

By Senator Cowin

20-2682B-03

See HB 29B

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

1 to begin the development of a statewide voter
2 registration system designed to meet certain
3 requirements of the Help America Vote Act of
4 2002; amending s. 98.212, F.S.; removing duty
5 of supervisors of elections relating to the
6 central voter file, to conform; amending s.
7 98.461, F.S.; requiring use of a computer
8 printout as a precinct register at the polls;
9 requiring the precinct register to contain
10 space for elector signatures and clerk or
11 inspector initials; amending and renumbering s.
12 98.471, F.S.; providing requirements for
13 identification required at the polls; providing
14 for voting a provisional ballot under certain
15 circumstances; repealing s. 98.491, F.S.,
16 relating to intent that alternative electronic
17 procedures for registration and elections be
18 followed at the discretion of the supervisor of
19 elections; amending s. 101.048, F.S.; providing
20 for casting a provisional ballot by electronic
21 means; requiring each supervisor of elections
22 to create a free access system that allows each
23 person casting a provisional ballot to find out
24 whether the ballot was counted and, if not,
25 why; requiring each person casting a
26 provisional ballot to be given written
27 instructions regarding the free access system;
28 creating s. 101.049, F.S.; requiring voting
29 that occurs during polling hours extended by a
30 court or other order to be done by provisional
31 ballot; providing requirements for casting

1 provisional ballots under such circumstances;
2 amending s. 101.111, F.S.; revising provisions
3 relating to challenging the right of a person
4 to vote; providing for voting a provisional
5 ballot under certain circumstances; amending s.
6 101.62, F.S.; providing an exception to
7 limiting an absentee ballot request to ballots
8 for elections within a single calendar year;
9 amending s. 101.64, F.S.; revising a reference
10 on the Voter's Certificate; amending s. 101.65,
11 F.S.; revising the instructions to absentee
12 electors to include instructions to prevent
13 overvoting; amending s. 101.657, F.S.;
14 requiring certain persons voting absentee in
15 person to vote a provisional ballot; creating
16 s. 101.6921, F.S.; providing requirements for
17 delivery of special absentee ballots for
18 certain first-time voters; creating s.
19 101.6923, F.S.; providing voter instructions
20 for such special absentee ballots; creating s.
21 101.6925, F.S.; providing requirements for the
22 canvassing of special absentee ballots;
23 amending s. 101.694, F.S.; authorizing federal
24 postcard applicants for absentee ballots to
25 receive ballots for two general election
26 cycles; amending s. 102.141, F.S.; requiring
27 the canvassing of provisional ballots cast
28 during any extended polling-hour period to
29 segregate the votes from such ballots from
30 other votes; directing the Department of State
31 to adopt uniform rules for machine recounts;

1 amending s. 125.01, F.S.; conforming a cross
2 reference; repealing s. 20, ch. 2002-281, Laws
3 of Florida; eliminating future revision of a
4 cross reference, to conform; revising the
5 primary date in 2004; suspending operation of
6 the second primary election until January 1,
7 2006; providing a date in 2004 by which
8 candidates for Lieutenant Governor must be
9 designated and qualified; providing campaign
10 finance reporting dates; specifying
11 applicability of contribution limits for the
12 2004 elections; providing for construction of
13 the act in pari materia with laws enacted
14 during the 2003 Regular Session or 2003 Special
15 Session A of the Legislature; providing
16 effective dates.

17

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

19

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

22 97.012 Secretary of State as chief election
23 officer.--The Secretary of State is the chief election officer
24 of the state, and it is his or her responsibility to:

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

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

29 (3) Actively seek out and collect the data and
30 statistics necessary to knowledgeably scrutinize the
31 effectiveness of election laws.

1 (4) Provide technical assistance to the supervisors of
2 elections on voter education and election personnel training
3 services.

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

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

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

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

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

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

19 (11) Create and maintain a statewide voter
20 registration database ~~central voter file~~.

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

23 (13) Designate an office within the department to be
24 responsible for providing information regarding voter
25 registration procedures and absentee ballot procedures to
26 absent uniformed services voters and overseas voters.

27 Section 2. Section 97.021, Florida Statutes, is
28 amended to read:

29 97.021 Definitions.--For the purposes of this code,
30 except where the context clearly indicates otherwise, the
31 term:

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

3 (2) "Alternative formats" has the meaning ascribed in
4 the Americans with Disabilities Act of 1990, Pub. L. No.
5 101-336, 42 U.S.C. ss. 12101 et seq., including specifically
6 the technical assistance manuals promulgated thereunder, as
7 amended.

8 (3) "Ballot" or "official ballot" when used in
9 reference to:

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

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

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

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

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

28 (c) Any person who receives contributions or makes
29 expenditures, or gives his or her consent for any other person
30 to receive contributions or make expenditures, with a view to
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1 bringing about his or her nomination or election to, or
2 retention in, public office.

3 (d) Any person who appoints a treasurer and designates
4 a primary depository.

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

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

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

13 (5)~~(6)~~ "Department" means the Department of State.

14 (6)~~(7)~~ "Division" means the Division of Elections of
15 the Department of State.

16 (7)~~(8)~~ "Election" means any primary election, special
17 primary election, special election, general election, or
18 presidential preference primary election.

19 (8)~~(9)~~ "Election board" means the clerk and inspectors
20 appointed to conduct an election.

21 (9)~~(10)~~ "Election costs" shall include, but not be
22 limited to, expenditures for all paper supplies such as
23 envelopes, instructions to voters, affidavits, reports, ballot
24 cards, ballot booklets for absentee voters, postage, notices
25 to voters; advertisements for registration book closings,
26 testing of voting equipment, sample ballots, and polling
27 places; forms used to qualify candidates; polling site rental
28 and equipment delivery and pickup; data processing time and
29 supplies; election records retention; and labor costs,
30 including those costs uniquely associated with absentee ballot
31 preparation, poll workers, and election night canvass.

1 (10)~~(11)~~ "Elector" is synonymous with the word "voter"
2 or "qualified elector or voter," except where the word is used
3 to describe presidential electors.

4 (11)~~(12)~~ "General election" means an election held on
5 the first Tuesday after the first Monday in November in the
6 even-numbered years, for the purpose of filling national,
7 state, county, and district offices and for voting on
8 constitutional amendments not otherwise provided for by law.

9 (12)~~(13)~~ "Lists of registered electors" means copies
10 of printed lists of registered electors, computer tapes or
11 disks, or any other device used by the supervisor of elections
12 to maintain voter records.

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

17 (a) Employed as an officer or crew member of a vessel
18 documented under the laws of the United States, a vessel owned
19 by the United States, or a vessel of foreign-flag registry
20 under charter to or control of the United States; or

21 (b) Enrolled with the United States for employment or
22 training for employment, or maintained by the United States
23 for emergency relief service, as an officer or crew member of
24 such vessel.

25 (14)~~(15)~~ "Minor political party" is any group as
26 defined in this subsection which on January 1 preceding a
27 primary election does not have registered as members 5 percent
28 of the total registered electors of the state. Any group of
29 citizens organized for the general purposes of electing to
30 office qualified persons and determining public issues under
31 the democratic processes of the United States may become a

1 minor political party of this state by filing with the
2 department a certificate showing the name of the organization,
3 the names of its current officers, including the members of
4 its executive committee, and a copy of its constitution or
5 bylaws. It shall be the duty of the minor political party to
6 notify the department of any changes in the filing certificate
7 within 5 days of such changes.

