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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; revising the primary date in 2004; suspending
79 operation of the second primary election until January 1,
80 2006; providing a date in 2004 by which candidates for
81 Lieutenant Governor must be designated and qualified;
82 providing campaign finance reporting dates; specifying
83 applicability of contribution limits for the 2004
84 elections; providing for construction of the act in pari
85 materia with laws enacted during the 2003 Regular Session
86 or 2003 Special Session A of the Legislature; providing
87 effective dates.

88

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

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

93 97.012 Secretary of State as chief election officer.--The
 94 Secretary of State is the chief election officer of the state,
 95 and it is his or her responsibility to:

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

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

100 (3) Actively seek out and collect the data and statistics
 101 necessary to knowledgeably scrutinize the effectiveness of
 102 election laws.

103 (4) Provide technical assistance to the supervisors of
 104 elections on voter education and election personnel training
 105 services.

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

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

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

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

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

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

120 (11) Create and maintain a statewide voter registration



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121 database ~~central voter file~~.

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

124 (13) Designate an office within the department to be
125 responsible for providing information regarding voter
126 registration procedures and absentee ballot procedures to absent
127 uniformed services voters and overseas voters.

128 Section 2. Section 97.021, Florida Statutes, is amended to
129 read:

130 97.021 Definitions.--For the purposes of this code, except
131 where the context clearly indicates otherwise, the term:

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

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

138 (3) "Ballot" or "official ballot" when used in reference
139 to:

140 (a) "Paper ballots" means that printed sheet of paper,
141 used in conjunction with an electronic or electromechanical vote
142 tabulation voting system, containing the names of candidates, or
143 a statement of proposed constitutional amendments or other
144 questions or propositions submitted to the electorate at any
145 election, on which sheet of paper an elector casts his or her
146 vote.

147 (b) "Electronic or electromechanical devices" means a
148 ballot that is voted by the process of electronically
149 designating, including by touchscreen, or marking with a marking
150 device for tabulation by automatic tabulating equipment or data



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151 processing equipment.

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

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

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

158 (c) Any person who receives contributions or makes
159 expenditures, or gives his or her consent for any other person
160 to receive contributions or make expenditures, with a view to
161 bringing about his or her nomination or election to, or
162 retention in, public office.

163 (d) Any person who appoints a treasurer and designates a
164 primary depository.

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

167

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

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

173 (5)~~(6)~~ "Department" means the Department of State.

174 (6)~~(7)~~ "Division" means the Division of Elections of the
175 Department of State.

176 (7)~~(8)~~ "Election" means any primary election, special
177 primary election, special election, general election, or
178 presidential preference primary election.

179 (8)~~(9)~~ "Election board" means the clerk and inspectors
180 appointed to conduct an election.



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181 ~~(9)~~(10) "Election costs" shall include, but not be limited
182 to, expenditures for all paper supplies such as envelopes,
183 instructions to voters, affidavits, reports, ballot cards,
184 ballot booklets for absentee voters, postage, notices to voters;
185 advertisements for registration book closings, testing of voting
186 equipment, sample ballots, and polling places; forms used to
187 qualify candidates; polling site rental and equipment delivery
188 and pickup; data processing time and supplies; election records
189 retention; and labor costs, including those costs uniquely
190 associated with absentee ballot preparation, poll workers, and
191 election night canvass.

192 ~~(10)~~(11) "Elector" is synonymous with the word "voter" or
193 "qualified elector or voter," except where the word is used to
194 describe presidential electors.

195 ~~(11)~~(12) "General election" means an election held on the
196 first Tuesday after the first Monday in November in the even-
197 numbered years, for the purpose of filling national, state,
198 county, and district offices and for voting on constitutional
199 amendments not otherwise provided for by law.

200 ~~(12)~~(13) "Lists of registered electors" means copies of
201 printed lists of registered electors, computer tapes or disks,
202 or any other device used by the supervisor of elections to
203 maintain voter records.

204 ~~(13)~~(14) "Member of the Merchant Marine" means an
205 individual, other than a member of a uniformed service or an
206 individual employed, enrolled, or maintained on the Great Lakes
207 for the inland waterways, who is:

208 (a) Employed as an officer or crew member of a vessel
209 documented under the laws of the United States, a vessel owned
210 by the United States, or a vessel of foreign-flag registry under



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211 charter to or control of the United States; or

212 (b) Enrolled with the United States for employment or
213 training for employment, or maintained by the United States for
214 emergency relief service, as an officer or crew member of such
215 vessel.

216 (14)~~(15)~~ "Minor political party" is any group as defined
217 in this subsection which on January 1 preceding a primary
218 election does not have registered as members 5 percent of the
219 total registered electors of the state. Any group of citizens
220 organized for the general purposes of electing to office
221 qualified persons and determining public issues under the
222 democratic processes of the United States may become a minor
223 political party of this state by filing with the department a
224 certificate showing the name of the organization, the names of
225 its current officers, including the members of its executive
226 committee, and a copy of its constitution or bylaws. It shall be
227 the duty of the minor political party to notify the department
228 of any changes in the filing certificate within 5 days of such
229 changes.

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

239 (16)~~(17)~~ "Nominal value" means having a retail value of
240 \$10 or less.



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241 (17)~~(18)~~ "Nonpartisan office" means an office for which a
 242 candidate is prohibited from campaigning or qualifying for
 243 election or retention in office based on party affiliation.

244 (18)~~(19)~~ "Office that serves persons with disabilities"
 245 means any state office that takes applications either in person
 246 or over the telephone from persons with disabilities for any
 247 program, service, or benefit primarily related to their
 248 disabilities.

249 (19)~~(20)~~ "Overseas voter" means:

250 (a) Members of the uniformed services while in the active
 251 service who are permanent residents of the state and are
 252 temporarily residing outside the territorial limits of the
 253 United States and the District of Columbia;

254 (b) Members of the Merchant Marine of the United States
 255 who are permanent residents of the state and are temporarily
 256 residing outside the territorial limits of the United States and
 257 the District of Columbia; and

258 (c) Other citizens of the United States who are permanent
 259 residents of the state and are temporarily residing outside the
 260 territorial limits of the United States and the District of
 261 Columbia,

262
 263 who are qualified and registered to vote as provided by law.

264 (20)~~(21)~~ "Overvote" means that the elector marks or
 265 designates more names than there are persons to be elected to an
 266 office or designates more than one answer to a ballot question,
 267 and the tabulator records no vote for the office or question.

268 (21)~~(22)~~ "Persons with disabilities" means individuals who
 269 have a physical or mental impairment that substantially limits
 270 one or more major life activities.



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271 ~~(22)~~~~(23)~~ "Polling place" is the building which contains
272 the polling room where ballots are cast.

273 ~~(23)~~~~(24)~~ "Polling room" means the actual room in which
274 ballots are cast.

275 ~~(24)~~~~(25)~~ "Primary election" means an election held
276 preceding the general election for the purpose of nominating a
277 party nominee to be voted for in the general election to fill a
278 national, state, county, or district office. The first primary
279 is a nomination or elimination election; the second primary is a
280 nominating election only.

281 ~~(25)~~~~(26)~~ "Provisional ballot" means a conditional ballot,
282 the validity of which is determined by the canvassing board
283 issued to a voter by the election board at the polling place on
284 election day for one of the following reasons:

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

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

291 ~~(26)~~~~(27)~~ "Public assistance" means assistance provided
292 through the food stamp program; the Medicaid program; the
293 Special Supplemental Food Program for Women, Infants, and
294 Children; and the WAGES Program.

295 ~~(27)~~~~(28)~~ "Public office" means any federal, state, county,
296 municipal, school, or other district office or position which is
297 filled by vote of the electors.

