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1 A bill to be entitled  
2 An act relating to elections; amending s. 97.021, F.S.;  
3 redesignating "paper ballot" as "marksense ballot";  
4 defining the term "early voting"; redefining the term  
5 "voting system"; amending s. 97.052, F.S.; providing an  
6 additional purpose for statewide voter registration  
7 applications and revising who may reproduce such  
8 applications; amending s. 99.061, F.S.; revising  
9 references relating to obtaining ballot position; amending  
10 s. 99.095, F.S.; revising procedures for qualification by  
11 petition; amending s. 99.0955, F.S.; revising method of  
12 qualification by candidates with no party affiliation;  
13 amending s. 99.096, F.S.; revising method of qualification  
14 by minor party candidates; amending s. 100.011, F.S.;  
15 providing that electors in line to vote at the closing of  
16 the polls must be allowed to vote; amending s. 100.111,  
17 F.S.; revising procedures to be followed in the event of a  
18 vacancy in nomination; amending s. 101.015, F.S.;  
19 requiring supervisors of elections to include written  
20 procedures for early voting in their accuracy and security  
21 procedures and to submit any revisions to those security  
22 procedures within a specified period before early voting  
23 commences; amending s. 101.031, F.S.; revising  
24 requirements regarding the furnishing of instructions for  
25 electors; amending ss. 101.048 and 101.049, F.S.;  
26 providing for voting of provisional ballots by persons  
27 with disabilities; revising a reference; amending s.  
28 101.131, F.S.; authorizing political parties to have a  
29 certain number of at-large poll watchers; revising

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30 provisions for designation of poll watchers; amending s.  
 31 101.151, F.S.; revising specifications for ballots;  
 32 amending s. 101.171, F.S.; providing for copies of  
 33 constitutional amendments to be provided in poster or  
 34 booklet form; amending s. 101.253, F.S.; prescribing  
 35 duties of the supervisor of elections with respect to  
 36 ballots in cases of vacancy in nomination; amending s.  
 37 101.294, F.S.; prohibiting governing bodies from deploying  
 38 uncertified voting equipment; prohibiting vendors of  
 39 voting equipment from providing uncertified voting systems  
 40 or their components or upgrades; requiring vendors of  
 41 voting equipment to provide certifications that voting  
 42 systems or their components or upgrades have been  
 43 certified; amending s. 101.295, F.S.; providing penalties  
 44 for providing voting systems or their components or  
 45 upgrades in violation of law; amending s. 101.5606, F.S.;  
 46 conforming terminology; providing an additional  
 47 requirement for voting systems; amending s. 101.5608,  
 48 F.S.; conforming terminology; amending s. 101.5612, F.S.;  
 49 providing for testing of tabulating equipment prior to  
 50 commencement of early voting and notice thereof; amending  
 51 s. 101.5613, F.S.; specifying person responsible for  
 52 examination of equipment for purposes of early voting;  
 53 amending s. 101.595, F.S.; revising duties of the  
 54 supervisor of elections with respect to reporting  
 55 undervotes and overvotes; amending s. 101.6103, F.S.;  
 56 allowing the canvassing of mail ballots to begin at 7 a.m.  
 57 on the fourth day before the election; prohibiting the  
 58 release of results prior to 7 p.m. on the day of the

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59 | election; providing penalties; amending s. 101.62, F.S.;

60 | deleting a provision relating to the duty of supervisors

61 | of elections with respect to requests for absentee ballots

62 | from overseas voters received after the Friday before the

63 | election; revising requirements for the mailing of

64 | absentee and advance absentee ballots; correcting a

65 | reference; amending s. 101.64, F.S.; revising the Voter's

66 | Certificate for absent electors to remove the requirement

67 | of an attesting witness; requiring absentee voters voting

68 | pursuant to the Uniformed and Overseas Citizens Absentee

69 | Voting Act to use a standard oath as prescribed by federal

70 | law; amending s. 101.65, F.S.; revising the instructions

71 | to absent electors to remove the requirement of an

72 | attesting witness; amending s. 101.657, F.S.; authorizing

73 | and providing requirements for early voting; providing for

74 | designation of certain facilities as early voting sites;

75 | amending s. 101.68, F.S.; removing the requirement of the

76 | signature of an attesting witness for an absentee ballot

77 | to be considered legal; amending s. 101.6921, F.S.;

78 | revising the instructions for special absentee ballots for

79 | certain first-time voters to remove the requirement of an

80 | attesting witness; amending s. 101.6923, F.S.; providing

81 | that the special absentee ballot instructions for certain

82 | first-time voters shall be substantially in a specified

83 | form; revising the Voter's Certificate for special

84 | absentee ballots for certain first-time voters to remove

85 | the requirement of an attesting witness; amending s.

86 | 101.694, F.S.; revising specifications for absentee

87 | envelopes printed for overseas voters; amending s.

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88 101.6952, F.S., relating to absentee ballots received from  
 89 overseas voters, to conform; amending s. 101.697, F.S.;  
 90 requiring the Department of State to determine the  
 91 security of electronic transmissions of certain election  
 92 materials prior to rule adoption; amending s. 102.012,  
 93 F.S.; providing for a single election board for each  
 94 precinct; amending s. 102.071, F.S.; deleting the  
 95 requirement that the certificate of results be prepared in  
 96 triplicate; amending s. 102.111, F.S.; allowing the  
 97 Elections Canvassing Commission to delegate the authority  
 98 to order recounts to the chief election officer; amending  
 99 s. 102.141, F.S.; deleting the requirement that the  
 100 canvass be filed with the county court judge; clarifying  
 101 responsibility for ordering recounts; deleting the  
 102 requirement for test of the tabulating equipment at the  
 103 completion of the recount; extending the deadline for  
 104 reporting results of the machine recount; amending s.  
 105 102.168, F.S.; revising provisions with respect to the  
 106 time for contesting an election; declaring the county  
 107 canvassing board and the Elections Canvassing Commission  
 108 indispensable and proper parties in contested elections;  
 109 amending s. 105.031, F.S.; exempting write-in candidates  
 110 for the office of school board member from payment of the  
 111 qualifying fee; amending s. 105.035, F.S.; revising  
 112 procedures for qualifying as a candidate for judicial or  
 113 school board office by petition; amending s. 106.011,  
 114 F.S.; defining the term "eliminated candidate"; amending  
 115 s. 106.021, F.S.; providing exceptions to a prohibition  
 116 against making certain contributions or expenditures in

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117 connection with a campaign or activities of a political  
 118 committee; authorizing reimbursement of expenses incurred  
 119 in connection with a campaign or activities of a political  
 120 committee; requiring disclosure of the names and addresses  
 121 of persons reimbursed from a campaign account; providing  
 122 for retroactive operation; amending s. 106.023, F.S.;  
 123 providing that the execution and filing of the statement  
 124 of candidate does not in and of itself create a  
 125 presumption that a violation of ch. 106 or ch. 104, F.S.,  
 126 is a willful violation; amending s. 106.04, F.S.; reducing  
 127 the fine for late filing of campaign finance reports by  
 128 committees of continuous existence for the first 3 days;  
 129 providing for deposit of fine proceeds into the General  
 130 Revenue Fund; amending s. 106.07, F.S.; revising  
 131 requirements for filing campaign reports; revising  
 132 requirements with respect to timely filing of mailed  
 133 reports; requiring the reporting of the primary purposes  
 134 of certain expenditures made indirectly through a campaign  
 135 treasurer for certain goods and services; expanding  
 136 grounds for appealing or disputing a fine; requiring the  
 137 Florida Elections Commission to consider mitigating and  
 138 aggravating circumstances in determining the amount of a  
 139 fine, if any, to be waived for late-filed reports;  
 140 providing for deposit of certain fine proceeds into the  
 141 General Revenue Fund; limiting investigation of alleged  
 142 late filing violations; providing for electronic filing of  
 143 reports; allowing electronic receipts to be used as proof  
 144 of filing; creating s. 106.0705, F.S.; providing for  
 145 electronic filing of campaign treasurer's reports;

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146 providing standards and guidelines; providing penalties;  
 147 amending s. 106.075, F.S.; revising requirements with  
 148 respect to reporting loans; amending s. 106.08, F.S.;  
 149 prohibiting candidates from expending funds from their  
 150 campaign accounts to obtain endorsements; providing  
 151 penalties; amending s. 106.087, F.S.; exempting committees  
 152 of continuous existence from certain prohibitions with  
 153 respect to independent expenditures; amending s. 106.09,  
 154 F.S.; prohibiting acceptance of certain contributions made  
 155 by money order; providing penalties; amending s. 106.11,  
 156 F.S.; revising provisions relating to reporting use of  
 157 debit cards; amending s. 106.141, F.S.; providing for  
 158 deposit into the General Revenue Fund of reimbursed  
 159 election assessments; amending s. 106.25, F.S.; requiring  
 160 sworn complaints to be based upon personal knowledge or  
 161 independent research of the complainant; restricting the  
 162 alleged violations the commission may investigate to those  
 163 specifically contained within a sworn complaint; providing  
 164 restrictions on subsequent complaints based on the same  
 165 facts or allegations as a prior complaint; authorizing  
 166 respondents and complainants and their counsels to attend  
 167 hearings at which probable cause is determined; requiring  
 168 prior notice; permitting a brief oral statement;  
 169 specifying bases for determining probable cause; amending  
 170 s. 106.29, F.S.; revising provisions relating to reports  
 171 by political parties; providing that the proceeds of funds  
 172 assessed against political parties for the late filing of  
 173 reports shall be deposited into the General Revenue Fund;  
 174 providing for determination of fine for electronically

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175 filed reports; amending s. 191.005, F.S.; requiring  
 176 certain candidates for commissioner of an independent  
 177 special fire control district to conduct their campaigns  
 178 in accordance with ch. 106, F.S.; providing an exception;  
 179 amending s. 287.057, F.S.; exempting certain voter  
 180 education activities from competitive-solicitation  
 181 requirements; requiring voting systems to meet certain  
 182 requirements by a date certain; amending s. 22, ch. 2002-  
 183 281, Laws of Florida; revising effective dates applicable  
 184 to provisions in such law; repealing s. 98.181, F.S.,  
 185 relating to the supervisor of elections making up indexes  
 186 or records; repealing s. 101.635, F.S., relating to  
 187 distribution of blocks of printed ballots; repealing s.  
 188 102.061, F.S., relating to duties of election boards;  
 189 repealing s. 106.085, F.S., relating to independent  
 190 expenditure notice requirements; repealing s. 106.144,  
 191 F.S., relating to filing of statements by certain groups  
 192 and organizations intending to make or making political  
 193 advertisements endorsing or opposing candidates or issues;  
 194 providing applicability of changes to provisions of ch.  
 195 106, F.S., to pending and future cases before the Florida  
 196 Elections Commission; providing effective dates.

197

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

199

200 Section 1. Subsection (3) of section 97.021, Florida  
 201 Statutes, is amended, subsections (8) through (37) are  
 202 renumbered as subsections (9) through (38), respectively, a new

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203 subsection (8) is added to said section, and present subsection  
 204 (38) is renumbered as subsection (39) and amended, to read:

205 97.021 Definitions.--For the purposes of this code, except  
 206 where the context clearly indicates otherwise, the term:

207 (3) "Ballot" or "official ballot" when used in reference  
 208 to:

209 (a) "Marksense Paper ~~paper~~ ballots" means that printed sheet of  
 210 paper, used in conjunction with an electronic or  
 211 electromechanical vote tabulation voting system, containing the  
 212 names of candidates, or a statement of proposed constitutional  
 213 amendments or other questions or propositions submitted to the  
 214 electorate at any election, on which sheet of paper an elector  
 215 casts his or her vote.

216 (b) "Electronic or electromechanical devices" means a  
 217 ballot that is voted by the process of electronically  
 218 designating, including by touchscreen, or marking with a marking  
 219 device for tabulation by automatic tabulating equipment or data  
 220 processing equipment.

221 (8) "Early voting" means casting a ballot prior to  
 222 election day at a location designated by the supervisor of  
 223 elections and depositing the voted ballot in the tabulation  
 224 system.

225 (39)~~(38)~~ "Voting system" means a method of casting and  
 226 processing votes that functions wholly or partly by use of  
 227 electromechanical or electronic apparatus or by use of marksense  
 228 ~~paper~~ ballots and includes, but is not limited to, the  
 229 procedures for casting and processing votes and the programs,  
 230 operating manuals, supplies ~~tabulating cards~~, printouts, and  
 231 other software necessary for the system's operation.



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

234 97.052 Uniform statewide voter registration application.--

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

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

- 239 1. Initial registration.
- 240 2. Change of address.
- 241 3. Change of party affiliation.
- 242 4. Change of name.
- 243 5. Replacement of voter registration identification card.
- 244 6. Signature update.

245 (b) The department is responsible for printing the uniform  
 246 statewide voter registration application and the voter  
 247 registration application form prescribed by the Federal Election  
 248 Commission pursuant to the National Voter Registration Act of  
 249 1993. The applications and forms must be distributed, upon  
 250 request, to the following:

- 251 1. Individuals seeking to register to vote.
- 252 2. Individuals or groups conducting voter registration  
 253 programs. A charge of 1 cent per application shall be assessed  
 254 on requests for 10,000 or more applications.
- 255 3. The Department of Highway Safety and Motor Vehicles.
- 256 4. Voter registration agencies.
- 257 5. Armed forces recruitment offices.
- 258 6. Qualifying educational institutions.
- 259 7. Supervisors, who must make the applications and forms  
 260 available in the following manner:

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261 a. By distributing the applications and forms in their  
262 offices to any individual or group.

263 b. By distributing the applications and forms at other  
264 locations designated by each supervisor.

265 c. By mailing the applications and forms to applicants  
266 upon the request of the applicant.

267 (c) The uniform statewide voter registration application  
268 may be reproduced by any of the entities described in paragraph  
269 (b) private individual or group, provided the reproduced  
270 application is in the same format as the application prescribed  
271 under this section.

272 Section 3. Paragraph (a) of subsection (7) of section  
273 99.061, Florida Statutes, is amended to read:

274 99.061 Method of qualifying for nomination or election to  
275 federal, state, county, or district office.--

276 (7)(a) In order for a candidate to be qualified, the  
277 following items must be received by the filing officer by the  
278 end of the qualifying period:

279 1. A properly executed check drawn upon the candidate's  
280 campaign account in an amount not less than the fee required by  
281 s. 99.092 or, in lieu thereof, as applicable, the copy of the  
282 notice of obtaining ballot position pursuant to s. 99.095, ~~or~~  
283 ~~the undue burden oath authorized pursuant to~~ s. 99.0955, or s.  
284 99.096. If a candidate's check is returned by the bank for any  
285 reason, the filing officer shall immediately notify the  
286 candidate and the candidate shall, the end of qualifying  
287 notwithstanding, have 48 hours from the time such notification  
288 is received, excluding Saturdays, Sundays, and legal holidays,  
289 to pay the fee with a cashier's check purchased from funds of

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290 the campaign account. Failure to pay the fee as provided in this  
 291 subparagraph shall disqualify the candidate.