8 (15)~~(16)~~ "Newspaper of general circulation" means a
9 newspaper printed in the language most commonly spoken in the
10 area within which it circulates and which is readily available
11 for purchase by all inhabitants in the area of circulation,
12 but does not include a newspaper intended primarily for
13 members of a particular professional or occupational group, a
14 newspaper the primary function of which is to carry legal
15 notices, or a newspaper that is given away primarily to
16 distribute advertising.

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

19 (17)~~(18)~~ "Nonpartisan office" means an office for
20 which a candidate is prohibited from campaigning or qualifying
21 for election or retention in office based on party
22 affiliation.

23 (18)~~(19)~~ "Office that serves persons with
24 disabilities" means any state office that takes applications
25 either in person or over the telephone from persons with
26 disabilities for any program, service, or benefit primarily
27 related to their disabilities.

28 (19)~~(20)~~ "Overseas voter" means:

29 (a) Members of the uniformed services while in the
30 active service who are permanent residents of the state and
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1 are temporarily residing outside the territorial limits of the
2 United States and the District of Columbia;

3 (b) Members of the Merchant Marine of the United
4 States who are permanent residents of the state and are
5 temporarily residing outside the territorial limits of the
6 United States and the District of Columbia; and

7 (c) Other citizens of the United States who are
8 permanent residents of the state and are temporarily residing
9 outside the territorial limits of the United States and the
10 District of Columbia,

11
12 who are qualified and registered to vote as provided by law.

13 (20)~~(21)~~ "Overvote" means that the elector marks or
14 designates more names than there are persons to be elected to
15 an office or designates more than one answer to a ballot
16 question, and the tabulator records no vote for the office or
17 question.

18 (21)~~(22)~~ "Persons with disabilities" means individuals
19 who have a physical or mental impairment that substantially
20 limits one or more major life activities.

21 (22)~~(23)~~ "Polling place" is the building which
22 contains the polling room where ballots are cast.

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

25 (24)~~(25)~~ "Primary election" means an election held
26 preceding the general election for the purpose of nominating a
27 party nominee to be voted for in the general election to fill
28 a national, state, county, or district office. The first
29 primary is a nomination or elimination election; the second
30 primary is a nominating election only.

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1 ~~(25)(26)~~ "Provisional ballot" means a conditional
2 ballot, the validity of which is determined by the canvassing
3 board issued to a voter by the election board at the polling
4 place on election day for one of the following reasons:

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

8 ~~(b)~~ ~~There is an indication on the precinct register~~
9 ~~that the voter has requested an absentee ballot and there is~~
10 ~~no indication whether the voter has returned the absentee~~
11 ~~ballot.~~

12 ~~(26)(27)~~ "Public assistance" means assistance provided
13 through the food stamp program; the Medicaid program; the
14 Special Supplemental Food Program for Women, Infants, and
15 Children; and the WAGES Program.

16 ~~(27)(28)~~ "Public office" means any federal, state,
17 county, municipal, school, or other district office or
18 position which is filled by vote of the electors.

19 ~~(28)(29)~~ "Qualifying educational institution" means
20 any public or private educational institution receiving state
21 financial assistance which has, as its primary mission, the
22 provision of education or training to students who are at
23 least 18 years of age, provided such institution has more than
24 200 students enrolled in classes with the institution and
25 provided that the recognized student government organization
26 has requested this designation in writing and has filed the
27 request with the office of the supervisor of elections in the
28 county in which the institution is located.

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

1 ~~(30)~~(31) "Special primary election" is a special
2 nomination election designated by the Governor, called for the
3 purpose of nominating a party nominee to be voted on in a
4 general or special election.

5 ~~(31)~~(32) "Supervisor" means the supervisor of
6 elections.

7 ~~(32)~~(33) "Tactile input device" means a device that
8 provides information to a voting system by means of a voter
9 touching the device, such as a keyboard, and that complies
10 with the requirements of s. 101.56062(1)(k) and (l).

11 ~~(33)~~(34) "Undervote" means that the elector does not
12 properly designate any choice for an office or ballot
13 question, and the tabulator records no vote for the office or
14 question.

15 ~~(34)~~(35) "Uniformed services" means the Army, Navy,
16 Air Force, Marine Corps, and Coast Guard, the commissioned
17 corps of the Public Health Service, and the commissioned corps
18 of the National Oceanic and Atmospheric Administration.

19 ~~(35)~~(36) "Voter interface device" means any device
20 that communicates voting instructions and ballot information
21 to a voter and allows the voter to select and vote for
22 candidates and issues.

23 ~~(36)~~(37) "Voter registration agency" means any office
24 that provides public assistance, any office that serves
25 persons with disabilities, any center for independent living,
26 or any public library.

27 ~~(37)~~(38) "Voting booth" or "booth" means that booth or
28 enclosure wherein an elector casts his or her ballot for
29 tabulation by an electronic or electromechanical device.

30 ~~(38)~~(39) "Voting system" means a method of casting and
31 processing votes that functions wholly or partly by use of

1 electromechanical or electronic apparatus or by use of paper
2 ballots and includes, but is not limited to, the procedures
3 for casting and processing votes and the programs, operating
4 manuals, tabulating cards, printouts, and other software
5 necessary for the system's operation.

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

8 97.052 Uniform statewide voter registration
9 application.--

10 (3) The uniform statewide voter registration
11 application must also contain:

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

14 (b) A statement specifying each eligibility
15 requirement under s. 97.041.

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

18 (d) A statement that, if an applicant declines to
19 register to vote, the fact that the applicant has declined to
20 register will remain confidential and may be used only for
21 voter registration purposes.

22 (e) A statement that informs the applicant who chooses
23 to register to vote or update a voter registration record that
24 the office at which the applicant submits a voter registration
25 application or updates a voter registration record will remain
26 confidential and may be used only for voter registration
27 purposes.

28 (f) A statement that informs the applicant that any
29 person who has been granted a homestead exemption in this
30 state, and who registers to vote in any precinct other than
31 the one in which the property for which the homestead

1 exemption has been granted, shall have that information
2 forwarded to the property appraiser where such property is
3 located, which may result in the person's homestead exemption
4 being terminated and the person being subject to assessment of
5 back taxes under s. 193.092, unless the homestead granted the
6 exemption is being maintained as the permanent residence of a
7 legal or natural dependent of the owner and the owner resides
8 elsewhere.

9 (g) A statement informing the applicant that if the
10 form is submitted by mail and the applicant is registering for
11 the first time, the applicant will be required to provide
12 identification prior to voting the first time.

13 Section 4. Paragraph (a) of subsection (5) of section
14 97.053, Florida Statutes, is amended to read:

15 97.053 Acceptance of voter registration
16 applications.--

17 (5)(a) A voter registration application is complete if
18 it contains:

- 19 1. The applicant's name.
- 20 2. The applicant's legal residence address.
- 21 3. The applicant's date of birth.
- 22 4. An indication that the applicant is a citizen of
23 the United States.
- 24 5. The applicant's Florida driver's license number,
25 the identification number from a Florida identification card
26 issued under s. 322.051, or the last four digits of the
27 applicant's social security number.
- 28 6. An indication that the applicant has not been
29 convicted of a felony or that, if convicted, has had his or
30 her civil rights restored.

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1 7. An indication that the applicant has not been
2 adjudicated mentally incapacitated with respect to voting or
3 that, if so adjudicated, has had his or her right to vote
4 restored.