298 ~~(28)~~~~(29)~~ "Qualifying educational institution" means any
299 public or private educational institution receiving state
300 financial assistance which has, as its primary mission, the



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301 provision of education or training to students who are at least
302 18 years of age, provided such institution has more than 200
303 students enrolled in classes with the institution and provided
304 that the recognized student government organization has
305 requested this designation in writing and has filed the request
306 with the office of the supervisor of elections in the county in
307 which the institution is located.

308 (29)~~(30)~~ "Special election" is a special election called
309 for the purpose of voting on a party nominee to fill a vacancy
310 in the national, state, county, or district office.

311 (30)~~(31)~~ "Special primary election" is a special
312 nomination election designated by the Governor, called for the
313 purpose of nominating a party nominee to be voted on in a
314 general or special election.

315 (31)~~(32)~~ "Supervisor" means the supervisor of elections.

316 (32)~~(33)~~ "Tactile input device" means a device that
317 provides information to a voting system by means of a voter
318 touching the device, such as a keyboard, and that complies with
319 the requirements of s. 101.56062(1)(k) and (l).

320 (33)~~(34)~~ "Undervote" means that the elector does not
321 properly designate any choice for an office or ballot question,
322 and the tabulator records no vote for the office or question.

323 (34)~~(35)~~ "Uniformed services" means the Army, Navy, Air
324 Force, Marine Corps, and Coast Guard, the commissioned corps of
325 the Public Health Service, and the commissioned corps of the
326 National Oceanic and Atmospheric Administration.

327 (35)~~(36)~~ "Voter interface device" means any device that
328 communicates voting instructions and ballot information to a
329 voter and allows the voter to select and vote for candidates and
330 issues.



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331 (36)~~(37)~~ "Voter registration agency" means any office that
 332 provides public assistance, any office that serves persons with
 333 disabilities, any center for independent living, or any public
 334 library.

335 (37)~~(38)~~ "Voting booth" or "booth" means that booth or
 336 enclosure wherein an elector casts his or her ballot for
 337 tabulation by an electronic or electromechanical device.

338 (38)~~(39)~~ "Voting system" means a method of casting and
 339 processing votes that functions wholly or partly by use of
 340 electromechanical or electronic apparatus or by use of paper
 341 ballots and includes, but is not limited to, the procedures for
 342 casting and processing votes and the programs, operating
 343 manuals, tabulating cards, printouts, and other software
 344 necessary for the system's operation.

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

347 97.052 Uniform statewide voter registration application.--

348 (3) The uniform statewide voter registration application
 349 must also contain:

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

352 (b) A statement specifying each eligibility requirement
 353 under s. 97.041.

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

356 (d) A statement that, if an applicant declines to register
 357 to vote, the fact that the applicant has declined to register
 358 will remain confidential and may be used only for voter
 359 registration purposes.

360 (e) A statement that informs the applicant who chooses to



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361 register to vote or update a voter registration record that the
 362 office at which the applicant submits a voter registration
 363 application or updates a voter registration record will remain
 364 confidential and may be used only for voter registration
 365 purposes.

366 (f) A statement that informs the applicant that any person
 367 who has been granted a homestead exemption in this state, and
 368 who registers to vote in any precinct other than the one in
 369 which the property for which the homestead exemption has been
 370 granted, shall have that information forwarded to the property
 371 appraiser where such property is located, which may result in
 372 the person's homestead exemption being terminated and the person
 373 being subject to assessment of back taxes under s. 193.092,
 374 unless the homestead granted the exemption is being maintained
 375 as the permanent residence of a legal or natural dependent of
 376 the owner and the owner resides elsewhere.

377 (g) A statement informing the applicant that if the form is
 378 submitted by mail and the applicant is registering for the first
 379 time, the applicant will be required to provide identification
 380 prior to voting the first time.

381 Section 4. Paragraph (a) of subsection (5) of section
 382 97.053, Florida Statutes, is amended to read:

383 97.053 Acceptance of voter registration applications.--

384 (5)(a) A voter registration application is complete if it
 385 contains:

- 386 1. The applicant's name.
- 387 2. The applicant's legal residence address.
- 388 3. The applicant's date of birth.
- 389 4. An indication that the applicant is a citizen of the
 390 United States.



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391 5. The applicant's Florida driver's license number, the
392 identification number from a Florida identification card issued
393 under s. 322.051, or the last four digits of the applicant's
394 social security number.

395 6. An indication that the applicant has not been convicted
396 of a felony or that, if convicted, has had his or her civil
397 rights restored.

398 7. An indication that the applicant has not been
399 adjudicated mentally incapacitated with respect to voting or
400 that, if so adjudicated, has had his or her right to vote
401 restored.

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

407 Section 5. Effective upon this act becoming a law, section
408 97.028, Florida Statutes, is created to read:

409 97.028 Procedures on complaints of violations of Title III
410 of the Help America Vote Act of 2002.--

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

415 (b) The complaint must be in writing and must be signed and
416 sworn to before a notary by the person filing the complaint.
417 Further, the complaint must state the alleged violation and the
418 person or entity responsible for the violation. The department
419 shall prescribe the form for complaints filed under this section.
420 If the department determines that the complaint fails to allege



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421 both a violation and a person or entity responsible for the
422 violation, or that the complaint is not properly executed, the
423 department shall inform the complainant in writing that the
424 complaint is legally insufficient.

425 (c) For purposes of this section, a violation of Title III
426 of the Help America Vote Act of 2002 is the failure to perform an
427 act required or the performance of an act prohibited by Title III
428 of the Help America Vote Act of 2002 by a covered person or
429 entity.

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

432 (e) This section provides the sole avenue of redress for
433 alleged violations of Title III of the Help America Vote Act of
434 2002 and does not give rise to any other cause of action.

435 (f) The department may consolidate complaints filed under
436 this section.

437 (g) All proceedings under this section are exempt from
438 chapter 120.

439 (2)(a) When a legally sufficient complaint is filed with
440 the department, the agency head shall designate a hearing officer
441 who shall:

442 1. Provide the subject of the complaint with a copy of the
443 complaint. The subject of the complaint shall, within 10 days
444 after receipt of the complaint, file with the department a
445 written, sworn response to the complaint.

446 2. Upon receipt of the response, the hearing officer shall
447 review both sworn filings to determine whether a violation of the
448 Title III of the Help America Vote Act of 2002 has occurred, is
449 occurring, or is about to occur. The complaint and the response
450 shall constitute the official hearing record to be considered by



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451 the hearing officer. The hearing officer shall provide the
452 complainant with a copy of the response.

453 3. At the hearing officer's discretion, the complainant and
454 the respondent may be ordered by the hearing officer to provide
455 additional sworn oral or written statements or additional
456 documents to assist the hearing officer in making his or her
457 determination. Further, other relevant witnesses may also be
458 ordered by the hearing officer to give sworn testimony or to
459 provide relevant documents to assist the hearing officer in
460 making his or her determination. Any such statements or documents
461 received by the hearing officer shall also become part of the
462 official hearing record. For purposes of this section, the
463 hearing officer is authorized to administer oaths and to issue
464 subpoenas.

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

480 5. The department shall make a final determination with



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481 respect to the complaint within 90 days after the date that the
482 complaint was filed, unless the complainant consents to a longer
483 period for making such a determination.

484 (b) If the department fails to meet the deadline
485 established in subparagraph (a)5., the complaint shall be
486 forwarded to mediation. Mediation shall occur within 60 days
487 after the department's failure to make a determination within the
488 timeframe established in subparagraph (a)5. The record created
489 under this section shall be made available for use in the
490 mediation.

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

493 97.0535 Special requirements for certain applicants.--

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

507 (2) The supervisor of elections shall, upon accepting the
508 voter registration for an applicant who registered by mail and
509 who has not previously voted in the county, determine if the
510 applicant provided the required identification at the time of



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511 registering. If the required identification was not provided, the
 512 supervisor shall notify the applicant that he or she must provide
 513 the identification prior to voting the first time in the county.