292 2. The candidate's oath required by s. 99.021, which must  
 293 contain the name of the candidate as it is to appear on the  
 294 ballot; the office sought, including the district or group  
 295 number if applicable; and the signature of the candidate, duly  
 296 acknowledged.

297 3. The loyalty oath required by s. 876.05, signed by the  
 298 candidate and duly acknowledged.

299 4. If the office sought is partisan, the written statement  
 300 of political party affiliation required by s. 99.021(1)(b).

301 5. The completed form for the appointment of campaign  
 302 treasurer and designation of campaign depository, as required by  
 303 s. 106.021.

304 6. The full and public disclosure or statement of  
 305 financial interests required by subsection (4).

306 Section 4. Effective January 1, 2005, section 99.095,  
 307 Florida Statutes, is amended to read:

308 (Substantial rewording of section. See s.  
 309 99.095, F.S., for present text.)

310 99.095 Petition process in lieu of qualifying fee and  
 311 party assessment.--

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

316 (2)(a) A candidate shall obtain the signatures of voters  
 317 in the geographical area represented by the office sought equal  
 318 to at least 1 percent of the total number of voters of that

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319 geographical area, as shown by the compilation by the department  
 320 for the last preceding general election. No signatures may be  
 321 obtained until the candidate has filed the appointment of  
 322 campaign treasurer and designation of campaign depository  
 323 pursuant to s. 106.021.

324 (b) The format of the petition shall be prescribed by the  
 325 division and shall be used by candidates to reproduce petitions  
 326 for circulation. If the candidate is running for an office that  
 327 requires a group or district designation, the petition must  
 328 indicate that designation or the signatures are not valid. A  
 329 separate petition is required for each candidate.

330 (3) Each petition must be submitted before noon of the  
 331 28th day preceding the first day of the qualifying period for  
 332 the office sought to the supervisor of elections of the county  
 333 in which such petition was circulated. Each supervisor shall  
 334 check the signatures on the petitions to verify their status as  
 335 voters in the county, district, or other geographical area  
 336 represented by the office sought. No later than the 7th day  
 337 prior to the first day of the qualifying period, the supervisor  
 338 shall certify the number of valid signatures.

339 (4)(a) Certifications for candidates for federal, state,  
 340 or multicounty district office shall be submitted to the  
 341 division. The division shall determine whether the required  
 342 number of signatures has been obtained and shall notify the  
 343 candidate.

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

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348 (5) If the required number of signatures has been  
 349 obtained, the candidate is eligible to qualify pursuant to s.  
 350 99.061.

351 Section 5. Effective January 1, 2005, section 99.0955,  
 352 Florida Statutes, is amended to read:

353 99.0955 Candidates with no party affiliation; name on  
 354 general election ballot.--

355 (1) Each person seeking to qualify ~~for election~~ as a  
 356 candidate with no party affiliation shall file his or her  
 357 qualifying qualification papers and pay the qualifying fee, or  
 358 qualify by the petition process pursuant to s. 99.095,  
 359 ~~alternative method prescribed in subsection (3)~~ with the officer  
 360 and during the times and under the circumstances prescribed in  
 361 s. 99.061. Upon qualifying, the candidate is entitled to have  
 362 his or her name placed on the general election ballot.

363 (2) The qualifying fee for candidates with no party  
 364 affiliation shall consist of a filing fee and an election  
 365 assessment. ~~The amount of the filing fee is 3 percent of the~~  
 366 ~~annual salary of the office sought. The amount of the election~~  
 367 ~~assessment is 1 percent of the annual salary of the office~~  
 368 ~~sought. The election assessment shall be deposited into the~~  
 369 ~~Elections Commission Trust Fund. Filing fees paid to the~~  
 370 ~~Department of State shall be deposited into the General Revenue~~  
 371 ~~Fund of the state. Filing fees paid to the supervisor of~~  
 372 ~~elections shall be deposited into the general revenue fund of~~  
 373 ~~the county.~~

374 ~~(3)(a) A candidate with no party affiliation may, in lieu~~  
 375 ~~of paying the qualifying fee, qualify for office by the~~  
 376 ~~alternative method prescribed in this subsection. A candidate~~

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377 ~~using this petitioning process shall file an oath with the~~  
 378 ~~officer before whom the candidate would qualify for the office~~  
 379 ~~stating that he or she intends to qualify by this alternative~~  
 380 ~~method. If the person is running for an office that requires a~~  
 381 ~~group or district designation, the candidate must indicate the~~  
 382 ~~designation in his or her oath. The oath shall be filed at any~~  
 383 ~~time after the first Tuesday after the first Monday in January~~  
 384 ~~of the year in which the election is held, but before the 21st~~  
 385 ~~day preceding the first day of the qualifying period for the~~  
 386 ~~office sought. The Department of State shall prescribe the form~~  
 387 ~~to be used in administering and filing the oath. Signatures may~~  
 388 ~~not be obtained by a candidate on any petition until the~~  
 389 ~~candidate has filed the oath required in this subsection. Upon~~  
 390 ~~receipt of the written oath from a candidate, the qualifying~~  
 391 ~~officer shall provide the candidate with petition forms in~~  
 392 ~~sufficient numbers to facilitate the gathering of signatures. If~~  
 393 ~~the candidate is running for an office that requires a group or~~  
 394 ~~district designation, the petition must indicate that~~  
 395 ~~designation or the signatures obtained on the petition will not~~  
 396 ~~be counted.~~

397 ~~(b) A candidate shall obtain the signatures of a number of~~  
 398 ~~qualified electors in the geographical entity represented by the~~  
 399 ~~office sought equal to 1 percent of the registered electors of~~  
 400 ~~the geographical entity represented by the office sought, as~~  
 401 ~~shown by the compilation by the Department of State for the~~  
 402 ~~preceding general election.~~

403 ~~(c) Each petition must be submitted before noon of the~~  
 404 ~~21st day preceding the first day of the qualifying period for~~  
 405 ~~the office sought, to the supervisor of elections of the county~~

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406 ~~for which such petition was circulated. Each supervisor to whom~~  
 407 ~~a petition is submitted shall check the signatures on the~~  
 408 ~~petition to verify their status as electors in the county,~~  
 409 ~~district, or other geographical entity represented by the office~~  
 410 ~~sought. Before the first day for qualifying, the supervisor~~  
 411 ~~shall certify the number shown as registered electors.~~

412 ~~(d)1. Certifications for candidates for federal, state, or~~  
 413 ~~multicounty district office shall be submitted to the Department~~  
 414 ~~of State. The Department of State shall determine whether the~~  
 415 ~~required number of signatures has been obtained for the name of~~  
 416 ~~the candidate to be placed on the ballot and shall notify the~~  
 417 ~~candidate.~~

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

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

428 Section 6. Effective January 1, 2005, section 99.096,  
 429 Florida Statutes, is amended to read:

430 99.096 Minor party candidates; names on ballot.--

431 (1) The executive committee of a minor political party  
 432 shall, no later than noon of the third day prior to the first  
 433 day of the qualifying period prescribed for federal candidates,  
 434 submit to the Department of State a list of federal candidates

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435 nominated by the party to be on the general election ballot. ~~and~~  
 436 No later than noon of the third day prior to the first day of  
 437 the qualifying period for state candidates, the executive  
 438 committee of a minor party must ~~submit to the Department of~~  
 439 ~~State~~ the official list of the state, multicounty, and county  
 440 ~~respective~~ candidates nominated by that party to be on the  
 441 ballot in the general election to the filing officer for each of  
 442 the candidates. ~~The Department of State shall notify the~~  
 443 ~~appropriate supervisors of elections of the name of each minor~~  
 444 ~~party candidate eligible to qualify before such supervisor.~~ The  
 445 official list of nominated candidates may not be changed by the  
 446 party after having been filed with the filing officers  
 447 ~~Department of State~~, except that candidates who have qualified  
 448 may withdraw from the ballot pursuant to the provisions of this  
 449 code, and vacancies in nominations may be filled pursuant to s.  
 450 100.111.

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

458 (3)(a) ~~A minor party candidate may, in lieu of paying the~~  
 459 ~~qualifying fee and party assessment, qualify for office by the~~  
 460 ~~alternative method prescribed in this subsection.~~ A candidate  
 461 ~~using this petitioning process shall file an oath with the~~  
 462 ~~officer before whom the candidate would qualify for the office~~  
 463 ~~stating that he or she intends to qualify by this alternative~~

CODING: Words **stricken** are deletions; words **underlined** are additions.



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464 ~~method. If the person is running for an office that requires a~~  
 465 ~~group or district designation, the candidate must indicate the~~  
 466 ~~designation in his or her oath. The oath must be filed at any~~  
 467 ~~time after the first Tuesday after the first Monday in January~~  
 468 ~~of the year in which the election is held, but before the 21st~~  
 469 ~~day preceding the first day of the qualifying period for the~~  
 470 ~~office sought. The Department of State shall prescribe the form~~  
 471 ~~to be used in administering and filing the oath. Signatures may~~  
 472 ~~not be obtained by a candidate on any petition until the~~  
 473 ~~candidate has filed the oath required in this section. Upon~~  
 474 ~~receipt of the written oath from a candidate, the qualifying~~  
 475 ~~officer shall provide the candidate with petition forms in~~  
 476 ~~sufficient numbers to facilitate the gathering of signatures. If~~  
 477 ~~the candidate is running for an office that requires a group or~~  
 478 ~~district designation, the petition must indicate that~~  
 479 ~~designation or the signatures on such petition will not be~~  
 480 ~~counted.~~

481 ~~(b) A candidate shall obtain the signatures of a number of~~  
 482 ~~qualified electors in the geographical entity represented by the~~  
 483 ~~office sought equal to 1 percent of the registered electors in~~  
 484 ~~the geographical entity represented by the office sought, as~~  
 485 ~~shown by the compilation by the Department of State for the last~~  
 486 ~~preceding general election.~~

487 ~~(c) Each petition shall be submitted prior to noon of the~~  
 488 ~~21st day preceding the first day of the qualifying period for~~  
 489 ~~the office sought to the supervisor of elections of the county~~  
 490 ~~for which the petition was circulated. Each supervisor to whom a~~  
 491 ~~petition is submitted shall check the signatures on the petition~~  
 492 ~~to verify their status as electors in the county, district, or~~

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493 ~~other geographical entity represented by the office sought.~~  
 494 ~~Before the first day for qualifying, the supervisor shall~~  
 495 ~~certify the number shown as registered electors.~~

496 ~~(d)1. Certifications for candidates for federal, state, or~~  
 497 ~~multicounty district office shall be submitted to the Department~~  
 498 ~~of State. The Department of State shall determine whether the~~  
 499 ~~required number of signatures has been obtained for the name of~~  
 500 ~~the candidate to be placed on the ballot and shall notify the~~  
 501 ~~candidate.~~

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

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

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

516 Section 7. Subsection (1) of section 100.011, Florida  
 517 Statutes, is amended to read:

518 100.011 Opening and closing of polls, all elections;  
 519 expenses.--

520 (1) The polls shall be open at the voting places at 7:00  
 521 a.m., on the day of the election, and shall be kept open until

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522 7:00 p.m., of the same day, and the time shall be regulated by  
 523 the customary time in standard use in the county seat of the  
 524 locality. The inspectors shall make public proclamation of the  
 525 opening and closing of the polls. During the election and  
 526 canvass of the votes, the ballot box shall not be concealed. Any  
 527 elector in line at the official closing of the polls shall be  
 528 allowed to cast a vote in that election.

529 Section 8. Paragraph (b) of subsection (4) of section  
 530 100.111, Florida Statutes, is amended to read:

531 100.111 Filling vacancy.--

532 (4)

533 (b) If the vacancy in nomination occurs later than  
 534 September 15, or if the vacancy in nomination occurs with  
 535 respect to a candidate of a minor political party which has  
 536 obtained a position on the ballot, no special primary election  
 537 shall be held and the Department of State shall notify the chair  
 538 of the appropriate state, district, or county political party  
 539 executive committee of such party; and, within 7 days, the chair  
 540 shall call a meeting of his or her executive committee to  
 541 consider designation of a nominee to fill the vacancy. The name  
 542 of any person so designated shall be submitted to the Department  
 543 of State within 14 days after ~~of~~ notice to the chair ~~in order~~  
 544 ~~that the person designated may have his or her name printed or~~  
 545 ~~otherwise placed on the ballot of the ensuing general election,~~  
 546 ~~but in no event shall the supervisor of elections be required to~~  
 547 ~~place on a ballot a name submitted less than 21 days prior to~~  
 548 ~~the election.~~ If the name of the new nominee is submitted after  
 549 the ballots have been printed or programmed into the machines and  
 550 the supervisor of elections is not able to reprint or reprogram

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551 the ballots or otherwise strike the former nominee's name and  
552 insert the new nominee's name ~~vacancy occurs less than 21 days~~  
553 ~~prior to the election~~, the person designated by the political  
554 party will replace the former party nominee even though the  
555 former party nominee's name will be on the ballot. Any ballots  
556 cast for the former party nominee will be counted for the person  
557 designated by the political party to replace the former party  
558 nominee. If there is no opposition to the party nominee, the  
559 person designated by the political party to replace the former  
560 party nominee will be elected to office at the general election.  
561 For purposes of this paragraph, the term "district political  
562 party executive committee" means the members of the state  
563 executive committee of a political party from those counties  
564 comprising the area involving a district office.

565 Section 9. Paragraphs (b) and (c) of subsection (4) of  
566 section 101.015, Florida Statutes, are amended to read:

567 101.015 Standards for voting systems.--

568 (4)

569 (b) Each supervisor of elections shall establish written  
570 procedures to assure accuracy and security in his or her county,  
571 including procedures related to early voting pursuant to s.  
572 101.657. ~~and~~ Such procedures shall be reviewed in each odd-  
573 numbered year by the Department of State.

574 (c) Each supervisor of elections shall submit any  
575 revisions to the security procedures to the Department of State  
576 at least 45 days before early voting commences pursuant to s.  
577 101.657 in an ~~the first~~ election in which they are to take  
578 effect.