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

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

12 97.028 Procedures on complaints of violations of Title
13 III of the Help America Vote Act of 2002.--

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

18 (b) The complaint must be in writing and must be
19 signed and sworn to before a notary by the person filing the
20 complaint. Further, the complaint must state the alleged
21 violation and the person or entity responsible for the
22 violation. The department shall prescribe the form for
23 complaints filed under this section. If the department
24 determines that the complaint fails to allege both a violation
25 and a person or entity responsible for the violation, or that
26 the complaint is not properly executed, the department shall
27 inform the complainant in writing that the complaint is
28 legally insufficient.

29 (c) For purposes of this section, a violation of Title
30 III of the Help America Vote Act of 2002 is the failure to
31 perform an act required or the performance of an act

1 prohibited by Title III of the Help America Vote Act of 2002
2 by a covered person or entity.

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

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

9 (f) The department may consolidate complaints filed
10 under this section.

11 (g) All proceedings under this section are exempt from
12 chapter 120.

13 (2)(a) When a legally sufficient complaint is filed
14 with the department, the agency head shall designate a hearing
15 officer who shall:

16 1. Provide the subject of the complaint with a copy of
17 the complaint. The subject of the complaint shall, within 10
18 days after receipt of the complaint, file with the department
19 a written, sworn response to the complaint.

20 2. Upon receipt of the response, the hearing officer
21 shall review both sworn filings to determine whether a
22 violation of the Title III of the Help America Vote Act of
23 2002 has occurred, is occurring, or is about to occur. The
24 complaint and the response shall constitute the official
25 hearing record to be considered by the hearing officer. The
26 hearing officer shall provide the complainant with a copy of
27 the response.

28 3. At the hearing officer's discretion, the
29 complainant and the respondent may be ordered by the hearing
30 officer to provide additional sworn oral or written statements
31 or additional documents to assist the hearing officer in

1 making his or her determination. Further, other relevant
2 witnesses may also be ordered by the hearing officer to give
3 sworn testimony or to provide relevant documents to assist the
4 hearing officer in making his or her determination. Any such
5 statements or documents received by the hearing officer shall
6 also become part of the official hearing record. For purposes
7 of this section, the hearing officer is authorized to
8 administer oaths and to issue subpoenas.

9 4. The hearing officer shall advise both the
10 complainant and respondent in writing of their determination.
11 If the hearing officer determines that no violation has
12 occurred, is occurring, or is about to occur, the department
13 shall dismiss the complaint and publish its determination. If
14 the hearing officer determines that a violation of Title III
15 of the Help America Vote Act has occurred, is occurring, or is
16 about to occur, the department shall issue and deliver an
17 order directing the appropriate remedy to persons responsible
18 for effecting such remedy. The issuance of an order does not
19 constitute agency action for which a hearing under ss. 120.569
20 or 120.57 may be sought. For purposes of enforcing the order,
21 the department may initiate a proceeding in the name of the
22 state seeking issuance of an injunction, a writ of mandamus,
23 or other equitable remedy against any person who violates any
24 provision of such order.

25 5. The department shall make a final determination
26 with respect to the complaint within 90 days after the date
27 that the complaint was filed, unless the complainant consents
28 to a longer period for making such a determination.

29 (b) If the department fails to meet the deadline
30 established in subparagraph (a)5., the complaint shall be
31 forwarded to mediation. Mediation shall occur within 60 days

1 after the department's failure to make a determination within
2 the timeframe established in subparagraph (a)5. The record
3 created under this section shall be made available for use in
4 the mediation.

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

7 97.0535 Special requirements for certain applicants.--

8 (1) Each applicant who registers by mail and who has
9 never previously voted in the county shall be required to
10 provide a copy of a current and valid identification, as
11 provided in subsection (3), or indicate that he or she is
12 exempt from the requirements prior to voting. The applicant
13 may provide the identification or indication at the time of
14 registering, or at any time prior to voting for the first time
15 in the county. If the voter registration application clearly
16 provides information from which the supervisor can determine
17 that the applicant meets at least one of the exemptions in
18 subsection (4), the supervisor shall make the notation on the
19 registration records and the applicant shall not be required
20 to provide further information that is required of first time
21 voters who register by mail.

22 (2) The supervisor of elections shall, upon accepting
23 the voter registration for an applicant who registered by mail
24 and who has not previously voted in the county, determine if
25 the applicant provided the required identification at the time
26 of registering. If the required identification was not
27 provided, the supervisor shall notify the applicant that he or
28 she must provide the identification prior to voting the first
29 time in the county.

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

- 4 1. Florida driver's license.
- 5 2. Florida identification card issued by the
6 Department of Highway Safety and Motor Vehicles.
- 7 3. United States passport.
- 8 4. Employee badge or identification.
- 9 5. Buyer's club identification.
- 10 6. Debit or credit card.
- 11 7. Military identification.
- 12 8. Student identification.
- 13 9. Retirement center identification.
- 14 10. Neighborhood association identification.
- 15 11. Entertainment identification.
- 16 12. Public assistance identification.

17 (b) The following forms of identification shall be
18 considered current and valid if they contain the name and
19 current residence address of the applicant:

- 20 1. Utility bill.
- 21 2. Bank statement.
- 22 3. Government check.
- 23 4. Paycheck.
- 24 5. Other government document (excluding voter
25 identification card).

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

- 28 (a) Persons 65 years of age or older.
- 29 (b) Persons with a temporary or permanent physical
30 disability.

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1 (c) Members of the uniformed service on active duty
2 who, by reason of such active duty, are absent from the county
3 on election day.

4 (d) Members of the merchant marine who, by reason of
5 service in the merchant marine, are absent from the county on
6 election day.

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

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

13 Section 7. Subsection (3) of section 98.045, Florida
14 Statutes, is amended to read:

15 98.045 Administration of voter registration.--

16 (3) Notwithstanding the provisions of ss. 98.095~~7~~,
17 ~~98.097~~, and 98.0977, each supervisor shall maintain for at
18 least 2 years, and make available for public inspection and
19 copying, all records concerning implementation of registration
20 list maintenance programs and activities conducted pursuant to
21 ss. 98.065, 98.075, and 98.0977. The records must include
22 lists of the name and address of each person to whom an
23 address confirmation final notice was sent and information as
24 to whether each such person responded to the mailing, but may
25 not include any information that is confidential or exempt
26 from public record requirements under this code.

27 Section 8. Section 98.097, Florida Statutes, is
28 repealed.

29 Section 9. Section 98.0977, Florida Statutes, is
30 amended to read:

31

1 98.0977 Statewide voter registration database;
2 operation development and maintenance.--

3 (1) ~~From the funds appropriated,~~The department shall
4 ~~may contract with the Florida Association of Court Clerks to~~
5 ~~analyze, design, develop, operate, and maintain the a~~
6 statewide, on-line voter registration database and associated
7 website until such time as the statewide voter registration
8 system required to be developed pursuant to the Help America
9 Vote Act of 2002 is operational, ~~to be fully operational~~
10 ~~statewide by June 1, 2002.~~ The database shall contain voter
11 registration information from each of the 67 supervisors of
12 elections in this state and shall be accessible through an
13 Internet website. The system shall provide functionality for
14 ensuring that the database is updated on a daily basis to
15 determine if a registered voter is ineligible to vote for any
16 of the following reasons, including, but not limited to:

- 17 (a) The voter is deceased;
18 (b) The voter has been convicted of a felony and has
19 not had his or her civil rights restored; or
20 (c) The voter has been adjudicated mentally
21 incompetent and his or her mental capacity with respect to
22 voting has not been restored.

23
24 The database shall also allow for duplicate voter
25 registrations to be identified.

26 (2) The Department of State shall not contract with
27 any private entity ~~other than the Florida Association of Court~~
28 ~~Clerks for the operation or maintenance~~ of the statewide voter
29 registration database.