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

- 517 1. Florida driver's license.
- 518 2. Florida identification card issued by the Department of
 519 Highway Safety and Motor Vehicles.
- 520 3. United States passport.
- 521 4. Employee badge or identification.
- 522 5. Buyer's club identification.
- 523 6. Debit or credit card.
- 524 7. Military identification.
- 525 8. Student identification.
- 526 9. Retirement center identification.
- 527 10. Neighborhood association identification.
- 528 11. Entertainment identification.
- 529 12. Public assistance identification.

530 (b) The following forms of identification shall be
 531 considered current and valid if they contain the name and current
 532 residence address of the applicant:

- 533 1. Utility bill.
- 534 2. Bank statement.
- 535 3. Government check.
- 536 4. Paycheck.
- 537 5. Other government document (excluding voter
 538 identification card).

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



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

542 (b) Persons with a temporary or permanent physical
543 disability.

544 (c) Members of the uniformed service on active duty who, by
545 reason of such active duty, are absent from the county on
546 election day.

547 (d) Members of the merchant marine who, by reason of
548 service in the merchant marine, are absent from the county on
549 election day.

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

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

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

558 98.045 Administration of voter registration.--

559 (3) Notwithstanding the provisions of ss. ~~98.095, 98.097,~~
560 and 98.0977, each supervisor shall maintain for at least 2
561 years, and make available for public inspection and copying, all
562 records concerning implementation of registration list
563 maintenance programs and activities conducted pursuant to ss.
564 98.065, 98.075, and 98.0977. The records must include lists of
565 the name and address of each person to whom an address
566 confirmation final notice was sent and information as to whether
567 each such person responded to the mailing, but may not include
568 any information that is confidential or exempt from public
569 record requirements under this code.

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



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571 Section 9. Section 98.0977, Florida Statutes, is amended
 572 to read:

573 98.0977 Statewide voter registration database; operation
 574 ~~development~~ and maintenance.--

575 (1) ~~From the funds appropriated,~~ The department shall ~~may~~
 576 ~~contract with the Florida Association of Court Clerks to~~
 577 ~~analyze, design, develop,~~ operate, and maintain the a statewide,
 578 on-line voter registration database and associated website until
 579 such time as the statewide voter registration system required to
 580 be developed pursuant to the Help America Vote Act of 2002 is
 581 operational, ~~to be fully operational statewide by June 1, 2002.~~

582 The database shall contain voter registration information from
 583 each of the 67 supervisors of elections in this state and shall
 584 be accessible through an Internet website. The system shall
 585 provide functionality for ensuring that the database is updated
 586 on a daily basis to determine if a registered voter is
 587 ineligible to vote for any of the following reasons, including,
 588 but not limited to:

- 589 (a) The voter is deceased;
- 590 (b) The voter has been convicted of a felony and has not
 591 had his or her civil rights restored; or
- 592 (c) The voter has been adjudicated mentally incompetent
 593 and his or her mental capacity with respect to voting has not
 594 been restored.

595
 596 The database shall also allow for duplicate voter registrations
 597 to be identified.

598 (2) The Department of State shall not contract with any
 599 private entity ~~other than the Florida Association of Court~~
 600 ~~Clerks~~ for the operation ~~or maintenance~~ of the statewide voter



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601 registration database.

602 (3)(a) In administering the database, each supervisor of
603 elections shall compare registration information provided by a
604 voter with information held by the Department of Law
605 Enforcement, the Board of Executive Clemency, the Office of
606 Vital Statistics, and other relevant sources.

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

610 (c) Information in the database indicating that a person
611 registered to vote in a given county has subsequently registered
612 to vote in another jurisdiction shall be considered as a written
613 request from that voter to have his or her name removed from the
614 voter registration rolls of that county, and the supervisor of
615 elections of that county shall remove that voter's name from the
616 county's voter registration rolls.

617 (d) When the supervisor of elections finds information
618 through the database that suggests that a voter has been
619 convicted of a felony and has not had his or her civil rights
620 restored or has been adjudicated mentally incompetent and his or
621 her mental capacity with respect to voting has not been
622 restored, the supervisor of elections shall notify the voter by
623 certified United States mail. The notification shall contain a
624 statement as to the reason for the voter's potential
625 ineligibility to be registered to vote and shall request
626 information from the voter on forms provided by the supervisor
627 of elections. As an alternative, the voter may attend a hearing
628 at a time and place specified in the notice. If there is
629 evidence that the notice was not received, notice must be given
630 once by publication in a newspaper of general circulation in the



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631 county. The notice must plainly state that the voter is
632 potentially ineligible to be registered to vote and must state a
633 time and place for the person to appear before the supervisor of
634 elections to show cause why his or her name should not be
635 removed from the voter registration rolls. After reviewing the
636 information provided by the voter, if the supervisor of
637 elections determines that the voter is not eligible to vote
638 under the laws of this state, the supervisor of elections shall
639 notify the voter by certified United States mail that he or she
640 has been found ineligible to be registered to vote in this
641 state, shall state the reason for the ineligibility, and shall
642 inform the voter that he or she has been removed from the voter
643 registration rolls. The supervisor of elections shall remove
644 from the voter registration rolls the name of any voter who
645 fails either to respond within 30 days to the notice sent by
646 certified mail or to attend the hearing.

647 (e) Upon hearing all evidence in a hearing, the supervisor
648 of elections must determine whether there is sufficient evidence
649 to strike the person's name from the registration books. If the
650 supervisor determines that there is sufficient evidence, he or
651 she must strike the name.

652 (f) Appeal may be taken to the circuit court in and for
653 the county where the person was registered. Notice of appeal
654 must be filed within the time and in the manner provided by the
655 Florida Rules of Appellate Procedure and acts as supersedeas.
656 Trial in the circuit court is de novo and governed by the rules
657 of that court. Unless the person can show that his or her name
658 was erroneously or illegally stricken from the registration
659 books or that he or she is indigent, the person must bear the
660 costs of the trial in the circuit court. Otherwise, the cost of



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661 the appeal must be paid by the board of county commissioners.

662 (4) To the maximum extent feasible, state and local
663 government entities shall facilitate provision of information
664 and access to data to the department in order to compare
665 information in the statewide voter registration database with
666 available information in other computer databases, including,
667 but not limited to, databases that contain reliable criminal
668 records and records of deceased persons. State and local
669 governmental agencies that provide such data shall do so without
670 charge if the direct cost incurred by those agencies is not
671 significant.

672 ~~(5) The Division of Elections shall provide written~~
673 ~~quarterly progress reports on each phase of development of the~~
674 ~~voter registration database to the President of the Senate and~~
675 ~~the Speaker of the House of Representatives beginning July 1,~~
676 ~~2001, and continuing until the database is fully implemented.~~

677 ~~(5)(6)~~ The duties of the supervisors of elections under
678 this section shall be considered part of their regular
679 registration list maintenance duties under this chapter, and any
680 supervisor of elections who willfully refuses or willfully
681 neglects to perform his or her duties under this section shall
682 be in violation of s. 104.051(2).

683 Section 10. (1) Beginning July 1, 2003, from the funds
684 appropriated the Department of State shall begin the development
685 of a statewide voter registration system designed to meet the
686 requirements of sections 303 through 305 of the Help America Vote
687 Act of 2002. The Legislature recognizes that the January 1, 2004,
688 implementation date for the system provided in the federal bill
689 cannot be met because there is not sufficient time for
690 implementation of such a system. Accordingly, the department



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691 shall certify these facts to the Election Assistance Commission
692 in order to qualify for waiver and extension of the due date
693 until January 1, 2006.

