned for up
 1165 to 5 years. I understand that my failure to sign this
 1166 certificate and have my signature witnessed invalidates my
 1167 ballot.

1168
 1169
 1170 ... (Voter's Signature) ...



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1171
 1172 ... (Address) ...
 1173
 1174 ... (City/State) ...
 1175
 1176 ... (Name of Witness) ...
 1177
 1178 ... (Signature of Witness) ...
 1179
 1180 ... (Type of identification provided) ...
 1181

1182 (b) Any elector may challenge an elector seeking to cast
 1183 an absentee ballot under the provisions of s. 101.111. Any
 1184 challenged ballot must be placed in a regular absentee ballot
 1185 envelope. The canvassing board shall review the ballot and
 1186 decide the validity of the ballot by majority vote.

1187 (c) The canvass of returns for ballots cast under this
 1188 subsection shall be substantially the same as votes cast by
 1189 electors in precincts, as provided in s. 101.5614.

1190 Section 22. Section 101.6921, Florida Statutes, is created
 1191 to read:

1192 101.6921 Delivery of special absentee ballot to certain
 1193 first-time voters.--

1194 (1) The provisions of this section apply to voters who
 1195 registered to vote by mail, who have not previously voted in the
 1196 county, and who have not provided the identification or
 1197 certification required by s. 97.0535 by the time the absentee
 1198 ballot is mailed.

1199 (2) The supervisor shall enclose with each absentee ballot
 1200 three envelopes: a secrecy envelope, into which the absent



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1201 elector will enclose his or her marked ballot; an envelope
 1202 containing the Voter's Certificate, into which the absent elector
 1203 shall place the secrecy envelope; and a mailing envelope, which
 1204 shall be addressed to the supervisor and into which the absent
 1205 elector will place the envelope containing the Voter's
 1206 Certificate and a copy of the required identification.

1207 (3) The Voter's Certificate shall be in substantially the
 1208 following form:

1210 Note: Please Read Instructions Carefully Before Marking Ballot
 1211 and Completing Voter's Certificate

1213 VOTER'S CERTIFICATE

1215 I , _____, do solemnly swear or affirm that I am a qualified
 1216 and registered voter of _____ County, Florida, and that I have
 1217 not and will not vote more than one ballot in this election. I
 1218 understand that if I commit or attempt to commit any fraud in
 1219 connection with voting, vote a fraudulent ballot, or vote more
 1220 than once in an election, I can be convicted of a felony of the
 1221 third degree and fined up to \$5,000 and/or imprisoned for up to 5
 1222 years. I also understand that failure to sign this certificate
 1223 and have my signature properly witnessed will invalidate my
 1224 ballot. I understand that unless I meet one of the exemptions
 1225 below, I must provide a copy of a current and valid
 1226 identification as provided in the instruction sheet to the
 1227 supervisor of elections in order for my ballot to count.

1228 I further certify that I am exempt from the requirements to
 1229 furnish a copy of a current and valid identification with my



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1230 ballot because of one or more of the following (check all that
 1231 apply):

1232 I am 65 years of age or older.

1233 I have a permanent or temporary physical disability.

1234 I am a member of a uniformed service on active duty who,
 1235 by reason of such active duty, will be absent from the county on
 1236 election day.

1237 I am a member of the merchant marine who, by reason of
 1238 service in the merchant marine, will be absent from the county on
 1239 election day.

1240 I am the spouse or dependent of a member of the uniformed
 1241 service or merchant marine who, by reason of the active duty or
 1242 service of the member, will be absent from the county on election
 1243 day.

1244 I am currently residing outside the United States.

1245
 1246 ... (Date) Voter's Signature ...

1247
 1248 Note: Your signature must be witnessed by one witness 18 years of
 1249 age or older as provided in the instruction sheet.

1250
 1251 I swear or affirm that the voter signed this Voter's Certificate
 1252 in my presence.

1253
 1254 ... (Signature of witness) ...

1255
 1256 ... (Address) ...

1257
 1258 ... (City/State) ...

1259



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1260 (4) The certificate shall be arranged on the back of the
1261 envelope so that the lines for the signatures of the absent
1262 elector and the attesting witness are across the seal of the
1263 envelope.

1264 Section 23. Section 101.6923, Florida Statutes, is created
1265 to read:

1266 101.6923 Special absentee ballot instructions for certain
1267 first-time voters.--

1268 (1) The provisions of this section apply to voters who
1269 registered to vote by mail, who have not previously voted in the
1270 county, and who have not provided the identification or
1271 information required by s. 97.0535 by the time the absentee
1272 ballot is mailed.