30 (3)(a) In administering the database, each supervisor
31 of elections shall compare registration information provided

1 by a voter with information held by the Department of Law
2 Enforcement, the Board of Executive Clemency, the Office of
3 Vital Statistics, and other relevant sources.

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

7 (c) Information in the database indicating that a
8 person registered to vote in a given county has subsequently
9 registered to vote in another jurisdiction shall be considered
10 as a written request from that voter to have his or her name
11 removed from the voter registration rolls of that county, and
12 the supervisor of elections of that county shall remove that
13 voter's name from the county's voter registration rolls.

14 (d) When the supervisor of elections finds information
15 through the database that suggests that a voter has been
16 convicted of a felony and has not had his or her civil rights
17 restored or has been adjudicated mentally incompetent and his
18 or her mental capacity with respect to voting has not been
19 restored, the supervisor of elections shall notify the voter
20 by certified United States mail. The notification shall
21 contain a statement as to the reason for the voter's potential
22 ineligibility to be registered to vote and shall request
23 information from the voter on forms provided by the supervisor
24 of elections. As an alternative, the voter may attend a
25 hearing at a time and place specified in the notice. If there
26 is evidence that the notice was not received, notice must be
27 given once by publication in a newspaper of general
28 circulation in the county. The notice must plainly state that
29 the voter is potentially ineligible to be registered to vote
30 and must state a time and place for the person to appear
31 before the supervisor of elections to show cause why his or

1 her name should not be removed from the voter registration
2 rolls. After reviewing the information provided by the voter,
3 if the supervisor of elections determines that the voter is
4 not eligible to vote under the laws of this state, the
5 supervisor of elections shall notify the voter by certified
6 United States mail that he or she has been found ineligible to
7 be registered to vote in this state, shall state the reason
8 for the ineligibility, and shall inform the voter that he or
9 she has been removed from the voter registration rolls. The
10 supervisor of elections shall remove from the voter
11 registration rolls the name of any voter who fails either to
12 respond within 30 days to the notice sent by certified mail or
13 to attend the hearing.

14 (e) Upon hearing all evidence in a hearing, the
15 supervisor of elections must determine whether there is
16 sufficient evidence to strike the person's name from the
17 registration books. If the supervisor determines that there is
18 sufficient evidence, he or she must strike the name.

19 (f) Appeal may be taken to the circuit court in and
20 for the county where the person was registered. Notice of
21 appeal must be filed within the time and in the manner
22 provided by the Florida Rules of Appellate Procedure and acts
23 as supersedeas. Trial in the circuit court is de novo and
24 governed by the rules of that court. Unless the person can
25 show that his or her name was erroneously or illegally
26 stricken from the registration books or that he or she is
27 indigent, the person must bear the costs of the trial in the
28 circuit court. Otherwise, the cost of the appeal must be paid
29 by the board of county commissioners.

30 (4) To the maximum extent feasible, state and local
31 government entities shall facilitate provision of information

1 and access to data to the department in order to compare
2 information in the statewide voter registration database with
3 available information in other computer databases, including,
4 but not limited to, databases that contain reliable criminal
5 records and records of deceased persons. State and local
6 governmental agencies that provide such data shall do so
7 without charge if the direct cost incurred by those agencies
8 is not significant.

9 ~~(5) The Division of Elections shall provide written~~
10 ~~quarterly progress reports on each phase of development of the~~
11 ~~voter registration database to the President of the Senate and~~
12 ~~the Speaker of the House of Representatives beginning July 1,~~
13 ~~2001, and continuing until the database is fully implemented.~~

14 (5)(6) The duties of the supervisors of elections
15 under this section shall be considered part of their regular
16 registration list maintenance duties under this chapter, and
17 any supervisor of elections who willfully refuses or willfully
18 neglects to perform his or her duties under this section shall
19 be in violation of s. 104.051(2).

20 Section 10. (1) Beginning July 1, 2003, from the
21 funds appropriated the Department of State shall begin the
22 development of a statewide voter registration system designed
23 to meet the requirements of sections 303 through 305 of the
24 Help America Vote Act of 2002. The Legislature recognizes that
25 the January 1, 2004, implementation date for the system
26 provided in the federal bill cannot be met because there is
27 not sufficient time for implementation of such a system.
28 Accordingly, the department shall certify these facts to the
29 Election Assistance Commission in order to qualify for waiver
30 and extension of the due date until January 1, 2006.

1 (2) The department shall begin system needs
2 assessments and design activities by July 1, 2003. The
3 Department of Highway Safety and Motor Vehicles, the
4 Department of Health, the Department of Law Enforcement, the
5 Board of Executive Clemency, the State Technology Office, and
6 representatives of the Florida State Association of
7 Supervisors of Elections shall cooperate and participate in
8 the development of the system. Other state agencies and local
9 government entities that may have data or systems needed for
10 integration with the system shall also cooperate and
11 participate in the development of the system upon a request
12 from the department.

13 (3) No later than January 31, 2004, the department
14 shall present to the Governor, the President of the Senate,
15 and the Speaker of the House of Representatives a plan for
16 completion of the system, which shall include:

17 (a) Business process design for all participants in
18 the system operation.

19 (b) Design, location, and specifications for hardware,
20 system software components, and communications infrastructure
21 of the system.

22 (c) Design, specifications, and development plans for
23 application software for the system.

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

26 (e) Recommended statutory changes needed to implement
27 the system.

28 (4) This phase of the development shall continue
29 through June 30, 2004, and shall include design and
30 development of the core system, which will be operated by the
31 Department of State; definition of the business processes

1 which will be required of the other agencies and counties; and
2 functional requirements specifications for integration with
3 the data systems of the other agencies and the counties.

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

6 Section 11. Section 98.212, Florida Statutes, is
7 amended to read:

8 98.212 Supervisors to furnish statistical and other
9 information.--

10 (1)(a) Upon written request, supervisors shall, as
11 promptly as possible, furnish to recognized public or private
12 universities and senior colleges within the state, to state or
13 county governmental agencies, and to recognized political
14 party committees statistical information for the purpose of
15 analyzing election returns and results.

16 (b) Supervisors may require reimbursement for any part
17 or all of the actual expenses of supplying any information
18 requested under paragraph (a). For the purposes of this
19 subsection, supervisors may use the services of any research
20 and statistical personnel that may be supplied.

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

26 (2) The supervisors shall provide information as
27 requested by the department for program evaluation and
28 reporting to the Federal Election Commission pursuant to the
29 National Voter Registration Act of 1993.