694 (2) The department shall begin system needs assessments and
695 design activities by July 1, 2003. The Department of Highway
696 Safety and Motor Vehicles, the Department of Health, the
697 Department of Law Enforcement, the Board of Executive Clemency,
698 the State Technology Office, and representatives of the Florida
699 State Association of Supervisors of Elections shall cooperate and
700 participate in the development of the system. Other state
701 agencies and local government entities that may have data or
702 systems needed for integration with the system shall also
703 cooperate and participate in the development of the system upon a
704 request from the department.

705 (3) No later than January 31, 2004, the department shall
706 present to the Governor, the President of the Senate, and the
707 Speaker of the House of Representatives a plan for completion of
708 the system, which shall include:

709 (a) Business process design for all participants in the
710 system operation.

711 (b) Design, location, and specifications for hardware,
712 system software components, and communications infrastructure of
713 the system.

714 (c) Design, specifications, and development plans for
715 application software for the system.

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

718 (e) Recommended statutory changes needed to implement the
719 system.



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720 (4) This phase of the development shall continue through
721 June 30, 2004, and shall include design and development of the
722 core system, which will be operated by the Department of State;
723 definition of the business processes which will be required of
724 the other agencies and counties; and functional requirements
725 specifications for integration with the data systems of the other
726 agencies and the counties.

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

729 Section 11. Section 98.212, Florida Statutes, is amended
730 to read:

731 98.212 Supervisors to furnish statistical and other
732 information.--

733 (1)(a) Upon written request, supervisors shall, as
734 promptly as possible, furnish to recognized public or private
735 universities and senior colleges within the state, to state or
736 county governmental agencies, and to recognized political party
737 committees statistical information for the purpose of analyzing
738 election returns and results.

739 (b) Supervisors may require reimbursement for any part or
740 all of the actual expenses of supplying any information
741 requested under paragraph (a). For the purposes of this
742 subsection, supervisors may use the services of any research and
743 statistical personnel that may be supplied.

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

749 (2) The supervisors shall provide information as requested



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750 by the department for program evaluation and reporting to the
751 Federal Election Commission pursuant to the National Voter
752 Registration Act of 1993.

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

756 Section 12. Section 98.461, Florida Statutes, is amended
757 to read:

758 98.461 Registration form, precinct register; contents.--A
759 registration form, approved by the Department of State,
760 containing the information required in s. 97.052 shall be filed
761 alphabetically in the office of the supervisor as the master
762 list of electors of the county. However, the registration forms
763 may be microfilmed and such microfilms substituted for the
764 original registration forms; or, when voter registration
765 information, including the voter's signature, is maintained
766 digitally or on electronic, magnetic, or optic media, such
767 stored information may be substituted for the original
768 registration form. Such microfilms or stored information shall
769 be retained in the custody of the supervisor of elections. In
770 the event the original registration forms are microfilmed or
771 maintained digitally or on electronic or other media, such
772 originals may be destroyed in accordance with the schedule
773 approved by the Bureau of Archives and Records Management of the
774 Division of Library and Information Services of the Department
775 of State. As an alternative, the information from the
776 registration form, including the signature, may be
777 electronically reproduced and stored as provided in s. 98.451. A
778 computer printout shall ~~may~~ be used at the polls as a precinct
779 register in lieu of the registration books. The precinct



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780 register shall contain the date of the election, the precinct
 781 number, and the following information concerning each registered
 782 elector: last name, first name, and middle name or initial;
 783 party affiliation; residence address; registration number; date
 784 of birth; sex, if provided; race, if provided; whether the voter
 785 needs assistance in voting; and such other additional
 786 information as to readily identify the elector. ~~The precinct~~
 787 ~~register may also contain a list of the forms of identification,~~
 788 ~~which must include, but is not limited to, a Florida driver's~~
 789 ~~license, a Florida identification card issued under s. 322.051,~~
 790 ~~or another form of picture identification approved by the~~
 791 ~~Department of State.~~ The precinct register shall ~~may~~ also
 792 contain a space for the elector's signature and, a space for the
 793 initials of the witnessing clerk or inspector, ~~and a space for~~
 794 ~~the signature slip or ballot number.~~

795 Section 13. Section 98.471, Florida Statutes, is
 796 renumbered as section 101.043, Florida Statutes, and amended to
 797 read:

798 101.043 ~~98.471~~ Identification required ~~Use of precinct~~
 799 ~~register~~ at polls.--

800 (1) The precinct register, as prescribed in s. 98.461,
 801 shall ~~may~~ be used at the polls in lieu of the registration books
 802 for the purpose of identifying the elector at the polls prior to
 803 allowing him or her to vote. The clerk or inspector shall
 804 require each elector, upon entering the polling place, to
 805 present a current and valid ~~Florida driver's license, a Florida~~
 806 ~~identification card issued under s. 322.051, or another form of~~
 807 picture identification as provided in s. 97.0535(3)(a). If the
 808 picture identification does not contain the signature of the
 809 voter, an additional identification that provides the voter's



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810 signature shall be required ~~approved by the Department of State.~~

811 The elector shall sign his or her name in the space provided,
812 and the clerk or inspector shall compare the signature with that
813 on the identification provided by the elector and enter his or
814 her initials in the space provided and allow the elector to vote
815 if the clerk or inspector is satisfied as to the identity of the
816 elector.

817 (2) Except as provided in subsection (3), if the elector
818 fails to furnish the required identification, or if the clerk or
819 inspector is in doubt as to the identity of the elector, such
820 clerk or inspector shall follow the procedure prescribed in s.
821 101.49.

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

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

829 Section 15. Section 101.048, Florida Statutes, is amended
830 to read:

831 101.048 Provisional ballots.--

832 (1) At all elections, a voter claiming to be properly
833 registered in the county and eligible to vote at the precinct in
834 the election, but whose eligibility cannot be determined, and
835 other persons specified in the code shall be entitled to vote a
836 provisional ballot. Once voted, the provisional ballot shall be
837 placed in a secrecy envelope and thereafter sealed in a
838 provisional ballot envelope. The provisional ballot shall be
839 deposited in a ballot box. All provisional ballots shall remain



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840 sealed in their envelopes for return to the supervisor of
 841 elections. The department shall prescribe the form of the
 842 provisional ballot envelope.

843 (2)(a) The county canvassing board shall examine each
 844 provisional ballot envelope to determine if the person voting
 845 that ballot was entitled to vote at the precinct where the
 846 person cast a vote in the election and that the person had not
 847 already cast a ballot in the election.

848 (b)1. If it is determined that the person was registered
 849 and entitled to vote at the precinct where the person cast a
 850 vote in the election, the canvassing board shall compare the
 851 signature on the provisional ballot envelope with the signature
 852 on the voter's registration and, if it matches, shall count the
 853 ballot.

854 2. If it is determined that the person voting the
 855 provisional ballot was not registered or entitled to vote at the
 856 precinct where the person cast a vote in the election, the
 857 provisional ballot shall not be counted and the ballot shall
 858 remain in the envelope containing the Provisional Ballot Voter's
 859 Certificate and Affirmation and the envelope shall be marked
 860 "Rejected as Illegal."

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

863
 864 STATE OF FLORIDA
 865 COUNTY OF _____
 866

867 I do solemnly swear (or affirm) that my name is _____; that
 868 my date of birth is _____; that I am registered to vote and at
 869 the time I registered I resided at _____, in the municipality of



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870 _____, in _____ County, Florida; that I am registered in the
 871 _____ Party; that I am a qualified voter of the county; and that
 872 I have not voted in this election. I understand that if I commit
 873 any fraud in connection with voting, vote a fraudulent ballot,
 874 or vote more than once in an election, I can be convicted of a
 875 felony of the third degree and fined up to \$5,000 and/or
 876 imprisoned for up to 5 years.