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579 Section 10. Subsection (1) of section 101.031, Florida  
 580 Statutes, is amended to read:

581 101.031 Instructions for electors.--

582 (1) The Department of State, or in case of municipal  
 583 elections the governing body of the municipality, shall print,  
 584 in large type on cards, instructions for the electors to use in  
 585 voting. ~~It shall provide not less than two cards for each voting~~  
 586 ~~precinct for each election and furnish such cards to each~~  
 587 ~~supervisor upon requisition.~~ Each supervisor of elections shall  
 588 send a sufficient number of these cards to the precincts prior  
 589 to an election. The election inspectors shall display the cards  
 590 in the polling places as information for electors. The cards  
 591 shall contain information about how to vote and such other  
 592 information as the Department of State may deem necessary. The  
 593 cards must also include the list of rights and responsibilities  
 594 afforded to Florida voters, as described in subsection (2).

595 Section 11. Effective January 1, 2006, subsections (2) and  
 596 (4) of section 101.048, Florida Statutes, are amended to read:

597 101.048 Provisional ballots.--

598 (2)(a) The county canvassing board shall examine each  
 599 Provisional Ballot Voter's Certificate and Affirmation envelope  
 600 to determine if the person voting that ballot was entitled to  
 601 vote at the precinct where the person cast a vote in the  
 602 election and that the person had not already cast a ballot in  
 603 the election.

604 (b)1. If it is determined that the person was registered  
 605 and entitled to vote at the precinct where the person cast a  
 606 vote in the election, the canvassing board shall compare the  
 607 signature on the Provisional Ballot Voter's Certificate and

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608 Affirmation ~~envelope~~ with the signature on the voter's  
 609 registration and, if it matches, shall count the ballot.

610 2. If it is determined that the person voting the  
 611 provisional ballot was not registered or entitled to vote at the  
 612 precinct where the person cast a vote in the election, the  
 613 provisional ballot shall not be counted and the ballot shall  
 614 remain in the envelope containing the Provisional Ballot Voter's  
 615 Certificate and Affirmation and the envelope shall be marked  
 616 "Rejected as Illegal."

617 (4) Notwithstanding subsections (1)-(3) ~~In counties where~~  
 618 ~~the voting system does not utilize a paper ballot,~~ the  
 619 supervisor of elections may, and for persons with disabilities  
 620 shall, provide the appropriate provisional ballot to the voter  
 621 by electronic means which meet the requirements of s. 101.56062  
 622 as provided for by the certified voting system. Each person  
 623 casting a provisional ballot by electronic means shall, prior to  
 624 casting his or her ballot, complete the Provisional Ballot  
 625 Voter's Certificate and Affirmation as provided in subsection  
 626 (3).

627 Section 12. Effective January 1, 2006, subsection (5) of  
 628 section 101.049, Florida Statutes, is amended to read:

629 101.049 Provisional ballots; special circumstances.--

630 (5) As an alternative, provisional ballots cast pursuant  
 631 to this section may, and for persons with disabilities shall, be  
 632 cast in accordance with the provisions of s. 101.048(4).

633 Section 13. Subsections (1) and (2) of section 101.131,  
 634 Florida Statutes, are amended to read:

635 101.131 Watchers at polls.--

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636           (1) Each ~~political party and each~~ candidate may have one  
 637 poll watcher and each political party may have one poll watcher  
 638 and one at-large poll watcher in each polling room at any one  
 639 time during the election. No poll watcher shall be permitted to  
 640 come closer to the officials' table or the voting booths than is  
 641 reasonably necessary to properly perform his or her functions,  
 642 but each shall be allowed within the polling room to watch and  
 643 observe the conduct of electors and officials. The poll watchers  
 644 shall furnish their own materials and necessities and shall not  
 645 obstruct the orderly conduct of any election. Each poll watcher  
 646 shall be a qualified and registered elector of the county in  
 647 which he or she serves.

648           (2) Each political party and each candidate requesting to  
 649 have poll watchers shall designate, in writing, poll watchers  
 650 for each polling room ~~precinct~~ prior to noon of the second  
 651 Tuesday preceding the election. Each political party may  
 652 designate at least five additional at-large poll watchers, or one  
 653 additional at-large poll watcher for every 10,000 registered  
 654 voters, whichever is greater, who shall be approved and have  
 655 access to all polling rooms. The poll watchers ~~for each precinct~~  
 656 shall be approved by the supervisor of elections on or before  
 657 the Tuesday before the election. The supervisor shall furnish to  
 658 each polling room ~~precinct~~ a list of the poll watchers  
 659 designated and approved for such polling room and a list of at-  
 660 large poll watchers approved for all polling rooms ~~precinct~~.

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

663           101.151 Specifications for ballots.--

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664 (1) Marksense Paper ballots shall be printed on paper of  
 665 such thickness that the printing cannot be distinguished from  
 666 the back and shall meet the specifications of the voting system  
 667 which will be used to read the ballots.

668 Section 15. Section 101.171, Florida Statutes, is amended  
 669 to read:

670 101.171 Copy of constitutional amendment ~~to be~~  
 671 ~~posted.~~--Whenever any amendment to the State Constitution is to  
 672 be voted upon at any election, the Department of State shall  
 673 have printed, and shall furnish to each supervisor of elections,  
 674 a sufficient number of copies of the amendment either in poster  
 675 or booklet form, and the supervisor shall have a copy thereof  
 676 conspicuously posted or available at each precinct upon the day  
 677 of election.

678 Section 16. Subsection (3) of section 101.253, Florida  
 679 Statutes, is amended to read:

680 101.253 When names not to be printed on ballot.--

681 (3) In the event ballots are printed or programmed into  
 682 the machines prior to the death, resignation, removal, or  
 683 withdrawal of a candidate, the supervisor of elections, at his or  
 684 her discretion, may:

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

687 (b) Reprint or reprogram the ballot; or

688 (c) Provide notice in a newspaper of general circulation in  
 689 the county, post a notice in each voting booth, and provide an  
 690 insert with each absentee ballot mailed to a voter explaining the  
 691 consequences of a vote for the former candidate. ~~In no case~~  
 692 ~~shall the supervisor be required to print on the ballot a name~~



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693 ~~which is submitted less than 21 days prior to the election. In~~  
 694 ~~the event the ballots are printed 21 days or more prior to the~~  
 695 ~~election, the name of any candidate whose death, resignation,~~  
 696 ~~removal, or withdrawal created a vacancy in office or nomination~~  
 697 ~~shall be stricken from the ballot with a rubber stamp or~~  
 698 ~~appropriate printing device, and the name of the new nominee~~  
 699 ~~shall be inserted on the ballot in a like manner. The supervisor~~  
 700 ~~may, as an alternative, reprint the ballots to include the name~~  
 701 ~~of the new nominee.~~

702 Section 17. Section 101.294, Florida Statutes, is amended  
 703 to read:

704 101.294 Purchase and sale of voting equipment.--

705 (1) The Division of Elections of the Department of State  
 706 shall adopt uniform rules for the purchase, use, and sale of  
 707 voting equipment in the state. No governing body shall purchase,  
 708 ~~or~~ cause to be purchased, or deploy any voting equipment unless  
 709 such equipment has been certified for use in this state by the  
 710 Department of State.

711 (2) Any governing body contemplating the purchase or sale  
 712 of voting equipment shall notify the Division of Elections of  
 713 such considerations. The division shall attempt to coordinate  
 714 the sale of excess or outmoded equipment by one county with  
 715 purchases of necessary equipment by other counties.

716 (3) The division shall inform the governing bodies of the  
 717 various counties of the state of the availability of new or used  
 718 voting equipment and of sources available for obtaining such  
 719 equipment.

720 (4) No vendor of voting equipment shall provide an  
 721 uncertified voting system, voting system component, or voting

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722 system upgrade to a governing body or supervisor of elections in  
 723 this state.

724 (5) Prior to or in conjunction with providing a voting  
 725 system, voting system component, or voting system upgrade, the  
 726 vendor shall provide the governing body or supervisor of  
 727 elections with a sworn certification that the voting system,  
 728 voting system component, or voting system upgrade being provided  
 729 has been certified by the Division of Elections.

730 Section 18. Section 101.295, Florida Statutes, is amended  
 731 to read:

732 101.295 Penalties for violation.--

733 (1) Any member of a governing body which purchases or  
 734 sells voting equipment in violation of the provisions of ss.  
 735 101.292-101.295, which member knowingly votes to purchase or  
 736 sell voting equipment in violation of the provisions of ss.  
 737 101.292-101.295, ~~commits is guilty of~~ a misdemeanor of the first  
 738 degree, punishable as provided by s. 775.082 or s. 775.083, and  
 739 shall be subject to suspension from office on the grounds of  
 740 malfeasance.

741 (2) Any vendor of voting equipment, chief executive  
 742 officer of such a vendor, or vendor representative who provides a  
 743 voting system, voting system component, or voting system upgrade  
 744 in violation of the provisions of this chapter commits a felony  
 745 of the third degree, punishable as provided in s. 775.082, s.  
 746 775.083, or s. 775.084.

747 Section 19. Subsection (4) of section 101.5606, Florida  
 748 Statutes, is amended, and, effective January 1, 2006, subsection  
 749 (16) is added to said section, to read:

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750 101.5606 Requirements for approval of systems.--No  
 751 electronic or electromechanical voting system shall be approved  
 752 by the Department of State unless it is so constructed that:

753 (4) For systems using marksense ~~paper~~ ballots, it accepts  
 754 a rejected ballot pursuant to subsection (3) if a voter chooses  
 755 to cast the ballot, but records no vote for any office that has  
 756 been overvoted or undervoted.

757 (16) All electronic voter interface devices are capable of  
 758 allowing voters to cast both regular and provisional ballots  
 759 while allowing the elections administrator to preserve the  
 760 secrecy of voted ballots.

761 Section 20. Subsections (2) and (3) of section 101.5608,  
 762 Florida Statutes, are amended to read:

763 101.5608 Voting by electronic or electromechanical method;  
 764 procedures.--

765 (2) When an electronic or electromechanical voting system  
 766 utilizes a ballot card or marksense ~~paper~~ ballot, the following  
 767 procedures shall be followed:

768 (a) After receiving a ballot from an inspector, the  
 769 elector shall, without leaving the polling place, retire to a  
 770 booth or compartment and mark the ballot. After preparing his or  
 771 her ballot, the elector shall place the ballot in a secrecy  
 772 envelope with the stub exposed or shall fold over that portion  
 773 on which write-in votes may be cast, as instructed, so that the  
 774 ballot will be deposited in the ballot box without exposing the  
 775 voter's choices. Before the ballot is deposited in the ballot  
 776 box, the inspector shall detach the exposed stub and place it in  
 777 a separate envelope for audit purposes; when a fold-over ballot  
 778 is used, the entire ballot shall be placed in the ballot box.

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779 (b) Any voter who spoils his or her ballot or makes an  
 780 error may return the ballot to the election official and secure  
 781 another ballot, except that in no case shall a voter be  
 782 furnished more than three ballots. If the vote tabulation device  
 783 has rejected a ballot, the ballot shall be considered spoiled  
 784 and a new ballot shall be provided to the voter unless the voter  
 785 chooses to cast the rejected ballot. The election official,  
 786 without examining the original ballot, shall state the possible  
 787 reasons for the rejection and shall provide instruction to the  
 788 voter pursuant to s. 101.5611. A spoiled ballot shall be  
 789 preserved, without examination, in an envelope provided for that  
 790 purpose. The stub shall be removed from the ballot and placed in  
 791 an envelope.

792 (c) The supervisor of elections shall prepare for each  
 793 polling place at least one ballot box to contain the ballots of  
 794 a particular precinct, and each ballot box shall be plainly  
 795 marked with the name of the precinct for which it is intended.

796 (3) The Department of State shall promulgate rules  
 797 regarding voting procedures to be used when an electronic or  
 798 electromechanical voting system is of a type which does not  
 799 utilize a ballot card or marksense ~~paper~~ ballot.

800 Section 21. Subsection (2) of section 101.5612, Florida  
 801 Statutes, is amended to read:

802 101.5612 Testing of tabulating equipment.--

803 (2) On any day not more than 10 days prior to the  
 804 commencement of early voting as provided in s. 101.657 ~~election~~  
 805 ~~day~~, the supervisor of elections shall have the automatic  
 806 tabulating equipment publicly tested to ascertain that the  
 807 equipment will correctly count the votes cast for all offices

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808 and on all measures. Public notice of the time and place of the  
 809 test shall be given at least 48 hours prior thereto by  
 810 publication once in one or more newspapers of general  
 811 circulation in the county or, if there is no newspaper of  
 812 general circulation in the county, by posting the ~~such~~ notice in  
 813 at least four conspicuous places in the county. The supervisor  
 814 or the municipal elections official may, at the time of  
 815 qualifying, give written notice of the time and location of the  
 816 ~~such~~ public preelection test to each candidate qualifying with  
 817 that office and obtain a signed receipt that the ~~such~~ notice has  
 818 been given. The Department of State shall give written notice to  
 819 each statewide candidate at the time of qualifying, or  
 820 immediately at the end of qualifying, that the voting equipment  
 821 will be tested and advise each ~~such~~ candidate to contact the  
 822 county supervisor of elections as to the time and location of  
 823 the public preelection test. The supervisor or the municipal  
 824 elections official shall, at least 15 days prior to the  
 825 commencement of early voting as provided in s. 101.657 an  
 826 election, send written notice by certified mail to the county  
 827 party chair of each political party and to all candidates for  
 828 other than statewide office whose names appear on the ballot in  
 829 the county and who did not receive written notification from the  
 830 supervisor or municipal elections official at the time of  
 831 qualifying, stating the time and location of the public  
 832 preelection test of the automatic tabulating equipment. The  
 833 canvassing board shall convene, and each member of the  
 834 canvassing board shall certify to the accuracy of the test. For  
 835 the test, the canvassing board may designate one member to  
 836 represent it. The test shall be open to representatives of the

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837 political parties, the press, and the public. Each political  
 838 party may designate one person with expertise in the computer  
 839 field who shall be allowed in the central counting room when all  
 840 tests are being conducted and when the official votes are being  
 841 counted. The ~~Such~~ designee shall not interfere with the normal  
 842 operation of the canvassing board.

843 Section 22. Section 101.5613, Florida Statutes, is amended  
 844 to read:

845 101.5613 Examination of equipment during voting.--A member  
 846 of the election board or, for purposes of early voting pursuant  
 847 to s. 101.657, a representative of the supervisor of elections,  
 848 shall occasionally examine the face of the voting device and the  
 849 ballot information to determine that the device and the ballot  
 850 information have not been damaged or tampered with.