30
31

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

4 Section 12. Section 98.461, Florida Statutes, is
5 amended to read:

6 98.461 Registration form, precinct register;
7 contents.--A registration form, approved by the Department of
8 State, containing the information required in s. 97.052 shall
9 be filed alphabetically in the office of the supervisor as the
10 master list of electors of the county. However, the
11 registration forms may be microfilmed and such microfilms
12 substituted for the original registration forms; or, when
13 voter registration information, including the voter's
14 signature, is maintained digitally or on electronic, magnetic,
15 or optic media, such stored information may be substituted for
16 the original registration form. Such microfilms or stored
17 information shall be retained in the custody of the supervisor
18 of elections. In the event the original registration forms are
19 microfilmed or maintained digitally or on electronic or other
20 media, such originals may be destroyed in accordance with the
21 schedule approved by the Bureau of Archives and Records
22 Management of the Division of Library and Information Services
23 of the Department of State. As an alternative, the information
24 from the registration form, including the signature, may be
25 electronically reproduced and stored as provided in s. 98.451.
26 A computer printout shall ~~may~~ be used at the polls as a
27 precinct register in lieu of the registration books. The
28 precinct register shall contain the date of the election, the
29 precinct number, and the following information concerning each
30 registered elector: last name, first name, and middle name or
31 initial; party affiliation; residence address; registration

1 number; date of birth; sex, if provided; race, if provided;
2 whether the voter needs assistance in voting; and such other
3 additional information as to readily identify the elector. ~~The~~
4 ~~precinct register may also contain a list of the forms of~~
5 ~~identification, which must include, but is not limited to, a~~
6 ~~Florida driver's license, a Florida identification card issued~~
7 ~~under s. 322.051, or another form of picture identification~~
8 ~~approved by the Department of State.~~The precinct register
9 shall ~~may~~ also contain a space for the elector's signature
10 ~~and~~ a space for the initials of the witnessing clerk or
11 inspector, ~~and a space for the signature slip or ballot~~
12 ~~number.~~

13 Section 13. Section 98.471, Florida Statutes, is
14 renumbered as section 101.043, Florida Statutes, and amended
15 to read:

16 101.043 ~~98.471~~ Identification required ~~Use of precinct~~
17 ~~register at polls.--~~

18 (1) The precinct register, as prescribed in s. 98.461,
19 shall ~~may~~ be used at the polls in lieu of the registration
20 books for the purpose of identifying the elector at the polls
21 prior to allowing him or her to vote. The clerk or inspector
22 shall require each elector, upon entering the polling place,
23 to present a current and valid ~~Florida driver's license, a~~
24 ~~Florida identification card issued under s. 322.051, or~~
25 ~~another form of picture identification as provided in s.~~
26 97.0535(3)(a). If the picture identification does not contain
27 the signature of the voter, an additional identification that
28 provides the voter's signature shall be required ~~approved by~~
29 ~~the Department of State.~~ The elector shall sign his or her
30 name in the space provided, and the clerk or inspector shall
31 compare the signature with that on the identification provided

1 by the elector and enter his or her initials in the space
2 provided and allow the elector to vote if the clerk or
3 inspector is satisfied as to the identity of the elector.

4 (2) Except as provided in subsection (3), if the
5 elector fails to furnish the required identification, or if
6 the clerk or inspector is in doubt as to the identity of the
7 elector, such clerk or inspector shall follow the procedure
8 prescribed in s. 101.49.

9 (3) If the elector who fails to furnish the required
10 identification is a first-time voter who registered by mail
11 and has not provided the required identification to the
12 supervisor of elections prior to election day, the elector
13 shall be allowed to vote a provisional ballot. The canvassing
14 board shall determine the validity of the ballot pursuant to
15 s. 101.048(2).

16 Section 14. Section 98.491, Florida Statutes, is
17 repealed.

18 Section 15. Section 101.048, Florida Statutes, is
19 amended to read:

20 101.048 Provisional ballots.--

21 (1) At all elections, a voter claiming to be properly
22 registered in the county and eligible to vote at the precinct
23 in the election, but whose eligibility cannot be determined,
24 and other persons specified in the code shall be entitled to
25 vote a provisional ballot. Once voted, the provisional ballot
26 shall be placed in a secrecy envelope and thereafter sealed in
27 a provisional ballot envelope. The provisional ballot shall be
28 deposited in a ballot box. All provisional ballots shall
29 remain sealed in their envelopes for return to the supervisor
30 of elections. The department shall prescribe the form of the
31 provisional ballot envelope.

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

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

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

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

21
22 STATE OF FLORIDA

23 COUNTY OF _____

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

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

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

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

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

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

8 ... (Driver's License Number or Last Four Digits of
9 Social Security Number) ...

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

12 ... (Election Official) ...

14 Precinct # _____ Ballot Style/Party Issued: _____

15
16 ~~Additional information may be provided to further assist the~~
17 ~~supervisor of elections in determining eligibility.~~

18 (4) In counties where the voting system does not
19 utilize a paper ballot, the supervisor of elections may shall
20 provide the appropriate provisional ballot to the voter by
21 electronic means as provided for by the certified voting
22 system. Each person casting a provisional ballot by electronic
23 means shall, prior to casting his or her ballot, complete the
24 Provisional Ballot Voter s Certificate and Affirmation as
25 provided in subsection (3)~~ballots to each polling place.~~

26 (5) Each person casting a provisional ballot shall be
27 given written instructions regarding the free access system
28 established pursuant to subsection (6). The instructions shall
29 contain information on how to access the system and the
30 information the voter will need to provide to obtain
31 information on his or her particular ballot. The instructions

1 shall also include the following statement: "If this is a
2 primary election, you should contact the supervisor of
3 elections' office immediately to confirm that you are
4 registered and can vote in the general election."

5 (6) Each supervisor of elections shall establish a
6 free access system that allows each person who casts a
7 provisional ballot to determine whether his or her provisional
8 ballot was counted in the final canvass of votes and, if not,
9 the reasons why. Information regarding provisional ballots
10 shall be available no later than 30 days following the
11 election. The system established must restrict information
12 regarding an individual ballot to the person who cast the
13 ballot.

14 Section 16. Section 101.049, Florida Statutes, is
15 created to read:

16 101.049 Provisional ballots; special circumstances.--

17 (1) Any person who votes in an election after the
18 regular poll-closing time pursuant to a court or other order
19 extending the statutory polling hours must vote a provisional
20 ballot. Once voted, the provisional ballot shall be placed in
21 a secrecy envelope and thereafter sealed in a provisional
22 ballot envelope. The election official witnessing the voter's
23 subscription and affirmation on the Provisional Ballot Voter's
24 Certificate shall indicate whether or not the voter met all
25 requirements to vote a regular ballot at the polls. All such
26 provisional ballots shall remain sealed in their envelopes and
27 transmitted to the supervisor of elections.

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

31

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

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

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

11 Section 17. Section 101.111, Florida Statutes, is
12 amended to read:

13 101.111 Person desiring to vote may be challenged;
14 challenger to execute oath; oath of person challenged ~~elector~~;
15 determination of challenge.--

16 (1) When the right to vote of any person who desires
17 to vote is challenged ~~questioned~~ by any elector or poll
18 watcher, the challenge shall be reduced to writing with an
19 oath as provided in this section, giving reasons for the
20 challenge, which shall be delivered to the clerk or inspector.
21 Any elector or ~~authorized~~ poll watcher challenging the right
22 of a person to vote ~~an elector at an election~~ shall execute
23 the oath set forth below:

24
25 OATH OF PERSON ENTERING CHALLENGE

26
27 State of Florida

28 County of _____

29
30 I do solemnly swear that my name is _____; that I am a
31 member of the _____ party; that I am _____ years old; ~~that I~~

1 ~~was born in the state of _____ or the country of _____; that my~~
2 ~~residence address is on _____ street, in the municipality of~~
3 ~~_____;~~ and that I have reason to believe that _____ is
4 attempting to vote illegally and the reasons for my belief are
5 set forth herein to wit:

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

7
8 Sworn and subscribed to before me this _____ day of
9 _____, ... (year)

10 ... (Clerk of election) ...