877 ... (Signature of Voter) ...
 878 ... (Current Residence Address) ...
 879 ... (Current Mailing Address) ...
 880 ... (City, State, Zip Code) ...
 881 ... (Driver's License Number or Last Four Digits of Social
 882 Security Number) ...

883
 884 Sworn to and subscribed before me this _____ day of _____,
 885 ... (year)
 886 ... (Election Official) ...

887
 888 Precinct # _____ Ballot Style/Party Issued: _____

889
 890 ~~Additional information may be provided to further assist the~~
 891 ~~supervisor of elections in determining eligibility.~~

892
 893 (4) In counties where the voting system does not utilize a
 894 paper ballot, the supervisor of elections may shall provide the
 895 appropriate provisional ballot to the voter by electronic means
 896 as provided for by the certified voting system. Each person
 897 casting a provisional ballot by electronic means shall, prior to
 898 casting his or her ballot, complete the Provisional Ballot
 899 Voter's Certificate and Affirmation as provided in subsection (3)



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900 ~~ballots to each polling place.~~

901 (5) Each person casting a provisional ballot shall be given
902 written instructions regarding the free access system established
903 pursuant to subsection (6). The instructions shall contain
904 information on how to access the system and the information the
905 voter will need to provide to obtain information on his or her
906 particular ballot. The instructions shall also include the
907 following statement: "If this is a primary election, you should
908 contact the supervisor of elections' office immediately to
909 confirm that you are registered and can vote in the general
910 election."

911 (6) Each supervisor of elections shall establish a free
912 access system that allows each person who casts a provisional
913 ballot to determine whether his or her provisional ballot was
914 counted in the final canvass of votes and, if not, the reasons
915 why. Information regarding provisional ballots shall be available
916 no later than 30 days following the election. The system
917 established must restrict information regarding an individual
918 ballot to the person who cast the ballot.

919 Section 16. Section 101.049, Florida Statutes, is created
920 to read:

921 101.049 Provisional ballots; special circumstances.--

922 (1) Any person who votes in an election after the regular
923 poll-closing time pursuant to a court or other order extending
924 the statutory polling hours must vote a provisional ballot. Once
925 voted, the provisional ballot shall be placed in a secrecy
926 envelope and thereafter sealed in a provisional ballot envelope.
927 The election official witnessing the voter's subscription and
928 affirmation on the Provisional Ballot Voter's Certificate shall
929 indicate whether or not the voter met all requirements to vote a



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930 regular ballot at the polls. All such provisional ballots shall
 931 remain sealed in their envelopes and transmitted to the
 932 supervisor of elections.

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

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

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

943 (5) As an alternative, provisional ballots cast pursuant to
 944 this section may be cast in accordance with the provisions of s.
 945 101.048(4).

946 Section 17. Section 101.111, Florida Statutes, is amended
 947 to read:

948 101.111 Person desiring to vote may be challenged;
 949 challenger to execute oath; oath of person challenged ~~elector~~;
 950 determination of challenge.--

951 (1) When the right to vote of any person who desires to
 952 vote is challenged ~~questioned~~ by any elector or poll watcher,
 953 the challenge shall be reduced to writing with an oath as
 954 provided in this section, giving reasons for the challenge,
 955 which shall be delivered to the clerk or inspector. Any elector
 956 or ~~authorized~~ poll watcher challenging the right of a person to
 957 vote ~~an elector at an election~~ shall execute the oath set forth
 958 below:
 959



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OATH OF PERSON ENTERING CHALLENGE

State of Florida
County of _____

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

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

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

... (Clerk of election) ...

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

OATH OF PERSON CHALLENGED ~~VOTER~~

State of Florida



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990 County of _____

991

992 I do solemnly swear that my name is _____; that I am a member of
 993 the _____ party; that my date of birth is ~~I am _____ years old;~~
 994 ~~that I was born in the state of _____ or the country of _____;~~
 995 that my residence address is ~~on~~ _____ street, in the
 996 municipality of _____, in this the _____ precinct of _____
 997 county; that I personally made application for registration and
 998 signed my name and that I am a qualified voter in this election,
 999 ~~and I am not registered to vote in any other precinct other than~~
 1000 ~~the one in which I am presently seeking to vote.~~

1001 ... (Signature of person ~~voter~~) ...

1002

1003 Sworn and subscribed to before me this _____ day of _____, ...
 1004 (year)

1005 ... (Clerk of election or Inspector) ...

1006

1007 Any inspector or clerk of election may administer the oath.

1008 (3)(a) The clerk and inspectors shall compare the
 1009 information in the challenged person's oath with that entered on
 1010 the precinct register and shall take any other evidence that may
 1011 be offered. The clerk and inspectors shall then decide by a
 1012 majority vote whether the challenged person may vote a regular
 1013 ballot.

1014 (b) If the challenged person refuses to complete the oath
 1015 or if a majority of the clerk and inspectors doubt the
 1016 eligibility of the person to vote, the challenged person shall be
 1017 allowed to vote a provisional ballot. The oath of the person
 1018 entering the challenge and the oath of the person challenged
 1019 shall be attached to the provisional ballot for transmittal to



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1020 the canvassing board. ~~If the challenged person refuses to make~~
 1021 ~~and sign the affidavit, the clerk or inspector shall refuse to~~
 1022 ~~allow him or her to vote. If such person makes the affidavit,~~
 1023 ~~the inspectors and clerk of election shall compare the~~
 1024 ~~information in the affidavit with that entered on the~~
 1025 ~~registration books opposite the person's name, and, upon such~~
 1026 ~~comparison of the information and the person's signature and the~~
 1027 ~~taking of other evidence which may then be offered, the clerk~~
 1028 ~~and inspectors shall decide by a majority vote whether the~~
 1029 ~~challenged person may vote. If the challenged person is unable~~
 1030 ~~to write or sign his or her name, the clerk or inspector shall~~
 1031 ~~examine the precinct register to ascertain whether the person~~
 1032 ~~registered under the name of such person is represented to have~~
 1033 ~~signed his or her name. If the person is so represented, then he~~
 1034 ~~or she shall be denied permission to vote without further~~
 1035 ~~examination; but, if not, then the clerk or one of the~~
 1036 ~~inspectors shall place such person under oath and orally examine~~
 1037 ~~him or her upon the subject matter contained in the affidavit,~~
 1038 ~~and, if there is any doubt as to the identity of such person,~~
 1039 ~~the clerk or inspector shall compare the person's appearance~~
 1040 ~~with the description entered upon the precinct register opposite~~
 1041 ~~the person's name. The clerk or inspector shall then proceed as~~
 1042 ~~in other cases to determine whether the challenged person may~~
 1043 ~~vote.~~

1044 Section 18. Paragraph (a) of subsection (1) of section
 1045 101.62, Florida Statutes, is amended to read:
 1046 101.62 Request for absentee ballots.--
 1047 (1)(a) The supervisor may accept a request for an absentee
 1048 ballot from an elector in person or in writing. Except as
 1049 provided in s. 101.694, one request shall be deemed sufficient



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1050 to receive an absentee ballot for all elections which are held
 1051 within a calendar year, unless the elector or the elector's
 1052 designee indicates at the time the request is made the elections
 1053 for which the elector desires to receive an absentee ballot.
 1054 Such request may be considered canceled when any first-class
 1055 mail sent by the supervisor to the elector is returned as
 1056 undeliverable.

1057 Section 19. Subsection (1) of section 101.64, Florida
 1058 Statutes, is amended to read:

1059 101.64 Delivery of absentee ballots; envelopes; form.--

1060 (1) The supervisor shall enclose with each absentee ballot
 1061 two envelopes: a secrecy envelope, into which the absent elector
 1062 shall enclose his or her marked ballot; and a mailing envelope,
 1063 into which the absent elector shall then place the secrecy
 1064 envelope, which shall be addressed to the supervisor and also
 1065 bear on the back side a certificate in substantially the
 1066 following form:

1067
 1068 Note: Please Read Instructions Carefully Before
 1069 Marking Ballot and Completing Voter's Certificate.