1273 (2) A voter covered by this section shall be provided with
1274 the following printed instructions with his or her absentee
1275 ballot:

1276
1277 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
1278 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
1279 YOUR BALLOT NOT TO COUNT.

1280
1281 1. In order to ensure that your absentee ballot will be
1282 counted, it should be completed and returned as soon as possible
1283 so that it can reach the supervisor of elections of the county in
1284 which your precinct is located no later than 7 p.m. on the date
1285 of the election.

1286 2. Mark your ballot in secret as instructed on the ballot.
1287 You must mark your own ballot unless you are unable to do so
1288 because of blindness, disability, or inability to read or write.



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1289 3. Mark only the number of candidates or issue choices for
1290 a race as indicated on the ballot. If you are allowed to "Vote
1291 for One" candidate and you vote for more than one, your vote in
1292 that race will not be counted.

1293 4. Place your marked ballot in the enclosed secrecy
1294 envelope and seal the envelope.

1295 5. Insert the secrecy envelope into the enclosed envelope
1296 bearing the Voter's Certificate. Seal the envelope and completely
1297 fill out the Voter's Certificate on the back of the envelope.

1298 a. You must sign your name on the line above (Voter's
1299 Signature).

1300 b. You must have your signature witnessed. Have the witness
1301 sign above (Signature of Witness) and include his or her address.
1302 No candidate may serve as an attesting witness.

1303 c. If you are an overseas voter, you must include the date
1304 you signed the Voter's Certificate on the line above (Date) or
1305 your ballot may not be counted.

1306 6. Unless you meet one of the exemptions in Item 7., you
1307 must make a copy of one of the following forms of identification:

1308 a. Identification which must include your name and
1309 photograph: current and valid Florida driver's license; Florida
1310 identification card issued by the Department of Highway Safety
1311 and Motor Vehicles; United States passport; employee badge or
1312 identification; buyer's club identification card; debit or credit
1313 card; military identification; student identification; retirement
1314 center identification; neighborhood association identification;
1315 entertainment identification; or public assistance
1316 identification; or

1317 b. Identification which shows your name and current
1318 residence address: current utility bill, bank statement,



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1319 government check, paycheck, or government document (excluding
1320 voter identification card).

1321 7. The identification requirements of Item 6. do not apply
1322 if you meet one of the following requirements:

1323 a. You are 65 years of age or older.

1324 b. You have a temporary or permanent physical disability.

1325 c. You are a member of a uniformed service on active duty
1326 who, by reason of such active duty, will be absent from the
1327 county on election day.

1328 d. You are a member of the merchant marine who, by reason
1329 of service in the merchant marine, will be absent from the county
1330 on election day.

1331 e. You are the spouse or dependent of a member referred to
1332 in paragraph c. or paragraph d. who, by reason of the active duty
1333 or service of the member, will be absent from the county on
1334 election day.

1335 f. You are currently residing outside the United States.

1336 8. Place the envelope bearing the Voter's Certificate into
1337 the mailing envelope addressed to the supervisor. Insert a copy
1338 of your identification in the mailing envelope. DO NOT PUT YOUR
1339 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1340 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1341 BALLOT WILL NOT COUNT.

1342 9. Mail, deliver, or have delivered the completed mailing
1343 envelope. Be sure there is sufficient postage if mailed.

1344 10. FELONY NOTICE. It is a felony under Florida law to
1345 accept any gift, payment, or gratuity in exchange for your vote
1346 for a candidate. It is also a felony under Florida law to vote in
1347 an election using a false identity or false address, or under any
1348 other circumstances making your ballot false or fraudulent.



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1349 Section 24. Section 101.6925, Florida Statutes, is created
 1350 to read:

1351 101.6925 Canvassing special absentee ballots.--

1352 (1) The supervisor of the county where the absent elector
 1353 resides shall receive the voted special absentee ballot, at which
 1354 time the mailing envelope shall be opened to determine if the
 1355 voter has enclosed the identification required or has indicated
 1356 on the Voter's Certificate that he or she is exempt from the
 1357 identification requirements.

1358 (2) If the identification is enclosed or the voter has
 1359 indicated that he or she is exempt from the identification
 1360 requirements, the supervisor shall make the note on the
 1361 registration records of the voter and proceed to canvass the
 1362 absentee ballot as provided in s. 101.68.