851 Section 23. Subsection (1) of section 101.595, Florida  
 852 Statutes, is amended to read:

853 101.595 Analysis and reports of voting problems.--

854 (1) No later than December 15 of each general election  
 855 year, the supervisor of elections in each county shall report to  
 856 the Department of State the total number of overvotes and  
 857 undervotes in either the presidential or the gubernatorial race,  
 858 whichever is applicable ~~the first race appearing on the ballot~~  
 859 ~~pursuant to s. 101.151(2),~~ along with the likely reasons for  
 860 such overvotes and undervotes and other information as may be  
 861 useful in evaluating the performance of the voting system and  
 862 identifying problems with ballot design and instructions which  
 863 may have contributed to voter confusion.

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864 Section 24. Subsection (1) of section 101.6103, Florida  
 865 Statutes, is amended, subsection (6) is renumbered as subsection  
 866 (7), and a new subsection (6) is added to said section, to read:  
 867 101.6103 Mail ballot election procedure.--

868 (1) Except as otherwise provided in subsection (7) ~~(6)~~,  
 869 the supervisor of elections shall mail all official ballots with  
 870 a secrecy envelope, a return mailing envelope, and instructions  
 871 sufficient to describe the voting process to each elector  
 872 entitled to vote in the election not sooner than the 20th day  
 873 before the election and not later than the 10th day before the  
 874 date of the election. All such ballots shall be mailed by first-  
 875 class mail. Ballots shall be addressed to each elector at the  
 876 address appearing in the registration records and placed in an  
 877 envelope which is prominently marked "Do Not Forward."

878 (6) The canvassing board may begin the canvassing of mail  
 879 ballots at 7 a.m. on the fourth day before the election,  
 880 including processing the ballots through the tabulating  
 881 equipment. However, no results shall be released until after 7  
 882 p.m. on the day of the election. Any canvassing board member or  
 883 election employee who releases any result prior to 7 p.m. on the  
 884 day of the election commits a felony of the third degree,  
 885 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

886 ~~(7)(6)~~ With respect to absent electors overseas entitled  
 887 to vote in the election, the supervisor of elections shall mail  
 888 an official ballot with a secrecy envelope, a return mailing  
 889 envelope, and instructions sufficient to describe the voting  
 890 process to each such elector on a date sufficient to allow such  
 891 elector time to vote in the election and to have his or her

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892 marked ballot reach the supervisor by 7 p.m. on the day of the  
893 election.

894 Section 25. Section 101.62, Florida Statutes, is amended  
895 to read:

896 101.62 Request for absentee ballots.--

897 (1)(a) The supervisor may accept a request for an absentee  
898 ballot from an elector in person or in writing. Except as  
899 provided in s. 101.694, one request shall be deemed sufficient  
900 to receive an absentee ballot for all elections which are held  
901 within a calendar year, unless the elector or the elector's  
902 designee indicates at the time the request is made the elections  
903 for which the elector desires to receive an absentee ballot.  
904 Such request may be considered canceled when any first-class  
905 mail sent by the supervisor to the elector is returned as  
906 undeliverable.

907 (b) The supervisor may accept a written or telephonic  
908 request for an absentee ballot from the elector, or, if directly  
909 instructed by the elector, a member of the elector's immediate  
910 family, or the elector's legal guardian. For purposes of this  
911 section, the term "immediate family" has the same meaning as  
912 specified in paragraph (3)~~(4)~~(b). The person making the request  
913 must disclose:

- 914 1. The name of the elector for whom the ballot is  
915 requested;
- 916 2. The elector's address;
- 917 3. The elector's date of birth;
- 918 4. The requester's name;
- 919 5. The requester's address;
- 920 6. The requester's driver's license number, if available;



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- 921 7. The requester's relationship to the elector; and
- 922 8. The requester's signature (written requests only).

923 ~~(2) If a request for an absentee ballot is received after~~  
 924 ~~the Friday before the election by the supervisor of elections~~  
 925 ~~from an absent elector overseas, the supervisor shall send a~~  
 926 ~~notice to the elector acknowledging receipt of his or her~~  
 927 ~~request and notifying the elector that the ballot will not be~~  
 928 ~~forwarded due to insufficient time for return of the ballot by~~  
 929 ~~the required deadline.~~

930 (2)~~(3)~~ For each request for an absentee ballot received,  
 931 the supervisor shall record the date the request was made, the  
 932 date the absentee ballot was delivered or mailed, the date the  
 933 ballot was received by the supervisor, and such other  
 934 information he or she may deem necessary. This information shall  
 935 be confidential and exempt from the provisions of s. 119.07(1)  
 936 and shall be made available to or reproduced only for a  
 937 canvassing board, an election official, a political party or  
 938 official thereof, a candidate who has filed qualification papers  
 939 and is opposed in an upcoming election, and registered political  
 940 committees or registered committees of continuous existence, for  
 941 political purposes only.

942 (3)~~(4)~~(a) To each absent qualified elector overseas who  
 943 has requested an absentee ballot, the supervisor of elections  
 944 shall, not fewer than 35 days before the first primary election,  
 945 mail an absentee ballot. Not fewer than 45 days before the  
 946 second primary and general election, the supervisor of elections  
 947 shall mail an absentee ballot. If the regular absentee ballots  
 948 are not available, the supervisor shall mail an advance absentee  
 949 ballot to those persons requesting ballots for such elections.

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950 The advance absentee ballot for the second primary shall be the  
951 same as the first primary absentee ballot as to the names of  
952 candidates, except that for any offices where there are only two  
953 candidates, those offices and all political party executive  
954 committee offices shall be omitted. Except as provided in s.  
955 99.063(4), the advance absentee ballot for the general election  
956 shall be as specified in s. 101.151, except that in the case of  
957 candidates of political parties where nominations were not made  
958 in the first primary, the names of the candidates placing first  
959 and second in the first primary election shall be printed on the  
960 advance absentee ballot. The advance absentee ballot or advance  
961 absentee ballot information booklet shall be of a different  
962 color for each election and also a different color from the  
963 absentee ballots for the first primary, second primary, and  
964 general election. The supervisor shall mail an advance absentee  
965 ballot for the second primary and general election to each  
966 qualified absent elector for whom a request is received until  
967 the absentee ballots are printed. The supervisor shall enclose  
968 with the advance second primary absentee ballot and advance  
969 general election absentee ballot an explanation stating that the  
970 absentee ballot for the election will be mailed as soon as it is  
971 printed; and, if both the advance absentee ballot and the  
972 absentee ballot for the election are returned in time to be  
973 counted, only the absentee ballot will be counted. The  
974 Department of State may prescribe by rule the requirements for  
975 preparing and mailing absentee ballots to absent qualified  
976 electors overseas.

977 (b) As soon as the remainder of the absentee ballots are  
978 printed, the supervisor shall provide an absentee ballot to each

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979 elector by whom a request for that ballot has been made by one  
 980 of the following means:

981 1. By nonforwardable, return-if-undeliverable mail to the  
 982 elector's current mailing address on file with the supervisor,  
 983 unless the elector specifies in the request that:

984 a. The elector is absent from the county and does not plan  
 985 to return before the day of the election;

986 b. The elector is temporarily unable to occupy the  
 987 residence because of hurricane, tornado, flood, fire, or other  
 988 emergency or natural disaster; or

989 c. The elector is in a hospital, assisted-living facility,  
 990 nursing home, short-term medical or rehabilitation facility, or  
 991 correctional facility,

992

993 in which case the supervisor shall mail the ballot by  
 994 nonforwardable, return-if-undeliverable mail to any other  
 995 address the elector specifies in the request.

996 2. By forwardable mail to voters who are entitled to vote  
 997 by absentee ballot under the Uniformed and Overseas Citizens  
 998 Absentee Voting Act.

999 3. By personal delivery to the elector, upon presentation  
 1000 of the identification required in s. 101.657.

1001 4. By delivery to a designee on election day or up to 4  
 1002 days prior to the day of an election. Any elector may designate  
 1003 in writing a person to pick up the ballot for the elector;  
 1004 however, the person designated may not pick up more than two  
 1005 absentee ballots per election, other than the designee's own  
 1006 ballot, except that additional ballots may be picked up for  
 1007 members of the designee's immediate family. For purposes of this

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1008 section, "immediate family" means the designee's spouse or the  
 1009 parent, child, grandparent, or sibling of the designee or of the  
 1010 designee's spouse. The designee shall provide to the supervisor  
 1011 the written authorization by the elector and a picture  
 1012 identification of the designee and must complete an affidavit.  
 1013 The designee shall state in the affidavit that the designee is  
 1014 authorized by the elector to pick up that ballot and shall  
 1015 indicate if the elector is a member of the designee's immediate  
 1016 family and, if so, the relationship. The department shall  
 1017 prescribe the form of the affidavit. If the supervisor is  
 1018 satisfied that the designee is authorized to pick up the ballot  
 1019 and that the signature of the elector on the written  
 1020 authorization matches the signature of the elector on file, the  
 1021 supervisor shall give the ballot to that designee for delivery  
 1022 to the elector.

1023 (4)~~(5)~~ In the event that the Elections Canvassing  
 1024 Commission is unable to certify the results of an election for a  
 1025 state office in time to comply with subsection (3) ~~(4)~~, the  
 1026 Department of State is authorized to prescribe rules for a  
 1027 ballot to be sent to absent electors overseas.

1028 (5)~~(6)~~ Nothing other than the materials necessary to vote  
 1029 absentee shall be mailed or delivered with any absentee ballot.

1030 Section 26. Section 101.64, Florida Statutes, is amended  
 1031 to read:

1032 101.64 Delivery of absentee ballots; envelopes; form.--

1033 (1) The supervisor shall enclose with each absentee ballot  
 1034 two envelopes: a secrecy envelope, into which the absent elector  
 1035 shall enclose his or her marked ballot; and a mailing envelope,  
 1036 into which the absent elector shall then place the secrecy

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1037 envelope, which shall be addressed to the supervisor and also  
 1038 bear on the back side a certificate in substantially the  
 1039 following form:

1040

1041 Note: Please Read Instructions Carefully Before  
 1042 Marking Ballot and Completing Voter's Certificate.

1043

1044 VOTER'S CERTIFICATE

1045 I, \_\_\_\_\_, do solemnly swear or affirm that I am a qualified  
 1046 and registered voter of \_\_\_\_\_ County, Florida, and that I have  
 1047 not and will not vote more than one ballot in this election. I  
 1048 understand that if I commit or attempt to commit any fraud in  
 1049 connection with voting, vote a fraudulent ballot, or vote more  
 1050 than once in an election, I can be convicted of a felony of the  
 1051 third degree and fined up to \$5,000 and/or imprisoned for up to  
 1052 5 years. I also understand that failure to sign this certificate  
 1053 ~~and have my signature properly witnessed~~ will invalidate my  
 1054 ballot.

1055

1056 ... (Date) ..... (Voter's Signature) ...

1057

1058 ~~Note: Your Signature Must Be Witnessed By One Witness 18 Years~~  
 1059 ~~of Age or Older as provided in the Instruction Sheet.~~

1060

1061 ~~I swear or affirm that the voter signed this Voter's Certificate~~  
 1062 ~~in my presence.~~

1063

1064 ~~... (Signature of Witness) ...~~

1065

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1066 ~~... (Address) ...~~

1067 ~~... (City/State) ...~~

1068

1069 (2) The certificate shall be arranged on the back of the  
 1070 mailing envelope so that the lines for the signature ~~signatures~~  
 1071 of the absent elector is ~~and the attesting witness~~ are across  
 1072 the seal of the envelope; however, no statement shall appear on  
 1073 the envelope which indicates that a signature of the voter ~~or~~  
 1074 ~~witness~~ must cross the seal of the envelope. The absent elector  
 1075 ~~and the attesting witness~~ shall execute the certificate on the  
 1076 envelope.

1077 (3) In lieu of the Voter's Certificate provided in this  
 1078 section, the supervisor of elections shall provide each person  
 1079 voting absentee under the Uniformed and Overseas Citizens  
 1080 Absentee Voting Act with the standard oath prescribed by the  
 1081 presidential designee.

1082 Section 27. Section 101.65, Florida Statutes, is amended  
 1083 to read:

1084 101.65 Instructions to absent electors.--The supervisor  
 1085 shall enclose with each absentee ballot separate printed  
 1086 instructions in substantially the following form:

1087

1088 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

1089 1. VERY IMPORTANT. In order to ensure that your absentee  
 1090 ballot will be counted, it should be completed and returned as  
 1091 soon as possible so that it can reach the supervisor of  
 1092 elections of the county in which your precinct is located no  
 1093 later than 7 p.m. on the day of the election.

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1094 2. Mark your ballot in secret as instructed on the ballot.

1095 You must mark your own ballot unless you are unable to do so  
1096 because of blindness, disability, or inability to read or write.

1097 3. Mark only the number of candidates or issue choices for  
1098 a race as indicated on the ballot. If you are allowed to "Vote  
1099 for One" candidate and you vote for more than one candidate,  
1100 your vote in that race will not be counted.

1101 4. Place your marked ballot in the enclosed secrecy  
1102 envelope.

1103 5. Insert the secrecy envelope into the enclosed mailing  
1104 envelope which is addressed to the supervisor.

1105 6. Seal the mailing envelope and completely fill out the  
1106 Voter's Certificate on the back of the mailing envelope.

1107 7. VERY IMPORTANT. In order for your absentee ballot to be  
1108 counted, you must sign your name on the line above (Voter's  
1109 Signature).

1110 8. VERY IMPORTANT. If you are an overseas voter, you must  
1111 include the date you signed the Voter's Certificate on the line  
1112 above (Date) or your ballot may not be counted.

1113 ~~9. VERY IMPORTANT. In order for your absentee ballot to be~~  
1114 ~~counted, it must include the signature and address of a witness~~  
1115 ~~18 years of age or older affixed to the Voter's Certificate. No~~  
1116 ~~candidate may serve as an attesting witness.~~

1117 9.10. Mail, deliver, or have delivered the completed  
1118 mailing envelope. Be sure there is sufficient postage if mailed.

1119 10.11. FELONY NOTICE. It is a felony under Florida law to  
1120 accept any gift, payment, or gratuity in exchange for your vote  
1121 for a candidate. It is also a felony under Florida law to vote

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1122 in an election using a false identity or false address, or under  
 1123 any other circumstances making your ballot false or fraudulent.