1070
 1071 VOTER'S CERTIFICATE

1072 I, _____, do solemnly swear or affirm that I am a qualified
 1073 and registered voter of _____ County, Florida, and that I have
 1074 not and will not vote more than one ballot in this election. I
 1075 understand that if I commit or attempt to commit any fraud in
 1076 connection with voting, vote a fraudulent ballot, or vote more
 1077 than once in an election, I can be convicted of a felony of the
 1078 third degree and fined up to \$5,000 and/or imprisoned for up to
 1079 5 years. I also understand that failure to sign this certificate



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1080 and have my signature properly witnessed will invalidate my
 1081 ballot.

1082
 1083 ... (Date) (Voter's Signature) ...
 1084

1085 Note: Your Signature Must Be Witnessed By One Witness 18 Years
 1086 of Age or Older as provided in ~~item 8~~ of the Instruction Sheet.

1087
 1088 I swear or affirm that the voter signed this Voter's Certificate
 1089 in my presence.

1090
 1091 ... (Signature of Witness) ...

1092
 1093 ... (Address) ...

1094
 1095 ... (City/State) ...
 1096

1097 Section 20. Section 101.65, Florida Statutes, is amended
 1098 to read:

1099 101.65 Instructions to absent electors.--The supervisor
 1100 shall enclose with each absentee ballot separate printed
 1101 instructions in substantially the following form:

1102
 1103 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1104 1. VERY IMPORTANT. In order to ensure that your absentee
 1105 ballot will be counted, it should be completed and returned as
 1106 soon as possible so that it can reach the supervisor of
 1107 elections of the county in which your precinct is located no
 1108 later than 7 p.m. on the day of the election.

1109 2. Mark your ballot in secret as instructed on the ballot.



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1110 You must mark your own ballot unless you are unable to do so
 1111 because of blindness, disability, or inability to read or write.

1112 3. Mark only the number of candidates or issue choices for
 1113 a race as indicated on the ballot. If you are allowed to "Vote
 1114 for One" candidate and you vote for more than one candidate,
 1115 your vote in that race will not be counted.

1116 ~~4.3.~~ Place your marked ballot in the enclosed secrecy
 1117 envelope.

1118 ~~5.4.~~ Insert the secrecy envelope into the enclosed mailing
 1119 envelope which is addressed to the supervisor.

1120 ~~6.5.~~ Seal the mailing envelope and completely fill out the
 1121 Voter's Certificate on the back of the mailing envelope.

1122 ~~7.6.~~ VERY IMPORTANT. In order for your absentee ballot to
 1123 be counted, you must sign your name on the line above (Voter's
 1124 Signature).

1125 ~~8.7.~~ VERY IMPORTANT. If you are an overseas voter, you
 1126 must include the date you signed the Voter's Certificate on the
 1127 line above (Date) or your ballot may not be counted.

1128 ~~9.8.~~ VERY IMPORTANT. In order for your absentee ballot to
 1129 be counted, it must include the signature and address of a
 1130 witness 18 years of age or older affixed to the Voter's
 1131 Certificate. No candidate may serve as an attesting witness.

1132 ~~10.9.~~ Mail, deliver, or have delivered the completed
 1133 mailing envelope. Be sure there is sufficient postage if mailed.

1134 ~~11.10.~~ FELONY NOTICE. It is a felony under Florida law to
 1135 accept any gift, payment, or gratuity in exchange for your vote
 1136 for a candidate. It is also a felony under Florida law to vote
 1137 in an election using a false identity or false address, or under
 1138 any other circumstances making your ballot false or fraudulent.

1139 Section 21. Section 101.657, Florida Statutes, is amended



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1140 to read:

1141 101.657 Voting absentee ballots in person.--

1142 (1) Any qualified and registered elector may pick up and
1143 vote an absentee ballot in person at the office of, and under
1144 the supervision of, the supervisor of elections. Before
1145 receiving the ballot, the elector must present a current and
1146 valid Florida driver's license, a Florida identification card
1147 issued under s. 322.051, or another form of picture
1148 identification as provided in s. 97.0535(3)(a) approved by the
1149 Department of State. If the elector fails to furnish the
1150 required identification, or if the supervisor is in doubt as to
1151 the identity of the elector, the supervisor must follow the
1152 procedure prescribed in s. 101.49. If the elector who fails to
1153 furnish the required identification is a first-time voter who
1154 registered by mail and has not provided the required
1155 identification to the supervisor of elections prior to voting,
1156 the elector shall be allowed to vote a provisional ballot. The
1157 canvassing board shall compare the signature on the provisional
1158 ballot envelope with the signature on the voter's registration
1159 and, if the signatures match, shall count the ballot.

1160 (2) As an alternative to the provisions of ss. 101.64 and
1161 101.65, the supervisor of elections may allow an elector to cast
1162 an absentee ballot in the main or branch office of the
1163 supervisor by depositing the voted ballot in a voting device
1164 used by the supervisor to collect or tabulate ballots. The
1165 results or tabulation may not be made before the close of the
1166 polls on election day.

1167 (a) The elector must provide ~~picture~~ identification as
1168 required in subsection (1) and must complete an In-Office Voter
1169 Certificate in substantially the following form:



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IN-OFFICE VOTER CERTIFICATE

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

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

... (Address) ...

... (City/State) ...

... (Name of Witness) ...

... (Signature of Witness) ...

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

(b) Any elector may challenge an elector seeking to cast an absentee ballot under the provisions of s. 101.111. Any



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1200 challenged ballot must be placed in a regular absentee ballot
 1201 envelope. The canvassing board shall review the ballot and
 1202 decide the validity of the ballot by majority vote.

1203 (c) The canvass of returns for ballots cast under this
 1204 subsection shall be substantially the same as votes cast by
 1205 electors in precincts, as provided in s. 101.5614.

1206 Section 22. Section 101.6921, Florida Statutes, is created
 1207 to read:

1208 101.6921 Delivery of special absentee ballot to certain
 1209 first-time voters.--

1210 (1) The provisions of this section apply to voters who
 1211 registered to vote by mail, who have not previously voted in the
 1212 county, and who have not provided the identification or
 1213 certification required by s. 97.0535 by the time the absentee
 1214 ballot is mailed.

1215 (2) The supervisor shall enclose with each absentee ballot
 1216 three envelopes: a secrecy envelope, into which the absent
 1217 elector will enclose his or her marked ballot; an envelope
 1218 containing the Voter's Certificate, into which the absent elector
 1219 shall place the secrecy envelope; and a mailing envelope, which
 1220 shall be addressed to the supervisor and into which the absent
 1221 elector will place the envelope containing the Voter's
 1222 Certificate and a copy of the required identification.

1223 (3) The Voter's Certificate shall be in substantially the
 1224 following form:

1225
 1226 Note: Please Read Instructions Carefully Before Marking Ballot
 1227 and Completing Voter's Certificate

1228
 1229 VOTER'S CERTIFICATE



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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. I understand that unless I meet one of the exemptions below, I must provide a copy of a current and valid identification as provided in the instruction sheet to the supervisor of elections in order for my ballot to count.

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

- I am 65 years of age or older.
- I have a permanent or temporary physical disability.
- I am a member of a uniformed service on active duty who, by reason of such active duty, will be absent from the county on election day.

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

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



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1260 I am currently residing outside the United States.

1261
 1262 ... (Date) Voter's Signature ...

1263
 1264 Note: Your signature must be witnessed by one witness 18 years of
 1265 age or older as provided in the instruction sheet.

1266
 1267 I swear or affirm that the voter signed this Voter's Certificate
 1268 in my presence.