11
12 (2) Before a person who is challenged ~~elector~~ is
13 permitted to vote ~~by any officer or person in charge of~~
14 ~~admission to the polling place,~~ the challenged person's
15 ~~elector's~~ right to vote shall be determined in accordance with
16 the provisions of subsection (3). The clerk or inspector shall
17 immediately deliver to the challenged person ~~elector~~ a copy of
18 the oath of the person entering the challenge and shall
19 request the challenged person ~~elector~~ to execute the following
20 oath affidavit:

21
22 OATH OF PERSON CHALLENGED ~~VOTER~~

23
24 State of Florida

25 County of _____

26
27 I do solemnly swear that my name is _____; that I am a
28 member of the _____ party; that my date of birth is ~~I am~~ _____
29 ~~years old;~~ that I ~~was born in the state of _____ or the~~
30 ~~country of _____;~~ that my residence address is on _____
31 ~~street,~~ in the municipality of _____, in this the _____

1 precinct of _____ county; that I personally made application
2 for registration and signed my name and that I am a qualified
3 voter in this election, and I am not registered to vote in any
4 other precinct other than the one in which I am presently
5 seeking to vote.

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

7
8 Sworn and subscribed to before me this _____ day of
9 _____, ... (year)

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

11
12 Any inspector or clerk of election may administer the oath.

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

19 (b) If the challenged person refuses to complete the
20 oath or if a majority of the clerk and inspectors doubt the
21 eligibility of the person to vote, the challenged person shall
22 be allowed to vote a provisional ballot. The oath of the
23 person entering the challenge and the oath of the person
24 challenged shall be attached to the provisional ballot for
25 transmittal to the canvassing board.~~If the challenged person~~
26 ~~refuses to make and sign the affidavit, the clerk or inspector~~
27 ~~shall refuse to allow him or her to vote. If such person makes~~
28 ~~the affidavit, the inspectors and clerk of election shall~~
29 ~~compare the information in the affidavit with that entered on~~
30 ~~the registration books opposite the person's name, and, upon~~
31 ~~such comparison of the information and the person's signature~~

1 ~~and the taking of other evidence which may then be offered,~~
2 ~~the clerk and inspectors shall decide by a majority vote~~
3 ~~whether the challenged person may vote. If the challenged~~
4 ~~person is unable to write or sign his or her name, the clerk~~
5 ~~or inspector shall examine the precinct register to ascertain~~
6 ~~whether the person registered under the name of such person is~~
7 ~~represented to have signed his or her name. If the person is~~
8 ~~so represented, then he or she shall be denied permission to~~
9 ~~vote without further examination; but, if not, then the clerk~~
10 ~~or one of the inspectors shall place such person under oath~~
11 ~~and orally examine him or her upon the subject matter~~
12 ~~contained in the affidavit, and, if there is any doubt as to~~
13 ~~the identity of such person, the clerk or inspector shall~~
14 ~~compare the person's appearance with the description entered~~
15 ~~upon the precinct register opposite the person's name. The~~
16 ~~clerk or inspector shall then proceed as in other cases to~~
17 ~~determine whether the challenged person may vote.~~

18 Section 18. Paragraph (a) of subsection (1) of section
19 101.62, Florida Statutes, is amended to read:

20 101.62 Request for absentee ballots.--

21 (1)(a) The supervisor may accept a request for an
22 absentee ballot from an elector in person or in writing.
23 Except as provided in s. 101.694,one request shall be deemed
24 sufficient to receive an absentee ballot for all elections
25 which are held within a calendar year, unless the elector or
26 the elector's designee indicates at the time the request is
27 made the elections for which the elector desires to receive an
28 absentee ballot. Such request may be considered canceled when
29 any first-class mail sent by the supervisor to the elector is
30 returned as undeliverable.

31

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

3 101.64 Delivery of absentee ballots; envelopes;
4 form.--

5 (1) The supervisor shall enclose with each absentee
6 ballot two envelopes: a secrecy envelope, into which the
7 absent elector shall enclose his or her marked ballot; and a
8 mailing envelope, into which the absent elector shall then
9 place the secrecy envelope, which shall be addressed to the
10 supervisor and also bear on the back side a certificate in
11 substantially the following form:

12
13 Note: Please Read Instructions Carefully Before
14 Marking Ballot and Completing Voter's Certificate.

15
16 VOTER'S CERTIFICATE

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

27
28 ... (Date) (Voter's Signature) ...
29
30
31

1 Note: Your Signature Must Be Witnessed By One Witness
2 18 Years of Age or Older as provided in ~~item 8~~ of the
3 Instruction Sheet.

4
5 I swear or affirm that the voter signed this Voter's
6 Certificate in my presence.

7
8 ... (Signature of Witness) ...

9
10 ... (Address) ...

11
12 ... (City/State) ...

13 Section 20. Section 101.65, Florida Statutes, is
14 amended to read:

15 101.65 Instructions to absent electors.--The
16 supervisor shall enclose with each absentee ballot separate
17 printed instructions in substantially the following form:

18
19 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING
20 BALLOT.

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

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

30 3. Mark only the number of candidates or issue choices
31 for a race as indicated on the ballot. If you are allowed to

1 "Vote for One" candidate and you vote for more than one
2 candidate, your vote in that race will not be counted.
3 ~~4.3.~~ Place your marked ballot in the enclosed secrecy
4 envelope.
5 ~~5.4.~~ Insert the secrecy envelope into the enclosed
6 mailing envelope which is addressed to the supervisor.
7 ~~6.5.~~ Seal the mailing envelope and completely fill out
8 the Voter's Certificate on the back of the mailing envelope.
9 ~~7.6.~~ VERY IMPORTANT. In order for your absentee ballot
10 to be counted, you must sign your name on the line above
11 (Voter's Signature).
12 ~~8.7.~~ VERY IMPORTANT. If you are an overseas voter, you
13 must include the date you signed the Voter's Certificate on
14 the line above (Date) or your ballot may not be counted.
15 ~~9.8.~~ VERY IMPORTANT. In order for your absentee ballot
16 to be counted, it must include the signature and address of a
17 witness 18 years of age or older affixed to the Voter's
18 Certificate. No candidate may serve as an attesting witness.
19 ~~10.9.~~ Mail, deliver, or have delivered the completed
20 mailing envelope. Be sure there is sufficient postage if
21 mailed.
22 ~~11.10.~~ FELONY NOTICE. It is a felony under Florida law
23 to accept any gift, payment, or gratuity in exchange for your
24 vote for a candidate. It is also a felony under Florida law to
25 vote in an election using a false identity or false address,
26 or under any other circumstances making your ballot false or
27 fraudulent.
28 Section 21. Section 101.657, Florida Statutes, is
29 amended to read:
30 101.657 Voting absentee ballots in person.--
31

1 (1) Any qualified and registered elector may pick up
2 and vote an absentee ballot in person at the office of, and
3 under the supervision of, the supervisor of elections. Before
4 receiving the ballot, the elector must present a current and
5 valid Florida driver's license, a Florida identification card
6 issued under s. 322.051, or another form of picture
7 identification as provided in s. 97.0535(3)(a)~~approved by the~~
8 ~~Department of State~~. If the elector fails to furnish the
9 required identification, or if the supervisor is in doubt as
10 to the identity of the elector, the supervisor must follow the
11 procedure prescribed in s. 101.49. If the elector who fails to
12 furnish the required identification is a first-time voter who
13 registered by mail and has not provided the required
14 identification to the supervisor of elections prior to voting,
15 the elector shall be allowed to vote a provisional ballot. The
16 canvassing board shall compare the signature on the
17 provisional ballot envelope with the signature on the voter's
18 registration and, if the signatures match, shall count the
19 ballot.

20 (2) As an alternative to the provisions of ss. 101.64
21 and 101.65, the supervisor of elections may allow an elector
22 to cast an absentee ballot in the main or branch office of the
23 supervisor by depositing the voted ballot in a voting device
24 used by the supervisor to collect or tabulate ballots. The
25 results or tabulation may not be made before the close of the
26 polls on election day.