1124 Section 28. Section 101.657, Florida Statutes, is amended  
 1125 to read:

1126 101.657 Early voting ~~absentee ballots in person.--~~

1127 ~~(1) Any qualified and registered elector may pick up and~~  
 1128 ~~vote an absentee ballot in person at the office of, and under~~  
 1129 ~~the supervision of, the supervisor of elections. Before~~  
 1130 ~~receiving the ballot, the elector must present a current and~~  
 1131 ~~valid picture identification as provided in s. 97.0535(3)(a). If~~  
 1132 ~~the elector fails to furnish the required identification, or if~~  
 1133 ~~the supervisor is in doubt as to the identity of the elector,~~  
 1134 ~~the supervisor must follow the procedure prescribed in s.~~  
 1135 ~~101.49. If the elector who fails to furnish the required~~  
 1136 ~~identification is a first-time voter who registered by mail and~~  
 1137 ~~has not provided the required identification to the supervisor~~  
 1138 ~~of elections prior to voting, the elector shall be allowed to~~  
 1139 ~~vote a provisional ballot. The canvassing board shall compare~~  
 1140 ~~the signature on the provisional ballot envelope with the~~  
 1141 ~~signature on the voter's registration and, if the signatures~~  
 1142 ~~match, shall count the ballot.~~

1143 ~~(1)(a)(2) As an alternative to the provisions of ss.~~  
 1144 ~~101.64 and 101.65, The supervisor of elections shall may allow~~  
 1145 ~~an elector to vote early cast an absentee ballot in the main or~~  
 1146 ~~branch office of the supervisor by depositing the voted ballot~~  
 1147 ~~in a voting device used by the supervisor to collect or tabulate~~  
 1148 ~~ballots. In order for a branch office to be used for early~~  
 1149 ~~voting, it shall be a full-service facility of the supervisor and~~  
 1150 ~~shall have been designated as such at least 1 year prior to the~~



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1151 election. The supervisor may designate any city hall or public  
 1152 library as an early voting site; however, if so designated, the  
 1153 site must be geographically located so as to provide all voters  
 1154 in the county an equal opportunity to cast a ballot, insofar as  
 1155 is practicable. The results or tabulation may not be made before  
 1156 the close of the polls on election day.

1157 (b) Early voting shall begin on the 15th day before an  
 1158 election and end on the day before an election. For purposes of  
 1159 a special election held pursuant to s. 100.101, early voting  
 1160 shall begin on the 8th day before an election and end on the day  
 1161 before an election. Early voting shall be provided for at least  
 1162 8 hours per day during the applicable periods and may be  
 1163 provided on weekend days.

1164 (2)(a) The elector must provide identification as required  
 1165 in subsection (1) and must complete an Early Voting In-Office  
 1166 Voter Certificate in substantially the following form:

1168 EARLY VOTING IN-OFFICE VOTER CERTIFICATE

1170 I, \_\_\_\_\_, am a qualified elector in this election and registered  
 1171 voter of \_\_\_\_\_ County, Florida. I do solemnly swear or affirm  
 1172 that I am the person so listed on the voter registration rolls  
 1173 of \_\_\_\_\_ County and that I reside at the listed address. I  
 1174 understand that if I commit or attempt to commit fraud in  
 1175 connection with voting, vote a fraudulent ballot, or vote more  
 1176 than once in an election I could be convicted of a felony of the  
 1177 third degree and both fined up to \$5,000 and imprisoned for up  
 1178 to 5 years. I understand that my failure to sign this

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1179 certificate ~~and have my signature witnessed~~ invalidates my  
 1180 ballot.

1181

1182

1183 ... (Voter's Signature) ...

1184

1185 ... (Address) ...

1186

1187 ... (City/State) ...

1188

1189 ~~... (Name of Witness) ...~~

1190

1191 ~~... (Signature of Witness) ...~~

1192

1193 ~~... (Type of identification provided) ...~~

1194

1195 (b) Any elector may challenge an elector seeking to vote  
 1196 early ~~cast an absentee ballot~~ under the provisions of s.  
 1197 101.111. Any challenged voter ~~ballot~~ must vote ~~be placed in a~~  
 1198 provisional ~~regular absentee ballot envelope~~. The canvassing  
 1199 board shall review the ballot and decide the validity of the  
 1200 ballot by majority vote.

1201 (c) The canvass of returns for ballots cast under this  
 1202 subsection shall be substantially the same as votes cast by  
 1203 electors in precincts, as provided in s. 101.5614.

1204 Section 29. Paragraph (c) of subsection (2) of section  
 1205 101.68, Florida Statutes, is amended to read:

1206 101.68 Canvassing of absentee ballot.--

1207 (2)

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1208 (c)1. The canvassing board shall, if the supervisor has  
 1209 not already done so, compare the signature of the elector on the  
 1210 voter's certificate with the signature of the elector in the  
 1211 registration books to see that the elector is duly registered in  
 1212 the county and to determine the legality of that absentee  
 1213 ballot. An absentee ballot shall be considered illegal if it  
 1214 does not include the signature of the elector, as shown by the  
 1215 registration records, ~~and the signature and address of an~~  
 1216 ~~attesting witness~~. However, an absentee ballot shall not be  
 1217 considered illegal if the signature of the elector ~~or attesting~~  
 1218 ~~witness~~ does not cross the seal of the mailing envelope. If the  
 1219 canvassing board determines that any ballot is illegal, a member  
 1220 of the board shall, without opening the envelope, mark across  
 1221 the face of the envelope: "rejected as illegal." The envelope  
 1222 and the ballot contained therein shall be preserved in the  
 1223 manner that official ballots voted are preserved.

1224 2. If any elector or candidate present believes that an  
 1225 absentee ballot is illegal due to a defect apparent on the  
 1226 voter's certificate, he or she may, at any time before the  
 1227 ballot is removed from the envelope, file with the canvassing  
 1228 board a protest against the canvass of that ballot, specifying  
 1229 the precinct, the ballot, and the reason he or she believes the  
 1230 ballot to be illegal. A challenge based upon a defect in the  
 1231 voter's certificate may not be accepted after the ballot has  
 1232 been removed from the mailing envelope.

1233 Section 30. Subsections (3) and (4) of section 101.6921,  
 1234 Florida Statutes, are amended to read:

1235 101.6921 Delivery of special absentee ballot to certain  
 1236 first-time voters.--

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1237 (3) The Voter's Certificate shall be in substantially the  
 1238 following form:

1239  
 1240 Note: Please Read Instructions Carefully Before Marking Ballot  
 1241 and Completing Voter's Certificate

1242  
 1243 VOTER'S CERTIFICATE

1244  
 1245 I, \_\_\_\_\_, do solemnly swear or affirm that I am a qualified  
 1246 and registered voter of \_\_\_\_\_ County, Florida, and that I have  
 1247 not and will not vote more than one ballot in this election. I  
 1248 understand that if I commit or attempt to commit any fraud in  
 1249 connection with voting, vote a fraudulent ballot, or vote more  
 1250 than once in an election, I can be convicted of a felony of the  
 1251 third degree and fined up to \$5,000 and/or imprisoned for up to  
 1252 5 years. I also understand that failure to sign this certificate  
 1253 ~~and have my signature properly witnessed~~ will invalidate my  
 1254 ballot. I understand that unless I meet one of the exemptions  
 1255 below, I must provide a copy of a current and valid  
 1256 identification as provided in the instruction sheet to the  
 1257 supervisor of elections in order for my ballot to count.

1258 I further certify that I am exempt from the requirements to  
 1259 furnish a copy of a current and valid identification with my  
 1260 ballot because of one or more of the following (check all that  
 1261 apply):

1262 [ ] I am 65 years of age or older.

1263 [ ] I have a permanent or temporary physical disability.

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1264 [ ] I am a member of a uniformed service on active duty  
 1265 who, by reason of such active duty, will be absent from the  
 1266 county on election day.

1267 [ ] I am a member of the Merchant Marine who, by reason of  
 1268 service in the Merchant Marine, will be absent from the county  
 1269 on election day.

1270 [ ] I am the spouse or dependent of a member of the  
 1271 uniformed service or Merchant Marine who, by reason of the  
 1272 active duty or service of the member, will be absent from the  
 1273 county on election day.

1274 [ ] I am currently residing outside the United States.

1275  
 1276 ... (Date) ..... Voter's Signature ...

1277  
 1278 ~~Note: Your signature must be witnessed by one witness 18 years~~  
 1279 ~~of age or older as provided in the instruction sheet.~~

1280  
 1281 ~~I swear or affirm that the voter signed this Voter's Certificate~~  
 1282 ~~in my presence.~~

1283  
 1284 ~~... (Signature of Witness) ...~~

1285  
 1286 ~~... (Address) ...~~

1287  
 1288 ~~... (City/State) ...~~

1289  
 1290 (4) The certificate shall be arranged on the back of the  
 1291 envelope so that the lines for the signature ~~signatures~~ of the

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1292 absent elector is ~~and the attesting witness are~~ across the seal  
 1293 of the envelope.

1294 Section 31. Subsection (2) of section 101.6923, Florida  
 1295 Statutes, is amended to read:

1296 101.6923 Special absentee ballot instructions for certain  
 1297 first-time voters.--

1298 (2) A voter covered by this section shall be provided with  
 1299 ~~the following~~ printed instructions with his or her absentee  
 1300 ballot in substantially the following form:

1301  
 1302 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING YOUR  
 1303 BALLOT. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY CAUSE YOUR  
 1304 BALLOT NOT TO COUNT.

1305  
 1306 1. In order to ensure that your absentee ballot will be  
 1307 counted, it should be completed and returned as soon as possible  
 1308 so that it can reach the supervisor of elections of the county  
 1309 in which your precinct is located no later than 7 p.m. on the  
 1310 date of the election.

1311 2. Mark your ballot in secret as instructed on the ballot.  
 1312 You must mark your own ballot unless you are unable to do so  
 1313 because of blindness, disability, or inability to read or write.

1314 3. Mark only the number of candidates or issue choices for  
 1315 a race as indicated on the ballot. If you are allowed to "Vote  
 1316 for One" candidate and you vote for more than one, your vote in  
 1317 that race will not be counted.

1318 4. Place your marked ballot in the enclosed secrecy  
 1319 envelope and seal the envelope.

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1320 5. Insert the secrecy envelope into the enclosed envelope  
 1321 bearing the Voter's Certificate. Seal the envelope and  
 1322 completely fill out the Voter's Certificate on the back of the  
 1323 envelope.

1324 a. You must sign your name on the line above (Voter's  
 1325 Signature).

1326 ~~b. You must have your signature witnessed. Have the~~  
 1327 ~~witness sign above (Signature of Witness) and include his or her~~  
 1328 ~~address. No candidate may serve as an attesting witness.~~

1329 b.e. If you are an overseas voter, you must include the  
 1330 date you signed the Voter's Certificate on the line above (Date)  
 1331 or your ballot may not be counted.

1332 6. Unless you meet one of the exemptions in Item 7., you  
 1333 must make a copy of one of the following forms of  
 1334 identification:

1335 a. Identification which must include your name and  
 1336 photograph: current and valid Florida driver's license; Florida  
 1337 identification card issued by the Department of Highway Safety  
 1338 and Motor Vehicles; United States passport; employee badge or  
 1339 identification; buyer's club identification card; debit or  
 1340 credit card; military identification; student identification;  
 1341 retirement center identification; neighborhood association  
 1342 identification; entertainment identification; or public  
 1343 assistance identification; or

1344 b. Identification which shows your name and current  
 1345 residence address: current utility bill, bank statement,  
 1346 government check, paycheck, or government document (excluding  
 1347 voter identification card).

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1348 7. The identification requirements of Item 6. do not apply  
 1349 if you meet one of the following requirements:

1350 a. You are 65 years of age or older.

1351 b. You have a temporary or permanent physical disability.

1352 c. You are a member of a uniformed service on active duty  
 1353 who, by reason of such active duty, will be absent from the  
 1354 county on election day.

1355 d. You are a member of the Merchant Marine who, by reason  
 1356 of service in the Merchant Marine, will be absent from the  
 1357 county on election day.

1358 e. You are the spouse or dependent of a member referred to  
 1359 in paragraph c. or paragraph d. who, by reason of the active  
 1360 duty or service of the member, will be absent from the county on  
 1361 election day.

1362 f. You are currently residing outside the United States.

1363 8. Place the envelope bearing the Voter's Certificate into  
 1364 the mailing envelope addressed to the supervisor. Insert a copy  
 1365 of your identification in the mailing envelope. DO NOT PUT YOUR  
 1366 IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE BALLOT OR  
 1367 INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S CERTIFICATE OR YOUR  
 1368 BALLOT WILL NOT COUNT.

1369 9. Mail, deliver, or have delivered the completed mailing  
 1370 envelope. Be sure there is sufficient postage if mailed.

1371 10. FELONY NOTICE. It is a felony under Florida law to  
 1372 accept any gift, payment, or gratuity in exchange for your vote  
 1373 for a candidate. It is also a felony under Florida law to vote  
 1374 in an election using a false identity or false address, or under  
 1375 any other circumstances making your ballot false or fraudulent.



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1376 Section 32. Subsection (3) of section 101.694, Florida  
 1377 Statutes, is amended to read:

1378 101.694 Mailing of ballots upon receipt of federal  
 1379 postcard application.--

1380 (3) Absentee envelopes printed for overseas voters shall  
 1381 meet the specifications as determined by the Division of  
 1382 Elections in conjunction with the Federal Voting Assistance  
 1383 Program of the United States Department of Defense and the United  
 1384 States Postal Service. There shall be printed across the face of  
 1385 each envelope in which a ballot is sent to a federal postcard  
 1386 applicant, or is returned by such applicant to the supervisor,  
 1387 two parallel horizontal red bars, each one-quarter inch wide,  
 1388 extending from one side of the envelope to the other side, with  
 1389 an intervening space of one-quarter inch, the top bar to be 1<sup>3</sup>/<sub>4</sub>  
 1390 inches from the top of the envelope, and with the words  
 1391 "Official Election Balloting Material via Air Mail," or similar  
 1392 language, between the bars. There shall be printed in the upper  
 1393 right corner of each such envelope, in a box, the words "Free of  
 1394 U. S. Postage, including Air Mail." All printing on the face of  
 1395 each envelope shall be in red, and there shall be printed in red  
 1396 in the upper left corner of each ballot envelope an appropriate  
 1397 inscription or blanks for return address of sender. Additional  
 1398 specifications may be prescribed by rule of the Division of  
 1399 Elections upon recommendation of the presidential designee under  
 1400 the Uniformed and Overseas Citizens Absentee Voting Act.  
 1401 Otherwise, the envelopes shall be the same as those used in  
 1402 sending ballots to, or receiving them from, other absentee  
 1403 voters.