1269
 1270 ... (Signature of witness) ...

1271
 1272 ... (Address) ...

1273
 1274 ... (City/State) ...

1275
 1276 (4) The certificate shall be arranged on the back of the
 1277 envelope so that the lines for the signatures of the absent
 1278 elector and the attesting witness are across the seal of the
 1279 envelope.

1280 Section 23. Section 101.6923, Florida Statutes, is created
 1281 to read:

1282 101.6923 Special absentee ballot instructions for certain
 1283 first-time voters.--

1284 (1) The provisions of this section apply to voters who
 1285 registered to vote by mail, who have not previously voted in the
 1286 county, and who have not provided the identification or
 1287 information required by s. 97.0535 by the time the absentee
 1288 ballot is mailed.



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1289 (2) A voter covered by this section shall be provided with
1290 the following printed instructions with his or her absentee
1291 ballot:

1292
1293 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR
1294 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE
1295 YOUR BALLOT NOT TO COUNT.

1296
1297 1. In order to ensure that your absentee ballot will be
1298 counted, it should be completed and returned as soon as possible
1299 so that it can reach the supervisor of elections of the county in
1300 which your precinct is located no later than 7 p.m. on the date
1301 of the election.

1302 2. Mark your ballot in secret as instructed on the ballot.
1303 You must mark your own ballot unless you are unable to do so
1304 because of blindness, disability, or inability to read or write.

1305 3. Mark only the number of candidates or issue choices for
1306 a race as indicated on the ballot. If you are allowed to "Vote
1307 for One" candidate and you vote for more than one, your vote in
1308 that race will not be counted.

1309 4. Place your marked ballot in the enclosed secrecy
1310 envelope and seal the envelope.

1311 5. Insert the secrecy envelope into the enclosed envelope
1312 bearing the Voter's Certificate. Seal the envelope and completely
1313 fill out the Voter's Certificate on the back of the envelope.

1314 a. You must sign your name on the line above (Voter's
1315 Signature).

1316 b. You must have your signature witnessed. Have the witness
1317 sign above (Signature of Witness) and include his or her address.

1318 No candidate may serve as an attesting witness.



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1319 c. If you are an overseas voter, you must include the date
1320 you signed the Voter's Certificate on the line above (Date) or
1321 your ballot may not be counted.

1322 6. Unless you meet one of the exemptions in Item 7., you
1323 must make a copy of one of the following forms of identification:

1324 a. Identification which must include your name and
1325 photograph: current and valid Florida driver's license; Florida
1326 identification card issued by the Department of Highway Safety
1327 and Motor Vehicles; United States passport; employee badge or
1328 identification; buyer's club identification card; debit or credit
1329 card; military identification; student identification; retirement
1330 center identification; neighborhood association identification;
1331 entertainment identification; or public assistance
1332 identification; or

1333 b. Identification which shows your name and current
1334 residence address: current utility bill, bank statement,
1335 government check, paycheck, or government document (excluding
1336 voter identification card).

1337 7. The identification requirements of Item 6. do not apply
1338 if you meet one of the following requirements:

1339 a. You are 65 years of age or older.

1340 b. You have a temporary or permanent physical disability.

1341 c. You are a member of a uniformed service on active duty
1342 who, by reason of such active duty, will be absent from the
1343 county on election day.

1344 d. You are a member of the merchant marine who, by reason
1345 of service in the merchant marine, will be absent from the county
1346 on election day.

1347 e. You are the spouse or dependent of a member referred to
1348 in paragraph c. or paragraph d. who, by reason of the active duty



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1349 or service of the member, will be absent from the county on
1350 election day.

1351 f. You are currently residing outside the United States.

1352 8. Place the envelope bearing the Voter's Certificate into
1353 the mailing envelope addressed to the supervisor. Insert a copy
1354 of your identification in the mailing envelope. DO NOT PUT YOUR
1355 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR
1356 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR
1357 BALLOT WILL NOT COUNT.

1358 9. Mail, deliver, or have delivered the completed mailing
1359 envelope. Be sure there is sufficient postage if mailed.

1360 10. FELONY NOTICE. It is a felony under Florida law to
1361 accept any gift, payment, or gratuity in exchange for your vote
1362 for a candidate. It is also a felony under Florida law to vote in
1363 an election using a false identity or false address, or under any
1364 other circumstances making your ballot false or fraudulent.

1365 Section 24. Section 101.6925, Florida Statutes, is created
1366 to read:

1367 101.6925 Canvassing special absentee ballots.--

1368 (1) The supervisor of the county where the absent elector
1369 resides shall receive the voted special absentee ballot, at which
1370 time the mailing envelope shall be opened to determine if the
1371 voter has enclosed the identification required or has indicated
1372 on the Voter's Certificate that he or she is exempt from the
1373 identification requirements.

1374 (2) If the identification is enclosed or the voter has
1375 indicated that he or she is exempt from the identification
1376 requirements, the supervisor shall make the note on the
1377 registration records of the voter and proceed to canvass the
1378 absentee ballot as provided in s. 101.68.



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1379 (3) If the identification is not enclosed in the mailing
1380 envelope and the voter has not indicated that he or she is exempt
1381 from the identification requirements, the supervisor shall check
1382 the voter registration records to determine if the voter's
1383 identification was previously received or the voter had
1384 previously notified the supervisor that he or she was exempt. The
1385 envelope with the Voter's Certificate shall not be opened unless
1386 the identification has been received or the voter has indicated
1387 that he or she is exempt. The ballot shall be treated as a
1388 provisional ballot until 7 p.m. on election day and shall not be
1389 canvassed unless the supervisor has received the required
1390 identification or written indication of exemption by 7 p.m. on
1391 election day.

1392 Section 25. Subsection (1) of section 101.694, Florida
1393 Statutes, is amended to read:

1394 101.694 Mailing of ballots upon receipt of federal
1395 postcard application.--

1396 (1) Upon receipt of a federal postcard application for an
1397 absentee ballot executed by a person whose registration is in
1398 order or whose application is sufficient to register or update
1399 the registration of that person, the supervisor shall mail to
1400 the applicant a ballot, if the ballots are available for
1401 mailing. The federal postcard application request for an
1402 absentee ballot shall be effective for all elections through the
1403 next two regularly scheduled general elections.

1404 Section 26. Subsections (2) and (6) of section 102.141,
1405 Florida Statutes, are amended to read:

1406 102.141 County canvassing board; duties.--

1407 (2) The county canvassing board shall meet in a building
1408 accessible to the public in the county where the election



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1409 occurred at a time and place to be designated by the supervisor
1410 of elections to publicly canvass the absentee electors' ballots
1411 as provided for in s. 101.68 and provisional ballots as provided
1412 by ss. ~~s.~~ 101.048, 101.049, and 101.6925. Provisional ballots
1413 cast pursuant to s. 101.049 shall be canvassed in a manner that
1414 votes for candidates and issues on those ballots can be
1415 segregated from other votes. Public notice of the time and place
1416 at which the county canvassing board shall meet to canvass the
1417 absentee electors' ballots and provisional ballots shall be
1418 given at least 48 hours prior thereto by publication once in one
1419 or more newspapers of general circulation in the county or, if
1420 there is no newspaper of general circulation in the county, by
1421 posting such notice in at least four conspicuous places in the
1422 county. As soon as the absentee electors' ballots and the
1423 provisional ballots are canvassed, the board shall proceed to
1424 publicly canvass the vote given each candidate, nominee,
1425 constitutional amendment, or other measure submitted to the
1426 electorate of the county, as shown by the returns then on file
1427 in the office of the supervisor of elections and the office of
1428 the county court judge.