1363 (3) If the identification is not enclosed in the mailing
 1364 envelope and the voter has not indicated that he or she is exempt
 1365 from the identification requirements, the supervisor shall check
 1366 the voter registration records to determine if the voter's
 1367 identification was previously received or the voter had
 1368 previously notified the supervisor that he or she was exempt. The
 1369 envelope with the Voter's Certificate shall not be opened unless
 1370 the identification has been received or the voter has indicated
 1371 that he or she is exempt. The ballot shall be treated as a
 1372 provisional ballot until 7 p.m. on election day and shall not be
 1373 canvassed unless the supervisor has received the required
 1374 identification or written indication of exemption by 7 p.m. on
 1375 election day.

1376 Section 25. Subsection (1) of section 101.694, Florida
 1377 Statutes, is amended to read:

1378 101.694 Mailing of ballots upon receipt of federal



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1379 postcard application.--

1380 (1) Upon receipt of a federal postcard application for an
1381 absentee ballot executed by a person whose registration is in
1382 order or whose application is sufficient to register or update
1383 the registration of that person, the supervisor shall mail to
1384 the applicant a ballot, if the ballots are available for
1385 mailing. The federal postcard application request for an
1386 absentee ballot shall be effective for all elections through the
1387 next two regularly scheduled general elections.

1388 Section 26. Subsections (2) and (6) of section 102.141,
1389 Florida Statutes, are amended to read:

1390 102.141 County canvassing board; duties.--

1391 (2) The county canvassing board shall meet in a building
1392 accessible to the public in the county where the election
1393 occurred at a time and place to be designated by the supervisor
1394 of elections to publicly canvass the absentee electors' ballots
1395 as provided for in s. 101.68 and provisional ballots as provided
1396 by ss. ~~s.~~ 101.048, 101.049, and 101.6925. Provisional ballots
1397 cast pursuant to s. 101.049 shall be canvassed in a manner that
1398 votes for candidates and issues on those ballots can be
1399 segregated from other votes. Public notice of the time and place
1400 at which the county canvassing board shall meet to canvass the
1401 absentee electors' ballots and provisional ballots shall be
1402 given at least 48 hours prior thereto by publication once in one
1403 or more newspapers of general circulation in the county or, if
1404 there is no newspaper of general circulation in the county, by
1405 posting such notice in at least four conspicuous places in the
1406 county. As soon as the absentee electors' ballots and the
1407 provisional ballots are canvassed, the board shall proceed to
1408 publicly canvass the vote given each candidate, nominee,



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1409 constitutional amendment, or other measure submitted to the
1410 electorate of the county, as shown by the returns then on file
1411 in the office of the supervisor of elections and the office of
1412 the county court judge.

1413 (6) If the unofficial returns reflect that a candidate for
1414 any office was defeated or eliminated by one-half of a percent
1415 or less of the votes cast for such office, that a candidate for
1416 retention to a judicial office was retained or not retained by
1417 one-half of a percent or less of the votes cast on the question
1418 of retention, or that a measure appearing on the ballot was
1419 approved or rejected by one-half of a percent or less of the
1420 votes cast on such measure, the board responsible for certifying
1421 the results of the vote on such race or measure shall order a
1422 recount of the votes cast with respect to such office or
1423 measure. A recount need not be ordered with respect to the
1424 returns for any office, however, if the candidate or candidates
1425 defeated or eliminated from contention for such office by one-
1426 half of a percent or less of the votes cast for such office
1427 request in writing that a recount not be made.

1428 (a) In counties with voting systems that use paper
1429 ballots, each canvassing board responsible for conducting a
1430 recount shall put each ballot through automatic tabulating
1431 equipment and determine whether the returns correctly reflect
1432 the votes cast. If any paper ballot is physically damaged so
1433 that it cannot be properly counted by the automatic tabulating
1434 equipment during the recount, a true duplicate shall be made of
1435 the damaged ballot pursuant to the procedures in s. 101.5614(5).
1436 Immediately before the start of the recount and after completion
1437 of the count, a test of the tabulating equipment shall be
1438 conducted as provided in s. 101.5612. If the test indicates no



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1439 error, the recount tabulation of the ballots cast shall be
1440 presumed correct and such votes shall be canvassed accordingly.
1441 If an error is detected, the cause therefor shall be ascertained
1442 and corrected and the recount repeated, as necessary. The
1443 canvassing board shall immediately report the error, along with
1444 the cause of the error and the corrective measures being taken,
1445 to the Department of State. No later than 11 days after the
1446 election, the canvassing board shall file a separate incident
1447 report with the Department of State, detailing the resolution of
1448 the matter and identifying any measures that will avoid a future
1449 recurrence of the error.