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1404 Section 33. Subsection (2) of section 101.6952, Florida  
 1405 Statutes, is amended to read:

1406 101.6952 Absentee ballots for overseas voters.--

1407 (2) For absentee ballots received from overseas voters,  
 1408 there is a presumption that the envelope was mailed on the date  
 1409 stated ~~and witnessed~~ on the outside of the return envelope,  
 1410 regardless of the absence of a postmark on the mailed envelope  
 1411 or the existence of a postmark date that is later than the date  
 1412 of the election.

1413 Section 34. Section 101.697, Florida Statutes, is amended  
 1414 to read:

1415 101.697 Electronic transmission of election  
 1416 materials.--The Department of State shall adopt rules to  
 1417 authorize a supervisor of elections to accept a request for an  
 1418 absentee ballot and a voted absentee ballot by facsimile machine  
 1419 or other electronic means from overseas voters, if the  
 1420 department can be assured that the security of the transmission  
 1421 of the ballot is able to be established. The rules must provide  
 1422 that in order to accept a voted ballot, the verification of the  
 1423 voter must be established, the security of the transmission must  
 1424 be established, and each ballot received must be recorded.

1425 Section 35. Section 102.012, Florida Statutes, is amended  
 1426 to read:

1427 102.012 Inspectors and clerks to conduct elections.--

1428 (1) The supervisor of elections of each county, at least  
 1429 20 days prior to the holding of any election, shall appoint an  
 1430 ~~two~~ election board ~~boards~~ for each precinct in the county;  
 1431 ~~however, the supervisor of elections may, in any election,~~  
 1432 ~~appoint one election board if the supervisor has reason to~~

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1433 ~~believe that only one is necessary.~~ The clerk shall be in charge  
 1434 of, and responsible for, seeing that the election board carries  
 1435 out its duties and responsibilities. Each inspector and each  
 1436 clerk shall take and subscribe to an oath or affirmation, which  
 1437 shall be written or printed, to the effect that he or she will  
 1438 perform the duties of inspector or clerk of election,  
 1439 respectively, according to law and will endeavor to prevent all  
 1440 fraud, deceit, or abuse in conducting the election. The oath may  
 1441 be taken before an officer authorized to administer oaths or  
 1442 before any of the persons who are to act as inspectors, one of  
 1443 them to swear the others, and one of the others sworn thus, in  
 1444 turn, to administer the oath to the one who has not been sworn.  
 1445 The oaths shall be returned with the poll list and the returns  
 1446 of the election to the supervisor. In all questions that may  
 1447 arise before the members of an election board, the decision of a  
 1448 majority of them shall decide the question. The supervisor of  
 1449 elections of each county shall be responsible for the attendance  
 1450 and diligent performance of his or her duties by each clerk and  
 1451 inspector.

1452 (2) Each member of the election board shall be able to  
 1453 read and write the English language and shall be a registered  
 1454 qualified elector of the county in which the member is appointed  
 1455 or a person who has preregistered to vote, pursuant to s.  
 1456 97.041(1)(b), in the county in which the member is appointed. No  
 1457 election board shall be composed solely of members of one  
 1458 political party; however, in any primary in which only one party  
 1459 has candidates appearing on the ballot, all clerks and  
 1460 inspectors may be of that party. Any person whose name appears

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1461 as an opposed candidate for any office shall not be eligible to  
 1462 serve on an election board.

1463 (3) The supervisor shall furnish inspectors of election  
 1464 for each precinct with the registration books divided  
 1465 alphabetically as will best facilitate the holding of an  
 1466 election. The supervisor shall also furnish to the inspectors of  
 1467 election at the polling place at each precinct in the  
 1468 supervisor's county a sufficient number of forms and blanks for  
 1469 use on election day.

1470 (4)(a) The election board of each precinct shall attend  
 1471 the polling place by 6 a.m. of the day of the election and shall  
 1472 arrange the furniture, stationery, and voting equipment.

1473 ~~(b) The~~ An election board shall conduct the voting,  
 1474 beginning and closing at the time set forth in s. 100.011. ~~If~~  
 1475 ~~more than one board has been appointed, the second board shall,~~  
 1476 ~~upon the closing of the polls, come on duty and count the votes~~  
 1477 ~~east. In such case, the first board shall turn over to the~~  
 1478 ~~second board all closed ballot boxes, registration books, and~~  
 1479 ~~other records of the election at the time the boards change. The~~  
 1480 ~~second board shall continue counting until the count is complete~~  
 1481 ~~or until 7 a.m. the next morning, and, if the count is not~~  
 1482 ~~completed at that time, the first board that conducted the~~  
 1483 ~~election shall again report for duty and complete the count. The~~  
 1484 ~~second board shall turn over to the first board all ballots~~  
 1485 ~~counted, all ballots not counted, and all registration books and~~  
 1486 ~~other records and shall advise the first board as to what has~~  
 1487 ~~transpired in tabulating the results of the election.~~

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1488       ~~(5) In precincts in which there are more than 1,000~~  
 1489 ~~registered electors, the supervisor of elections shall appoint~~  
 1490 ~~additional election boards necessary for the election.~~

1491       ~~(6) In any precinct in which there are fewer than 300~~  
 1492 ~~registered electors, it is not necessary to appoint two election~~  
 1493 ~~boards, but one such board will suffice. Such board shall be~~  
 1494 ~~composed of at least one inspector and one clerk.~~

1495       Section 36. Section 102.071, Florida Statutes, is amended  
 1496 to read:

1497       102.071 Tabulation of votes and proclamation of results  
 1498 ~~where ballots are used.--~~The election board shall post at the  
 1499 polls, for the benefit of the public, the results of the voting  
 1500 for each office or other item on the ballot as the count is  
 1501 completed. Upon completion of all counts in all races, a  
 1502 certificate ~~triplicate certificates~~ of the results shall be  
 1503 drawn up by the inspectors and clerk at each precinct upon a  
 1504 form provided by the supervisor of elections which shall contain  
 1505 the name of each person voted for, for each office, and the  
 1506 number of votes cast for each person for such office; and, if  
 1507 any question is submitted, the certificate shall also contain  
 1508 the number of votes cast for and against the question. The  
 1509 certificate shall be signed by the inspectors and clerk, ~~and one~~  
 1510 ~~of the certificates~~ shall be delivered without delay ~~by one of~~  
 1511 ~~the inspectors~~, securely sealed, to the supervisor for immediate  
 1512 publication; ~~the duplicate copy of the certificate shall be~~  
 1513 ~~delivered to the county court judge; and the remaining copy~~  
 1514 ~~shall be enclosed in the ballot box together with the oaths of~~  
 1515 ~~inspectors and clerks.~~ All the ballot boxes, ballots, ballot  
 1516 stubs, memoranda, and papers of all kinds used in the election

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1517 shall also be transmitted, after being sealed by the inspectors,  
 1518 ~~to with the certificates of result of the election to be filed~~  
 1519 ~~in~~ the supervisor's office. Registration books and the poll  
 1520 lists shall not be placed in the ballot boxes but shall be  
 1521 returned to the supervisor.

1522 Section 37. Subsection (3) is added to section 102.111,  
 1523 Florida Statutes, to read:

1524 102.111 Elections Canvassing Commission.--

1525 (3) The Elections Canvassing Commission may delegate to  
 1526 the chief election officer the authority to order recounts  
 1527 pursuant to ss. 102.141(6) and 102.166.

1528 Section 38. Subsections (3), (4), (5), (6), and (8) of  
 1529 section 102.141, Florida Statutes, are amended to read:

1530 102.141 County canvassing board; duties.--

1531 (3) The canvass, except the canvass of absentee electors'  
 1532 returns and the canvass of provisional ballots, shall be made  
 1533 from the returns and certificates of the inspectors as signed  
 1534 and filed by them with the ~~county court judge and~~ supervisor,  
 1535 ~~respectively,~~ and the county canvassing board shall not change  
 1536 the number of votes cast for a candidate, nominee,  
 1537 constitutional amendment, or other measure submitted to the  
 1538 electorate of the county, respectively, in any polling place, as  
 1539 shown by the returns. All returns shall be made to the board on  
 1540 or before 2 a.m. of the day following any primary, general,  
 1541 special, or other election. If the returns from any precinct are  
 1542 missing, if there are any omissions on the returns from any  
 1543 precinct, or if there is an obvious error on any such returns,  
 1544 the canvassing board shall order a retabulation ~~recount~~ of the  
 1545 returns from such precinct. Before canvassing such returns, the

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1546 canvassing board shall examine the tabulation of the ballots  
 1547 cast in such precinct and determine whether the returns  
 1548 correctly reflect the votes cast. If there is a discrepancy  
 1549 between the returns and the tabulation of the ballots cast, the  
 1550 tabulation of the ballots cast shall be presumed correct and  
 1551 such votes shall be canvassed accordingly.

1552 (4) The canvassing board shall submit unofficial returns  
 1553 on forms or formats provided by the division to the Department  
 1554 of State for each federal, statewide, state, or multicounty  
 1555 office or ballot measure no later than noon on the second day  
 1556 after any primary, general, special, or other election. Such  
 1557 returns shall include the canvass of all ballots as required by  
 1558 subsection (2).

1559 (5) If the county canvassing board determines that the  
 1560 unofficial returns may contain a counting error in which the  
 1561 vote tabulation system failed to count votes that were properly  
 1562 marked in accordance with the instructions on the ballot, the  
 1563 county canvassing board shall:

1564 (a) Correct the error and retabulate ~~recount~~ the affected  
 1565 ballots with the vote tabulation system; or

1566 (b) Request that the Department of State verify the  
 1567 tabulation software. When the Department of State verifies such  
 1568 software, the department shall compare the software used to  
 1569 tabulate the votes with the software filed with the department  
 1570 pursuant to s. 101.5607 and check the election parameters.

1571 (6) If the unofficial returns reflect that a candidate for  
 1572 any office was defeated or eliminated by one-half of a percent  
 1573 or less of the votes cast for such office, that a candidate for  
 1574 retention to a judicial office was retained or not retained by

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1575 one-half of a percent or less of the votes cast on the question  
 1576 of retention, or that a measure appearing on the ballot was  
 1577 approved or rejected by one-half of a percent or less of the  
 1578 votes cast on such measure, the board responsible for certifying  
 1579 the results of the vote on such race or measure shall order a  
 1580 recount of the votes cast with respect to such office or  
 1581 measure. The county canvassing board is the board responsible  
 1582 for ordering county and local recounts. The Elections Canvassing  
 1583 Commission is the board responsible for ordering federal, state,  
 1584 and multicounty recounts. A recount need not be ordered with  
 1585 respect to the returns for any office, however, if the candidate  
 1586 or candidates defeated or eliminated from contention for such  
 1587 office by one-half of a percent or less of the votes cast for  
 1588 such office request in writing that a recount not be made.

1589 (a) ~~In counties with voting systems that use paper~~  
 1590 ~~ballots,~~ Each canvassing board responsible for conducting a  
 1591 recount shall put each marksense ballot through automatic  
 1592 tabulating equipment and determine whether the returns correctly  
 1593 reflect the votes cast. If any marksense ~~paper~~ ballot is  
 1594 physically damaged so that it cannot be properly counted by the  
 1595 automatic tabulating equipment during the recount, a true  
 1596 duplicate shall be made of the damaged ballot pursuant to the  
 1597 procedures in s. 101.5614(5). Immediately before the start of  
 1598 the recount ~~and after completion of the count,~~ a test of the  
 1599 tabulating equipment shall be conducted as provided in s.  
 1600 101.5612. If the test indicates no error, the recount tabulation  
 1601 of the ballots cast shall be presumed correct and such votes  
 1602 shall be canvassed accordingly. If an error is detected, the  
 1603 cause therefor shall be ascertained and corrected and the



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1604 recount repeated, as necessary. The canvassing board shall  
 1605 immediately report the error, along with the cause of the error  
 1606 and the corrective measures being taken, to the Department of  
 1607 State. No later than 11 days after the election, the canvassing  
 1608 board shall file a separate incident report with the Department  
 1609 of State, detailing the resolution of the matter and identifying  
 1610 any measures that will avoid a future recurrence of the error.

1611 (b) ~~In counties with voting systems that do not use paper~~  
 1612 ~~ballots,~~ Each canvassing board responsible for conducting a  
 1613 recount where touchscreen ballots were used shall examine the  
 1614 counters on the precinct tabulators to ensure that the total of  
 1615 the returns on the precinct tabulators equals the overall  
 1616 election return. If there is a discrepancy between the overall  
 1617 election return and the counters of the precinct tabulators, the  
 1618 counters of the precinct tabulators shall be presumed correct  
 1619 and such votes shall be canvassed accordingly.

1620 (c) The canvassing board shall submit a second set of  
 1621 unofficial returns on forms or formats provided by the division  
 1622 to the Department of State for each federal, statewide, state,  
 1623 or multicounty office or ballot measure no later than noon on  
 1624 the fourth ~~third~~ day after any election in which a recount was  
 1625 conducted pursuant to this subsection. If the canvassing board  
 1626 is unable to complete the recount prescribed in this subsection  
 1627 by the deadline, the second set of unofficial returns submitted  
 1628 by the canvassing board shall be identical to the initial  
 1629 unofficial returns and the submission shall also include a  
 1630 detailed explanation of why it was unable to timely complete the  
 1631 recount. However, the canvassing board shall complete the  
 1632 recount prescribed in this subsection, along with any manual

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1633 recount prescribed in s. 102.166, and certify election returns  
 1634 in accordance with the requirements of this chapter.

1635 (d) The Department of State shall adopt detailed rules  
 1636 prescribing additional recount procedures for each certified  
 1637 voting system, which shall be uniform to the extent practicable.

1638 (8) At the same time that the official results of an  
 1639 election are certified to the Department of State, the county  
 1640 canvassing board shall file a report with the Division of  
 1641 Elections on the conduct of the election. The report shall  
 1642 contain information relating to any problems incurred as a  
 1643 result of equipment malfunctions either at the precinct level or  
 1644 at a counting location, any difficulties or unusual  
 1645 circumstances encountered by an election board or the canvassing  
 1646 board, and any other additional information which the canvassing  
 1647 board feels should be made a part of the official election  
 1648 record. Such reports shall be maintained on file in the Division  
 1649 of Elections and shall be available for public inspection. The  
 1650 division shall utilize the reports submitted by the canvassing  
 1651 boards to determine what problems may be likely to occur in  
 1652 other elections and disseminate such information, along with  
 1653 possible solutions, to the supervisors of elections.