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

30
31

IN-OFFICE VOTER CERTIFICATE

1
2 I, _____, am a qualified elector in this election and
3 registered voter of _____ County, Florida. I do solemnly swear
4 or affirm that I am the person so listed on the voter
5 registration rolls of _____ County and that I reside at the
6 listed address. I understand that if I commit or attempt to
7 commit fraud in connection with voting, vote a fraudulent
8 ballot, or vote more than once in an election I could be
9 convicted of a felony of the third degree and both fined up to
10 \$5,000 and imprisoned for up to 5 years. I understand that my
11 failure to sign this certificate and have my signature
12 witnessed invalidates my ballot.

13

14

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

16

17 ... (Address) ...

18

19 ... (City/State) ...

20

21 ... (Name of Witness) ...

22

23 ... (Signature of Witness) ...

24

25 ... (Type of identification provided) ...

26

27 (b) Any elector may challenge an elector seeking to
28 cast an absentee ballot under the provisions of s. 101.111.
29 Any challenged ballot must be placed in a regular absentee
30 ballot envelope. The canvassing board shall review the ballot
31 and decide the validity of the ballot by majority vote.

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

4 Section 22. Section 101.6921, Florida Statutes, is
5 created to read:

6 101.6921 Delivery of special absentee ballot to
7 certain first-time voters.--

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

13 (2) The supervisor shall enclose with each absentee
14 ballot three envelopes: a secrecy envelope, into which the
15 absent elector will enclose his or her marked ballot; an
16 envelope containing the Voter's Certificate, into which the
17 absent elector shall place the secrecy envelope; and a mailing
18 envelope, which shall be addressed to the supervisor and into
19 which the absent elector will place the envelope containing
20 the Voter's Certificate and a copy of the required
21 identification.

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

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

26 VOTER'S CERTIFICATE

27 I, _____, do solemnly swear or affirm that I am a
28 qualified and registered voter of _____ County, Florida, and
29 that I have not and will not vote more than one ballot in
30 this election. I understand that if I commit or attempt to
31 commit any fraud in connection with voting, vote a fraudulent

1 ballot, or vote more than once in an election, I can be
2 convicted of a felony of the third degree and fined up to
3 \$5,000 and/or imprisoned for up to 5 years. I also understand
4 that failure to sign this certificate and have my signature
5 properly witnessed will invalidate my ballot. I understand
6 that unless I meet one of the exemptions below, I must provide
7 a copy of a current and valid identification as provided in
8 the instruction sheet to the supervisor of elections in order
9 for my ballot to count.

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

14 I am 65 years of age or older.

15 I have a permanent or temporary physical disability.

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

19 I am a member of the merchant marine who, by reason of
20 service in the merchant marine, will be absent from the county
21 on election day.

22 I am the spouse or dependent of a member of the
23 uniformed service or merchant marine who, by reason of the
24 active duty or service of the member, will be absent from the
25 county on election day.

26 I am currently residing outside the United States.

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

28
29 Note: Your signature must be witnessed by one witness 18 years
30 of age or older as provided in the instruction sheet.

31

1 I swear or affirm that the voter signed this Voter's
2 Certificate in my presence.
3
4 ... (Signature of witness) ...
5
6 ... (Address) ...
7
8 ... (City/State) ...
9
10 (4) The certificate shall be arranged on the back of
11 the envelope so that the lines for the signatures of the
12 absent elector and the attesting witness are across the seal
13 of the envelope.
14 Section 23. Section 101.6923, Florida Statutes, is
15 created to read:
16 101.6923 Special absentee ballot instructions for
17 certain first-time voters.--
18 (1) The provisions of this section apply to voters who
19 registered to vote by mail, who have not previously voted in
20 the county, and who have not provided the identification or
21 information required by s. 97.0535 by the time the absentee
22 ballot is mailed.
23 (2) A voter covered by this section shall be provided
24 with the following printed instructions with his or her
25 absentee ballot:
26
27 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR BALLOT.
28 FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT
29 TO COUNT.
30
31

- 1 1. In order to ensure that your absentee ballot will
2 be counted, it should be completed and returned as soon as
3 possible so that it can reach the supervisor of elections of
4 the county in which your precinct is located no later than 7
5 p.m. on the date of the election.
- 6 2. Mark your ballot in secret as instructed on the
7 ballot. You must mark your own ballot unless you are unable to
8 do so because of blindness, disability, or inability to read
9 or write.
- 10 3. Mark only the number of candidates or issue choices
11 for a race as indicated on the ballot. If you are allowed to
12 "Vote for One" candidate and you vote for more than one, your
13 vote in that race will not be counted.
- 14 4. Place your marked ballot in the enclosed secrecy
15 envelope and seal the envelope.
- 16 5. Insert the secrecy envelope into the enclosed
17 envelope bearing the Voter's Certificate. Seal the envelope
18 and completely fill out the Voter's Certificate on the back of
19 the envelope.
- 20 a. You must sign your name on the line above (Voter's
21 Signature).
- 22 b. You must have your signature witnessed. Have the
23 witness sign above (Signature of Witness) and include his or
24 her address. No candidate may serve as an attesting witness.
- 25 c. If you are an overseas voter, you must include the
26 date you signed the Voter's Certificate on the line above
27 (Date) or your ballot may not be counted.
- 28 6. Unless you meet one of the exemptions in Item 7.,
29 you must make a copy of one of the following forms of
30 identification:
- 31

1 a. Identification which must include your name and
2 photograph: current and valid Florida driver's license;
3 Florida identification card issued by the Department of
4 Highway Safety and Motor Vehicles; United States passport;
5 employee badge or identification; buyer's club identification
6 card; debit or credit card; military identification; student
7 identification; retirement center identification; neighborhood
8 association identification; entertainment identification; or
9 public assistance identification; or

10 b. Identification which shows your name and current
11 residence address: current utility bill, bank statement,
12 government check, paycheck, or government document (excluding
13 voter identification card).

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

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

17 b. You have a temporary or permanent physical
18 disability.

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

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

25 e. You are the spouse or dependent of a member
26 referred to in subparagraph c. or subparagraph d. who, by
27 reason of the active duty or service of the member, will be
28 absent from the county on election day.

29 f. You are currently residing outside the United
30 States.

31

1 8. Place the envelope bearing the Voter's Certificate
2 into the mailing envelope addressed to the supervisor. Insert
3 a copy of your identification in the mailing envelope. DO NOT
4 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
5 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
6 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

10 10. FELONY NOTICE. It is a felony under Florida law to
11 accept any gift, payment, or gratuity in exchange for your
12 vote for a candidate. It is also a felony under Florida law to
13 vote in an election using a false identity or false address,
14 or under any other circumstances making your ballot false or
15 fraudulent.

16 Section 24. Section 101.6925, Florida Statutes, is
17 created to read:

18 101.6925 Canvassing special absentee ballots.--

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

25 (2) If the identification is enclosed or the voter has
26 indicated that he or she is exempt from the identification
27 requirements, the supervisor shall make the note on the
28 registration records of the voter and proceed to canvass the
29 absentee ballot as provided in s. 101.68.

30 (3) If the identification is not enclosed in the
31 mailing envelope and the voter has not indicated that he or

1 she is exempt from the identification requirements, the
2 supervisor shall check the voter registration records to
3 determine if the voter's identification was previously
4 received or the voter had previously notified the supervisor
5 that he or she was exempt. The envelope with the Voter's
6 Certificate shall not be opened unless the identification has
7 been received or the voter has indicated that he or she is
8 exempt. The ballot shall be treated as a provisional ballot
9 until 7 p.m. on election day and shall not be canvassed unless
10 the supervisor has received the required identification or
11 written indication of exemption by 7 p.m. on election day.