1450 (b) In counties with voting systems that do not use paper
1451 ballots, each canvassing board responsible for conducting a
1452 recount shall examine the counters on the precinct tabulators to
1453 ensure that the total of the returns on the precinct tabulators
1454 equals the overall election return. If there is a discrepancy
1455 between the overall election return and the counters of the
1456 precinct tabulators, the counters of the precinct tabulators
1457 shall be presumed correct and such votes shall be canvassed
1458 accordingly.

1459 (c) The canvassing board shall submit a second set of
1460 unofficial returns to the Department of State for each federal,
1461 statewide, state, or multicounty office or ballot measure no
1462 later than noon on the third day after any election in which a
1463 recount was conducted pursuant to this subsection. If the
1464 canvassing board is unable to complete the recount prescribed in
1465 this subsection by the deadline, the second set of unofficial
1466 returns submitted by the canvassing board shall be identical to
1467 the initial unofficial returns and the submission shall also
1468 include a detailed explanation of why it was unable to timely



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1469 complete the recount. However, the canvassing board shall
1470 complete the recount prescribed in this subsection, along with
1471 any manual recount prescribed in s. 102.166, and certify
1472 election returns in accordance with the requirements of this
1473 chapter.

1474 (d) The Department of State shall adopt detailed rules
1475 prescribing additional recount procedures for each certified
1476 voting system, which shall be uniform to the extent practicable.

1477 Section 27. Paragraph (y) of subsection (1) of section
1478 125.01, Florida Statutes, is amended to read:

1479 125.01 Powers and duties.--

1480 (1) The legislative and governing body of a county shall
1481 have the power to carry on county government. To the extent not
1482 inconsistent with general or special law, this power includes,
1483 but is not restricted to, the power to:

1484 (y) Place questions or propositions on the ballot at any
1485 primary election, general election, or otherwise called special
1486 election, when agreed to by a majority vote of the total
1487 membership of the legislative and governing body, so as to
1488 obtain an expression of elector sentiment with respect to
1489 matters of substantial concern within the county. No special
1490 election may be called for the purpose of conducting a straw
1491 ballot. Any election costs, as defined in s. 97.021(9),
1492 associated with any ballot question or election called
1493 specifically at the request of a district or for the creation of
1494 a district shall be paid by the district either in whole or in
1495 part as the case may warrant.

1496 Section 28. Section 20 of chapter 2002-281, Laws of
1497 Florida, is repealed.

1498 Section 29. Paragraph (a) of subsection (5) of section



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1499 163.511, Florida Statutes, is amended to read:

1500 163.511 Special neighborhood improvement districts;
 1501 creation; referendum; board of directors; duration; extension.--

1502 (5)(a) The city clerk or the supervisor of elections,
 1503 whichever is appropriate, shall enclose with each ballot sent
 1504 pursuant to this section two envelopes: a secrecy envelope, into
 1505 which the elector or freeholder shall enclose the marked ballot;
 1506 and a mailing envelope, into which the elector or freeholder
 1507 shall then place the secrecy envelope, which shall be addressed
 1508 to the city clerk or the supervisor of elections. The back side
 1509 of the mailing envelope shall bear a certificate in
 1510 substantially the following form:

1511

1512 Note: Please Read Instructions Carefully Before
 1513 Marking Ballot and Completing Voter's Certificate.

1514

1515 VOTER'S CERTIFICATE

1516

1517 I, _____, am a duly qualified and registered ... (voter or
 1518 freeholder, whichever is appropriate) ... of the proposed ...
 1519 (name) ... (Special Residential or Business, whichever is
 1520 appropriate) ... Neighborhood Improvement District; and I am
 1521 entitled to vote this ballot. I do solemnly swear or affirm that
 1522 I have not and will not vote more than one ballot in this
 1523 election. I understand that failure to sign this certificate and
 1524 have my signature witnessed will invalidate my ballot.

1525 ... (Voter's Signature) ...

1526 Note: Your Signature Must Be Witnessed By One Witness 18 Years
 1527 of Age or Older as provided in ~~Item 7.~~ of the Instruction Sheet.

1528 I swear or affirm that the elector signed this Voter's



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1529 Certificate in my presence.

1530

1531 ... (Signature of Witness) ...

1532 ... (Address) (City/State) ...

1533

1534 Section 30. If any law amended by this act was also
 1535 amended by a law enacted at the 2003 Regular Session of the
 1536 Legislature, such laws shall be construed as if they had been
 1537 enacted at the same session of the Legislature, and full
 1538 effect shall be given to each if possible.

1539 Section 31. Except as otherwise provided herein, this act
 1540 shall take effect January 1, 2004.