1654 Section 39. Section 102.168, Florida Statutes, is amended  
 1655 to read:

1656 102.168 Contest of election.--

1657 (1) Except as provided in s. 102.171, the certification of  
 1658 election or nomination of any person to office, or of the result  
 1659 on any question submitted by referendum, may be contested in the  
 1660 circuit court by any unsuccessful candidate for such office or  
 1661 nomination thereto or by any elector qualified to vote in the

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1662 election related to such candidacy, or by any taxpayer,  
 1663 respectively.

1664 (2) Such contestant shall file a complaint, together with  
 1665 the fees prescribed in chapter 28, with the clerk of the circuit  
 1666 court within 10 days after midnight of the date the last ~~county~~  
 1667 ~~canvassing~~ board responsible for certifying the results  
 1668 officially ~~empowered to canvass the returns~~ certifies the  
 1669 results of the election being contested.

1670 (3) The complaint shall set forth the grounds on which the  
 1671 contestant intends to establish his or her right to such office  
 1672 or set aside the result of the election on a submitted  
 1673 referendum. The grounds for contesting an election under this  
 1674 section are:

1675 (a) Misconduct, fraud, or corruption on the part of any  
 1676 election official or any member of the canvassing board  
 1677 sufficient to change or place in doubt the result of the  
 1678 election.

1679 (b) Ineligibility of the successful candidate for the  
 1680 nomination or office in dispute.

1681 (c) Receipt of a number of illegal votes or rejection of a  
 1682 number of legal votes sufficient to change or place in doubt the  
 1683 result of the election.

1684 (d) Proof that any elector, election official, or  
 1685 canvassing board member was given or offered a bribe or reward  
 1686 in money, property, or any other thing of value for the purpose  
 1687 of procuring the successful candidate's nomination or election  
 1688 or determining the result on any question submitted by  
 1689 referendum.

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1690 (4) The county canvassing board ~~or Elections Canvassing~~  
 1691 ~~Commission~~ shall be an indispensable and the proper party  
 1692 defendant in county and local elections; the Elections  
 1693 Canvassing Commission shall be an indispensable and proper party  
 1694 defendant in federal, state, and multicounty races; and the  
 1695 successful candidate shall be an indispensable party to any  
 1696 action brought to contest the election or nomination of a  
 1697 candidate.

1698 (5) A statement of the grounds of contest may not be  
 1699 rejected, nor the proceedings dismissed, by the court for any  
 1700 want of form if the grounds of contest provided in the statement  
 1701 are sufficient to clearly inform the defendant of the particular  
 1702 proceeding or cause for which the nomination or election is  
 1703 contested.

1704 (6) A copy of the complaint shall be served upon the  
 1705 defendant and any other person named therein in the same manner  
 1706 as in other civil cases under the laws of this state. Within 10  
 1707 days after the complaint has been served, the defendant must  
 1708 file an answer admitting or denying the allegations on which the  
 1709 contestant relies or stating that the defendant has no knowledge  
 1710 or information concerning the allegations, which shall be deemed  
 1711 a denial of the allegations, and must state any other defenses,  
 1712 in law or fact, on which the defendant relies. If an answer is  
 1713 not filed within the time prescribed, the defendant may not be  
 1714 granted a hearing in court to assert any claim or objection that  
 1715 is required by this subsection to be stated in an answer.

1716 (7) Any candidate, qualified elector, or taxpayer  
 1717 presenting such a contest to a circuit judge is entitled to an  
 1718 immediate hearing. However, the court in its discretion may

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1719 limit the time to be consumed in taking testimony, with a view  
 1720 therein to the circumstances of the matter and to the proximity  
 1721 of any succeeding election.

1722 Section 40. Subsection (3) of section 105.031, Florida  
 1723 Statutes, is amended to read:

1724 105.031 Qualification; filing fee; candidate's oath; items  
 1725 required to be filed.--

1726 (3) QUALIFYING FEE.--Each candidate qualifying for  
 1727 election to a judicial office or the office of school board  
 1728 member, except write-in judicial or school board candidates,  
 1729 shall, during the time for qualifying, pay to the officer with  
 1730 whom he or she qualifies a qualifying fee, which shall consist  
 1731 of a filing fee and an election assessment, or qualify by the  
 1732 alternative method. The amount of the filing fee is 3 percent of  
 1733 the annual salary of the office sought. The amount of the  
 1734 election assessment is 1 percent of the annual salary of the  
 1735 office sought. The Department of State shall forward all filing  
 1736 fees to the Department of Revenue for deposit in the Elections  
 1737 Commission Trust Fund. The supervisor of elections shall forward  
 1738 all filing fees to the Elections Commission Trust Fund. The  
 1739 election assessment shall be deposited into the Elections  
 1740 Commission Trust Fund. The annual salary of the office for  
 1741 purposes of computing the qualifying fee shall be computed by  
 1742 multiplying 12 times the monthly salary authorized for such  
 1743 office as of July 1 immediately preceding the first day of  
 1744 qualifying. This subsection shall not apply to candidates  
 1745 qualifying for retention to judicial office.

1746 Section 41. Effective January 1, 2005, section 105.035,  
 1747 Florida Statutes, is amended to read:

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1748 105.035 Alternative method of qualifying for certain  
 1749 judicial offices and the office of school board member.--

1750 (1) A person seeking to qualify for election to the office  
 1751 of circuit judge or county court judge or the office of school  
 1752 board member may qualify for election to such office by means of  
 1753 the petitioning process prescribed in this section. A person  
 1754 qualifying by this alternative method shall not be required to  
 1755 pay the qualifying fee required by this chapter. ~~A person using  
 1756 this petitioning process shall file an oath with the officer  
 1757 before whom the candidate would qualify for the office stating  
 1758 that he or she intends to qualify by this alternative method for  
 1759 the office sought. Such oath shall be filed at any time after  
 1760 the first Tuesday after the first Monday in January of the year  
 1761 in which the election is held, but prior to the 21st day  
 1762 preceding the first day of the qualifying period for the office  
 1763 sought. The form of such oath shall be prescribed by the  
 1764 Division of Elections. No signatures shall be obtained until the  
 1765 person has filed the oath prescribed in this subsection.~~

1766 (2) ~~Upon receipt of a written oath from a candidate, the  
 1767 qualifying officer shall provide The candidate with a petition  
 1768 format shall be prescribed by the Division of Elections and  
 1769 shall~~ to be used by the candidate to reproduce petitions for  
 1770 circulation. If the candidate is running for an office which  
 1771 will be grouped on the ballot with two or more similar offices  
 1772 to be filled at the same election, the candidate's petition must  
 1773 indicate, prior to the obtaining of registered electors'  
 1774 signatures, for which group or district office the candidate is  
 1775 running.

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1776 (3) Each candidate for election to a judicial office or  
 1777 the office of school board member shall obtain the signature of  
 1778 a number of qualified electors equal to at least 1 percent of  
 1779 the total number of registered electors of the district,  
 1780 circuit, county, or other geographic entity represented by the  
 1781 office sought as shown by the compilation by the Department of  
 1782 State for the last preceding general election. A separate  
 1783 petition shall be circulated for each candidate availing himself  
 1784 or herself of the provisions of this section. No signatures may  
 1785 be obtained until the candidate has filed the appointment of  
 1786 campaign treasurer and designation of campaign depository  
 1787 pursuant to s. 106.021.

1788 (4)(a) Each candidate seeking to qualify for election to  
 1789 the office of circuit judge or the office of school board member  
 1790 from a multicounty school district pursuant to this section  
 1791 shall file a separate petition from each county from which  
 1792 signatures are sought. Each petition shall be submitted, prior  
 1793 to noon of the 28th ~~21st~~ day preceding the first day of the  
 1794 qualifying period for the office sought, to the supervisor of  
 1795 elections of the county for which such petition was circulated.  
 1796 Each supervisor of elections to whom a petition is submitted  
 1797 shall check the signatures on the petition to verify their  
 1798 status as electors of that county and of the geographic area  
 1799 represented by the office sought. No later than the 7th day  
 1800 prior to the first date for qualifying, the supervisor shall  
 1801 certify the number shown as registered electors and submit such  
 1802 certification to the Division of Elections. The division shall  
 1803 determine whether the required number of signatures has been  
 1804 obtained for the name of the candidate to be placed on the

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1805 ballot and shall notify the candidate. If the required number of  
 1806 signatures has been obtained, the candidate shall, during the  
 1807 time prescribed for qualifying for office, submit a copy of such  
 1808 notice and file his or her qualifying papers and oath prescribed  
 1809 in s. 105.031 with the Division of Elections. Upon receipt of  
 1810 the copy of such notice and qualifying papers, the division  
 1811 shall certify the name of the candidate to the appropriate  
 1812 supervisor or supervisors of elections as having qualified for  
 1813 the office sought.

1814 (b) Each candidate seeking to qualify for election to the  
 1815 office of county court judge or the office of school board  
 1816 member from a single county school district pursuant to this  
 1817 section shall submit his or her petition, prior to noon of the  
 1818 28th ~~21st~~ day preceding the first day of the qualifying period  
 1819 for the office sought, to the supervisor of elections of the  
 1820 county for which such petition was circulated. The supervisor  
 1821 shall check the signatures on the petition to verify their  
 1822 status as electors of the county and of the geographic area  
 1823 represented by the office sought. No later than the 7th day  
 1824 prior to the first date for qualifying, the supervisor shall  
 1825 determine whether the required number of signatures has been  
 1826 obtained for the name of the candidate to be placed on the  
 1827 ballot and shall notify the candidate. If the required number of  
 1828 signatures has been obtained, the candidate shall, during the  
 1829 time prescribed for qualifying for office, submit a copy of such  
 1830 notice and file his or her qualifying papers and oath prescribed  
 1831 in s. 105.031 with the qualifying officer. Upon receipt of the  
 1832 copy of such notice and qualifying papers, such candidate shall  
 1833 be entitled to have his or her name printed on the ballot.



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1834 Section 42. Subsection (18) is added to section 106.011,  
 1835 Florida Statutes, to read:

1836 106.011 Definitions.--As used in this chapter, the  
 1837 following terms have the following meanings unless the context  
 1838 clearly indicates otherwise:

1839 (18) "Eliminated candidate" means a candidate for elected  
 1840 office who failed to receive a sufficient number of votes to be  
 1841 certified as the winner of an election or as a runoff candidate  
 1842 in an election. Candidates who file a timely contest of an  
 1843 election as provided for in s. 102.168 shall not be considered  
 1844 eliminated for the purposes of receiving contributions and  
 1845 making expenditures solely for the purpose of paying legal fees  
 1846 and costs associated with the candidate's contest of the  
 1847 election.

1848 Section 43. (1) Subsection (3) of section 106.021,  
 1849 Florida Statutes, is amended to read:

1850 106.021 Campaign treasurers; deputies; primary and  
 1851 secondary depositories.--

1852 (3) ~~Except for independent expenditures,~~ No contribution  
 1853 or expenditure, including contributions or expenditures of a  
 1854 candidate or of the candidate's family, shall be directly or  
 1855 indirectly made or received in furtherance of the candidacy of  
 1856 any person for nomination or election to political office in the  
 1857 state or on behalf of any political committee except through the  
 1858 duly appointed campaign treasurer of the candidate or political  
 1859 committee, subject to the following exceptions: ~~however,~~

1860 (a) Independent expenditures;

1861 (b) Reimbursements to a candidate or any other individual  
 1862 ~~may be reimbursed~~ for expenses incurred in connection with the

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1863 campaign or activities of the political committee for travel,  
 1864 food and beverage, office supplies, and mementos expressing  
 1865 gratitude to campaign supporters by a check drawn upon the  
 1866 campaign account and reported pursuant to s. 106.07(4). After  
 1867 July 1, 2004, the full name and address of each person to whom  
 1868 the candidate or other individual made payment for which  
 1869 reimbursement was made by check drawn upon the campaign account  
 1870 shall be reported pursuant to s. 106.07(4), together with the  
 1871 purpose of such payment;

1872 (c) Expenditures made indirectly through a treasurer for  
 1873 goods or services, such as communications media placement or  
 1874 procurement services, campaign signs, insurance, or other  
 1875 expenditures that include multiple integral components as part  
 1876 of the expenditure and reported pursuant to s. 106.07(4)(a)13.;  
 1877 or

1878 (d) In addition, Expenditures ~~may be~~ made directly by any  
 1879 political committee or political party regulated by chapter 103  
 1880 for obtaining time, space, or services in or by any  
 1881 communications medium for the purpose of jointly endorsing three  
 1882 or more candidates, and any such expenditure shall not be  
 1883 considered a contribution or expenditure to or on behalf of any  
 1884 such candidates for the purposes of this chapter.

1885 (2) The amendment to s. 106.021(3)(b), Florida Statutes,  
 1886 made by this section shall operate retroactively to January 1,  
 1887 2002.

1888 Section 44. Section 106.023, Florida Statutes, is amended  
 1889 to read:

1890 106.023 Statement of candidate.--

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1891           (1) Each candidate must file a statement with the  
 1892 qualifying officer within 10 days after filing the appointment  
 1893 of campaign treasurer and designation of campaign depository,  
 1894 stating that the candidate has read and understands the  
 1895 requirements of this chapter. Such statement shall be provided  
 1896 by the filing officer and shall be in substantially the  
 1897 following form:

1898  
 1899   STATEMENT OF CANDIDATE

1900  
 1901           I, \_\_\_\_\_, candidate for the office of \_\_\_\_\_, have received,  
 1902 read, and understand the requirements of Chapter 106, Florida  
 1903 Statutes.

1904  
 1905   ... (Signature of candidate) ..... (Date) ...

1906  
 1907 Willful failure to file this form is a violation of ss.  
 1908 106.19(1)(c) and 106.25(3), F.S.

1909           (2) The execution and filing of the statement of candidate  
 1910 does not in and of itself create a presumption that any  
 1911 violation of this chapter or chapter 104 is a willful violation  
 1912 as defined in s. 106.37.

1913           Section 45. Paragraph (a) of subsection (8) of section  
 1914 106.04, Florida Statutes, is amended to read:

1915           106.04 Committees of continuous existence.--

1916           (8)(a) Any committee of continuous existence failing to  
 1917 file a report on the designated due date shall be subject to a  
 1918 fine. The fine shall be \$50 per day for the first 3 days late  
 1919 and, thereafter, \$500 per day for each late day, not to exceed

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1920 25 percent of the total receipts or expenditures, whichever is  
 1921 greater, for the period covered by the late report. The fine  
 1922 shall be assessed by the filing officer, and the moneys  
 1923 collected shall be deposited in the General Revenue Elections  
 1924 ~~Commission Trust~~ Fund. No separate fine shall be assessed for  
 1925 failure to file a copy of any report required by this section.