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

14 101.694 Mailing of ballots upon receipt of federal
15 postcard application.--

16 (1) Upon receipt of a federal postcard application for
17 an absentee ballot executed by a person whose registration is
18 in order or whose application is sufficient to register or
19 update the registration of that person, the supervisor shall
20 mail to the applicant a ballot, if the ballots are available
21 for mailing. The federal postcard application request for an
22 absentee ballot shall be effective for all elections through
23 the next two regularly scheduled general elections.

24 Section 26. Subsections (2) and (6) of section
25 102.141, Florida Statutes, are amended to read:

26 102.141 County canvassing board; duties.--

27 (2) The county canvassing board shall meet in a
28 building accessible to the public in the county where the
29 election occurred at a time and place to be designated by the
30 supervisor of elections to publicly canvass the absentee
31 electors' ballots as provided for in s. 101.68 and provisional

1 ballots as provided by ~~ss.~~s.101.048, 101.049, and 101.6925.
2 Provisional ballots cast pursuant to s. 101.049 shall be
3 canvassed in a manner that votes for candidates and issues on
4 those ballots can be segregated from other votes. Public
5 notice of the time and place at which the county canvassing
6 board shall meet to canvass the absentee electors' ballots and
7 provisional ballots shall be given at least 48 hours prior
8 thereto by publication once in one or more newspapers of
9 general circulation in the county or, if there is no newspaper
10 of general circulation in the county, by posting such notice
11 in at least four conspicuous places in the county. As soon as
12 the absentee electors' ballots and the provisional ballots are
13 canvassed, the board shall proceed to publicly canvass the
14 vote given each candidate, nominee, constitutional amendment,
15 or other measure submitted to the electorate of the county, as
16 shown by the returns then on file in the office of the
17 supervisor of elections and the office of the county court
18 judge.

19 (6) If the unofficial returns reflect that a candidate
20 for any office was defeated or eliminated by one-half of a
21 percent or less of the votes cast for such office, that a
22 candidate for retention to a judicial office was retained or
23 not retained by one-half of a percent or less of the votes
24 cast on the question of retention, or that a measure appearing
25 on the ballot was approved or rejected by one-half of a
26 percent or less of the votes cast on such measure, the board
27 responsible for certifying the results of the vote on such
28 race or measure shall order a recount of the votes cast with
29 respect to such office or measure. A recount need not be
30 ordered with respect to the returns for any office, however,
31 if the candidate or candidates defeated or eliminated from

1 | contention for such office by one-half of a percent or less of
2 | the votes cast for such office request in writing that a
3 | recount not be made.

4 | (a) In counties with voting systems that use paper
5 | ballots, each canvassing board responsible for conducting a
6 | recount shall put each ballot through automatic tabulating
7 | equipment and determine whether the returns correctly reflect
8 | the votes cast. If any paper ballot is physically damaged so
9 | that it cannot be properly counted by the automatic tabulating
10 | equipment during the recount, a true duplicate shall be made
11 | of the damaged ballot pursuant to the procedures in s.
12 | 101.5614(5). Immediately before the start of the recount and
13 | after completion of the count, a test of the tabulating
14 | equipment shall be conducted as provided in s. 101.5612. If
15 | the test indicates no error, the recount tabulation of the
16 | ballots cast shall be presumed correct and such votes shall be
17 | canvassed accordingly. If an error is detected, the cause
18 | therefor shall be ascertained and corrected and the recount
19 | repeated, as necessary. The canvassing board shall immediately
20 | report the error, along with the cause of the error and the
21 | corrective measures being taken, to the Department of State.
22 | No later than 11 days after the election, the canvassing board
23 | shall file a separate incident report with the Department of
24 | State, detailing the resolution of the matter and identifying
25 | any measures that will avoid a future recurrence of the error.

26 | (b) In counties with voting systems that do not use
27 | paper ballots, each canvassing board responsible for
28 | conducting a recount shall examine the counters on the
29 | precinct tabulators to ensure that the total of the returns on
30 | the precinct tabulators equals the overall election return. If
31 | there is a discrepancy between the overall election return and

1 the counters of the precinct tabulators, the counters of the
2 precinct tabulators shall be presumed correct and such votes
3 shall be canvassed accordingly.

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

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

23 Section 27. Paragraph (y) of subsection (1) of section
24 125.01, Florida Statutes, is amended to read:

25 125.01 Powers and duties.--

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

30 (y) Place questions or propositions on the ballot at
31 any primary election, general election, or otherwise called

1 special election, when agreed to by a majority vote of the
2 total membership of the legislative and governing body, so as
3 to obtain an expression of elector sentiment with respect to
4 matters of substantial concern within the county. No special
5 election may be called for the purpose of conducting a straw
6 ballot. Any election costs, as defined in s. 97.021~~(9)~~,
7 associated with any ballot question or election called
8 specifically at the request of a district or for the creation
9 of a district shall be paid by the district either in whole or
10 in part as the case may warrant.

11 Section 28. Section 20 of chapter 2002-281, Laws of
12 Florida, is repealed.

13 Section 29. (1) Notwithstanding section 100.061,
14 Florida Statutes, for the year 2004, a primary election for
15 nomination of candidates of political parties shall be held on
16 the Tuesday nine weeks prior to the general election. The
17 candidate receiving the highest number of the votes cast in
18 each contest in the primary election shall be declared
19 nominated for such office. If two or more persons receive an
20 equal and highest number of votes for the same office, such
21 persons shall draw lots to determine who shall receive the
22 nomination.

23 (2) Notwithstanding section 100.091, Florida Statutes,
24 or any other provision of the Florida Election Code to the
25 contrary, there shall be no second primary election between
26 the effective date of this act and January 1, 2006.

27 (3)(a) No later than 5 p.m. of the 9th day following
28 the primary election in 2004, each candidate for Governor
29 shall designate a Lieutenant Governor as a running mate. Such
30 designation must be made in writing to the Department of
31 State.

1 (b) No later than the time specified in paragraph (a),
2 each designated candidate for Lieutenant Governor shall file
3 with the Department of State the qualifying papers specified
4 in section 99.063, Florida Statutes.

5 (4)(a) For the 2004 elections, following the last day
6 of qualifying for office, reports required under section
7 106.07, Florida Statutes, shall be filed on the 32nd, 18th,
8 and 4th days immediately preceding the primary election and on
9 the 46th, 32nd, 18th, and 4th days immediately preceding the
10 general election, notwithstanding any provision of section
11 106.07, Florida Statutes, to the contrary.

12 (b) For the 2004 elections, following the last day of
13 qualifying for office, any statewide candidate who has
14 requested to receive contributions from the Election Campaign
15 Financing Trust Fund or any statewide candidate in a race with
16 a candidate who has requested to receive contributions from
17 the trust fund shall file reports on the 4th, 11th, 18th,
18 25th, and 32nd days immediately preceding the primary election
19 and on the 4th, 11th, 18th, 25th, 32nd, 39th, 46th, and 53rd
20 days prior to the general election.

21 (5) For the 2004 elections, there shall be two
22 elections for purposes of the contribution limits in s.
23 106.08, Florida Statutes.

24 Section 30. If any law amended by this act was also
25 amended by a law enacted at the 2003 Regular Session of the
26 Legislature or at the 2003 Special Session A of the
27 Legislature, such laws shall be construed as if they had been
28 enacted at the same session of the Legislature, and full
29 effect shall be given to each if possible.

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