1429 (6) If the unofficial returns reflect that a candidate for
1430 any office was defeated or eliminated by one-half of a percent
1431 or less of the votes cast for such office, that a candidate for
1432 retention to a judicial office was retained or not retained by
1433 one-half of a percent or less of the votes cast on the question
1434 of retention, or that a measure appearing on the ballot was
1435 approved or rejected by one-half of a percent or less of the
1436 votes cast on such measure, the board responsible for certifying
1437 the results of the vote on such race or measure shall order a
1438 recount of the votes cast with respect to such office or



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1439 measure. A recount need not be ordered with respect to the
1440 returns for any office, however, if the candidate or candidates
1441 defeated or eliminated from contention for such office by one-
1442 half of a percent or less of the votes cast for such office
1443 request in writing that a recount not be made.

1444 (a) In counties with voting systems that use paper
1445 ballots, each canvassing board responsible for conducting a
1446 recount shall put each ballot through automatic tabulating
1447 equipment and determine whether the returns correctly reflect
1448 the votes cast. If any paper ballot is physically damaged so
1449 that it cannot be properly counted by the automatic tabulating
1450 equipment during the recount, a true duplicate shall be made of
1451 the damaged ballot pursuant to the procedures in s. 101.5614(5).
1452 Immediately before the start of the recount and after completion
1453 of the count, a test of the tabulating equipment shall be
1454 conducted as provided in s. 101.5612. If the test indicates no
1455 error, the recount tabulation of the ballots cast shall be
1456 presumed correct and such votes shall be canvassed accordingly.
1457 If an error is detected, the cause therefor shall be ascertained
1458 and corrected and the recount repeated, as necessary. The
1459 canvassing board shall immediately report the error, along with
1460 the cause of the error and the corrective measures being taken,
1461 to the Department of State. No later than 11 days after the
1462 election, the canvassing board shall file a separate incident
1463 report with the Department of State, detailing the resolution of
1464 the matter and identifying any measures that will avoid a future
1465 recurrence of the error.

1466 (b) In counties with voting systems that do not use paper
1467 ballots, each canvassing board responsible for conducting a
1468 recount shall examine the counters on the precinct tabulators to



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1469 ensure that the total of the returns on the precinct tabulators
1470 equals the overall election return. If there is a discrepancy
1471 between the overall election return and the counters of the
1472 precinct tabulators, the counters of the precinct tabulators
1473 shall be presumed correct and such votes shall be canvassed
1474 accordingly.

1475 (c) The canvassing board shall submit a second set of
1476 unofficial returns to the Department of State for each federal,
1477 statewide, state, or multicounty office or ballot measure no
1478 later than noon on the third day after any election in which a
1479 recount was conducted pursuant to this subsection. If the
1480 canvassing board is unable to complete the recount prescribed in
1481 this subsection by the deadline, the second set of unofficial
1482 returns submitted by the canvassing board shall be identical to
1483 the initial unofficial returns and the submission shall also
1484 include a detailed explanation of why it was unable to timely
1485 complete the recount. However, the canvassing board shall
1486 complete the recount prescribed in this subsection, along with
1487 any manual recount prescribed in s. 102.166, and certify
1488 election returns in accordance with the requirements of this
1489 chapter.

1490 (d) The Department of State shall adopt detailed rules
1491 prescribing additional recount procedures for each certified
1492 voting system, which shall be uniform to the extent practicable.

1493 Section 27. Paragraph (y) of subsection (1) of section
1494 125.01, Florida Statutes, is amended to read:

1495 125.01 Powers and duties.--

1496 (1) The legislative and governing body of a county shall
1497 have the power to carry on county government. To the extent not
1498 inconsistent with general or special law, this power includes,



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1499 but is not restricted to, the power to:

1500 (y) Place questions or propositions on the ballot at any
 1501 primary election, general election, or otherwise called special
 1502 election, when agreed to by a majority vote of the total
 1503 membership of the legislative and governing body, so as to
 1504 obtain an expression of elector sentiment with respect to
 1505 matters of substantial concern within the county. No special
 1506 election may be called for the purpose of conducting a straw
 1507 ballot. Any election costs, as defined in s. 97.021~~(9)~~,
 1508 associated with any ballot question or election called
 1509 specifically at the request of a district or for the creation of
 1510 a district shall be paid by the district either in whole or in
 1511 part as the case may warrant.

1512 Section 28. Section 20 of chapter 2002-281, Laws of
 1513 Florida, is repealed.

1514 Section 29. Paragraph (a) of subsection (5) of section
 1515 163.511, Florida Statutes, is amended to read:

1516 163.511 Special neighborhood improvement districts;
 1517 creation; referendum; board of directors; duration; extension.--

1518 (5)(a) The city clerk or the supervisor of elections,
 1519 whichever is appropriate, shall enclose with each ballot sent
 1520 pursuant to this section two envelopes: a secrecy envelope, into
 1521 which the elector or freeholder shall enclose the marked ballot;
 1522 and a mailing envelope, into which the elector or freeholder
 1523 shall then place the secrecy envelope, which shall be addressed
 1524 to the city clerk or the supervisor of elections. The back side
 1525 of the mailing envelope shall bear a certificate in
 1526 substantially the following form:

1527

1528 Note: Please Read Instructions Carefully Before



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Marking Ballot and Completing Voter's Certificate.

VOTER'S CERTIFICATE

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

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

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

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

... (Signature of Witness) ...

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

Section 30. (1) Notwithstanding s. 100.061, Florida Statutes, for the year 2004, a primary election for nomination of candidates of political parties shall be held on the Tuesday nine weeks prior to the general election. The candidate receiving the highest number of the votes cast in each contest in the primary election shall be declared nominated for such office. If two or more persons receive an equal and highest number of votes for the same office, such persons shall draw lots to determine who shall receive the nomination.



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1559 (2) Notwithstanding s. 100.091, Florida Statutes, or any
1560 other provision of the Florida Election Code to the contrary,
1561 there shall be no second primary election between the effective
1562 date of this act and January 1, 2006.

1563 (3)(a) No later than 5 p.m. of the 9th day following the
1564 primary election in 2004, each candidate for Governor shall
1565 designate a Lieutenant Governor as a running mate. Such
1566 designation must be made in writing to the Department of State.

1567 (b) No later than the time specified in paragraph (a),
1568 each designated candidate for Lieutenant Governor shall file
1569 with the Department of State the qualifying papers specified in
1570 s. 99.063, Florida Statutes.

1571 (4)(a) For the 2004 elections, following the last day of
1572 qualifying for office, reports required under s. 106.07, Florida
1573 Statutes, shall be filed on the 32nd, 18th, and 4th days
1574 immediately preceding the primary election and on the 46th,
1575 32nd, 18th, and 4th days immediately preceding the general
1576 election, notwithstanding any provision of s. 106.07, Florida
1577 Statutes, to the contrary.

1578 (b) For the 2004 elections, following the last day of
1579 qualifying for office, any statewide candidate who has requested
1580 to receive contributions from the Election Campaign Financing
1581 Trust Fund or any statewide candidate in a race with a candidate
1582 who has requested to receive contributions from the trust fund
1583 shall file reports on the 4th, 11th, 18th, 25th, and 32nd days
1584 immediately preceding the primary election and on the 4th, 11th,
1585 18th, 25th, 32nd, 39th, 46th, and 53rd days prior to the general
1586 election.



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1587 (5) For the 2004 elections, there shall be two elections
 1588 for purposes of the contribution limits in s. 106.08, Florida
 1589 Statutes.

1590 Section 31. If any law amended by this act was also
 1591 amended by a law enacted at the 2003 Regular Session of the
 1592 Legislature or at the 2003 Special Session A of the Legislature,
 1593 such laws shall be construed as if they had been enacted at the
 1594 same session of the Legislature, and full effect shall be given
 1595 to each if possible.

1596 Section 32. Except as otherwise provided herein, this act
 1597 shall take effect January 1, 2004.