1926 Section 46. Paragraph (a) of subsection (2), paragraph (a)  
 1927 of subsection (4), and paragraphs (a), (c), and (d) of  
 1928 subsection (8) of section 106.07, Florida Statutes, are amended  
 1929 to read:

1930 106.07 Reports; certification and filing.--

1931 (2)(a) All reports required of a candidate by this section  
 1932 shall be filed with the officer before whom the candidate is  
 1933 required by law to qualify. All candidates who file with the  
 1934 Department of State shall file the original and one copy of  
 1935 their reports. In addition, a copy of each report for candidates  
 1936 for other than statewide office who qualify with the Department  
 1937 of State shall be filed with the supervisor of elections in the  
 1938 county where the candidate resides. Reports shall be filed not  
 1939 later than 5 p.m. of the day designated; however, any report  
 1940 postmarked by the United States Postal Service no later than  
 1941 midnight of the day designated shall be deemed to have been  
 1942 filed in a timely manner. Any report received by the filing  
 1943 officer within 5 days after the designated due date that was  
 1944 delivered by the United States Postal Service shall be deemed  
 1945 timely filed unless it has a postmark that indicates that the  
 1946 report was mailed after the designated due date. A certificate  
 1947 of mailing obtained from and dated by the United States Postal  
 1948 Service at the time of mailing, or a receipt from an established

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1949 courier company, which bears a date on or before the date on  
 1950 which the report is due, shall be proof of mailing in a timely  
 1951 manner. Reports shall contain information of all previously  
 1952 unreported contributions received and expenditures made as of  
 1953 the preceding Friday, except that the report filed on the Friday  
 1954 immediately preceding the election shall contain information of  
 1955 all previously unreported contributions received and  
 1956 expenditures made as of the day preceding that designated due  
 1957 date. All such reports shall be open to public inspection.

1958 (4)(a) Each report required by this section shall contain:

1959 1. The full name, address, and occupation, if any of each  
 1960 person who has made one or more contributions to or for such  
 1961 committee or candidate within the reporting period, together  
 1962 with the amount and date of such contributions. For  
 1963 corporations, the report must provide as clear a description as  
 1964 practicable of the principal type of business conducted by the  
 1965 corporation. However, if the contribution is \$100 or less or is  
 1966 from a relative, as defined in s. 112.312, provided that the  
 1967 relationship is reported, the occupation of the contributor or  
 1968 the principal type of business need not be listed.

1969 2. The name and address of each political committee from  
 1970 which the reporting committee or the candidate received, or to  
 1971 which the reporting committee or candidate made, any transfer of  
 1972 funds, together with the amounts and dates of all transfers.

1973 3. Each loan for campaign purposes to or from any person  
 1974 or political committee within the reporting period, together  
 1975 with the full names, addresses, and occupations, and principal  
 1976 places of business, if any, of the lender and endorsers, if any,  
 1977 and the date and amount of such loans.

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1978 4. A statement of each contribution, rebate, refund, or  
 1979 other receipt not otherwise listed under subparagraphs 1.  
 1980 through 3.

1981 5. The total sums of all loans, in-kind contributions, and  
 1982 other receipts by or for such committee or candidate during the  
 1983 reporting period. The reporting forms shall be designed to  
 1984 elicit separate totals for in-kind contributions, loans, and  
 1985 other receipts.

1986 6. The full name and address of each person to whom  
 1987 expenditures have been made by or on behalf of the committee or  
 1988 candidate within the reporting period; the amount, date, and  
 1989 purpose of each such expenditure; and the name and address of,  
 1990 and office sought by, each candidate on whose behalf such  
 1991 expenditure was made. However, expenditures made from the petty  
 1992 cash fund provided by s. 106.12 need not be reported  
 1993 individually.

1994 7. The full name and address of each person to whom an  
 1995 expenditure for personal services, salary, or reimbursement for  
 1996 authorized expenses as provided in s. 106.021(3) has been made  
 1997 and which is not otherwise reported, including the amount, date,  
 1998 and purpose of such expenditure. However, expenditures made from  
 1999 the petty cash fund provided for in s. 106.12 need not be  
 2000 reported individually.

2001 8. The total amount withdrawn and the total amount spent  
 2002 for petty cash purposes pursuant to this chapter during the  
 2003 reporting period.

2004 9. The total sum of expenditures made by such committee or  
 2005 candidate during the reporting period.

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2006 10. The amount and nature of debts and obligations owed by  
 2007 or to the committee or candidate, which relate to the conduct of  
 2008 any political campaign.

2009 11. A copy of each credit card statement which shall be  
 2010 included in the next report following receipt thereof by the  
 2011 candidate or political committee. Receipts for each credit card  
 2012 purchase shall be retained by the treasurer with the records for  
 2013 the campaign account.

2014 12. The amount and nature of any separate interest-bearing  
 2015 accounts or certificates of deposit and identification of the  
 2016 financial institution in which such accounts or certificates of  
 2017 deposit are located.

2018 13. The primary purposes of an expenditure made indirectly  
 2019 through a campaign treasurer pursuant to s. 106.021(3) for goods  
 2020 and services such as communications media placement or  
 2021 procurement services, campaign signs, insurance, and other  
 2022 expenditures that include multiple components as part of the  
 2023 expenditure. The primary purpose of an expenditure shall be that  
 2024 purpose, including integral and directly related components,  
 2025 that comprises 80 percent of such expenditure.

2026 (8)(a) Any candidate or political committee failing to  
 2027 file a report on the designated due date shall be subject to a  
 2028 fine as provided in paragraph (b) for each late day, and, in the  
 2029 case of a candidate, such fine shall be paid only from personal  
 2030 funds of the candidate. The fine shall be assessed by the filing  
 2031 officer and the moneys collected shall be deposited:

2032 1. In the General Revenue ~~Elections Commission Trust~~ Fund,  
 2033 in the case of a candidate for state office or a political  
 2034 committee that registers with the Division of Elections; or

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2035           2. In the general revenue fund of the political  
 2036 subdivision, in the case of a candidate for an office of a  
 2037 political subdivision or a political committee that registers  
 2038 with an officer of a political subdivision.

2039  
 2040 No separate fine shall be assessed for failure to file a copy of  
 2041 any report required by this section.

2042           (c) Any candidate or chair of a political committee may  
 2043 appeal or dispute the fine, based upon, but not limited to,  
 2044 unusual circumstances surrounding the failure to file on the  
 2045 designated due date, and may request and shall be entitled to a  
 2046 hearing before the Florida Elections Commission, which shall  
 2047 have the authority to waive the fine in whole or in part. The  
 2048 Florida Elections Commission must consider the mitigating and  
 2049 aggravating circumstances contained in s. 106.265(1) when  
 2050 determining the amount of a fine, if any, to be waived. Any such  
 2051 request shall be made within 20 days after receipt of the notice  
 2052 of payment due. In such case, the candidate or chair of the  
 2053 political committee shall, within the 20-day period, notify the  
 2054 filing officer in writing of his or her intention to bring the  
 2055 matter before the commission.

2056           (d) The appropriate filing officer shall notify the  
 2057 Florida Elections Commission of the repeated late filing by a  
 2058 candidate or political committee, the failure of a candidate or  
 2059 political committee to file a report after notice, or the  
 2060 failure to pay the fine imposed. The commission shall  
 2061 investigate only those alleged late filing violations  
 2062 specifically identified by the filing officer and as set forth  
 2063 in the notification. Any other alleged violations must be



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2064 separately stated and reported by the division to the commission  
 2065 under s. 106.25(2).

2066 Section 47. Effective January 1, 2005, paragraph (a) of  
 2067 subsection (2) of section 106.07, Florida Statutes, as amended  
 2068 by this act, and paragraph (b) of subsection (2), subsection  
 2069 (3), and paragraph (b) of subsection (8) of said section, are  
 2070 amended to read:

2071 106.07 Reports; certification and filing.--

2072 (2)(a) All reports required of a candidate by this section  
 2073 shall be filed with the officer before whom the candidate is  
 2074 required by law to qualify. All candidates who file with the  
 2075 Department of State shall file ~~the original and one copy of~~  
 2076 their reports pursuant to s. 106.0705. In addition, a copy of  
 2077 each report for candidates for other than statewide office who  
 2078 qualify with the Department of State shall be filed with the  
 2079 supervisor of elections in the county where the candidate  
 2080 resides. Except as provided in s. 106.0705, reports shall be  
 2081 filed not later than 5 p.m. of the day designated; however, any  
 2082 report postmarked by the United States Postal Service no later  
 2083 than midnight of the day designated shall be deemed to have been  
 2084 filed in a timely manner. Any report received by the filing  
 2085 officer within 5 days after the designated due date that was  
 2086 delivered by the United States Postal Service shall be deemed  
 2087 timely filed unless it has a postmark that indicates that the  
 2088 report was mailed after the designated due date. A certificate  
 2089 of mailing obtained from and dated by the United States Postal  
 2090 Service at the time of mailing, or a receipt from an established  
 2091 courier company, which bears a date on or before the date on  
 2092 which the report is due, shall be proof of mailing in a timely

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2093 manner. Reports shall contain information of all previously  
 2094 unreported contributions received and expenditures made as of  
 2095 the preceding Friday, except that the report filed on the Friday  
 2096 immediately preceding the election shall contain information of  
 2097 all previously unreported contributions received and  
 2098 expenditures made as of the day preceding that designated due  
 2099 date. All such reports shall be open to public inspection.

2100 (b)1. Any report which is deemed to be incomplete by the  
 2101 officer with whom the candidate qualifies shall be accepted on a  
 2102 conditional basis, and the campaign treasurer shall be notified  
 2103 by registered mail as to why the report is incomplete and be  
 2104 given 3 days from receipt of such notice to file an addendum to  
 2105 the report providing all information necessary to complete the  
 2106 report in compliance with this section. Failure to file a  
 2107 complete report after such notice constitutes a violation of  
 2108 this chapter.

2109 2. In lieu of the notice by registered mail as required in  
 2110 subparagraph 1., the qualifying officer may notify the campaign  
 2111 treasurer by telephone that the report is incomplete and request  
 2112 the information necessary to complete the report. If, however,  
 2113 such information is not received by the qualifying officer  
 2114 within 3 days after ~~of~~ the telephone request therefor, notice  
 2115 shall be sent by registered mail as provided in subparagraph 1.

2116 (3) Reports required of a political committee shall be  
 2117 filed with the agency or officer before whom such committee  
 2118 registers pursuant to s. 106.03(3) and shall be subject to the  
 2119 same filing conditions as established for candidates' reports.  
 2120 ~~Only committees that file with the Department of State shall~~  
 2121 ~~file the original and one copy of their reports.~~ Incomplete

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2122 reports by political committees shall be treated in the manner  
 2123 provided for incomplete reports by candidates in subsection (2).

2124 (8)

2125 (b) Upon determining that a report is late, the filing  
 2126 officer shall immediately notify the candidate or chair of the  
 2127 political committee as to the failure to file a report by the  
 2128 designated due date and that a fine is being assessed for each  
 2129 late day. The fine shall be \$50 per day for the first 3 days  
 2130 late and, thereafter, \$500 per day for each late day, not to  
 2131 exceed 25 percent of the total receipts or expenditures,  
 2132 whichever is greater, for the period covered by the late report.  
 2133 However, for the reports immediately preceding each primary and  
 2134 general election, the fine shall be \$500 per day for each late  
 2135 day, not to exceed 25 percent of the total receipts or  
 2136 expenditures, whichever is greater, for the period covered by  
 2137 the late report. For reports required under s. 106.141(7), the  
 2138 fine is \$50 per day for each late day, not to exceed 25 percent  
 2139 of the total receipts or expenditures, whichever is greater, for  
 2140 the period covered by the late report. Upon receipt of the  
 2141 report, the filing officer shall determine the amount of the  
 2142 fine which is due and shall notify the candidate or chair. The  
 2143 filing officer shall determine the amount of the fine due based  
 2144 upon the earliest of the following:

- 2145 1. When the report is actually received by such officer.
- 2146 2. When the report is postmarked.
- 2147 3. When the certificate of mailing is dated.
- 2148 4. When the receipt from an established courier company is
- 2149 dated.

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2150 5. When the electronic receipt issued pursuant to s.  
 2151 106.0705 is dated.

2152  
 2153 Such fine shall be paid to the filing officer within 20 days  
 2154 after receipt of the notice of payment due, unless appeal is  
 2155 made to the Florida Elections Commission pursuant to paragraph  
 2156 (c). In the case of a candidate, such fine shall not be an  
 2157 allowable campaign expenditure and shall be paid only from  
 2158 personal funds of the candidate. An officer or member of a  
 2159 political committee shall not be personally liable for such  
 2160 fine.

2161 Section 48. Effective January 1, 2005, section 106.0705,  
 2162 Florida Statutes, is created to read:

2163 106.0705 Electronic filing of campaign treasurer's  
 2164 reports.--

2165 (1) As used in this section, "electronic filing system"  
 2166 means an Internet system for recording and reporting campaign  
 2167 finance activity by reporting period.

2168 (2)(a) Each candidate who is required to file reports  
 2169 pursuant to s. 106.07 with the division must file such reports  
 2170 with the division by means of the division's electronic filing  
 2171 system.

2172 (b) Each political committee, committee of continuous  
 2173 existence, or state executive committee that is required to file  
 2174 reports with the division under s. 106.04, s. 106.07, or s.  
 2175 106.29, as applicable, must file such reports with the division  
 2176 by means of the division's electronic filing system.

2177 (c) Each person or organization that is required to file  
 2178 reports with the division under s. 106.071 must file such

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2179 reports with the division by means of the division's electronic  
 2180 filing system.

2181 (3) Reports filed pursuant to this section shall be  
 2182 completed and filed through the electronic filing system not  
 2183 later than midnight of the day designated. Reports not filed by  
 2184 midnight of the day designated are late filed and are subject to  
 2185 the penalties under s. 106.04(8), s. 106.07(8), or s. 106.29(3),  
 2186 as applicable.

2187 (4) Each report filed pursuant to this section is  
 2188 considered to be under oath by the candidate and treasurer or  
 2189 the chair and treasurer, whichever is applicable, and such  
 2190 persons are subject to the provisions of s. 106.04(4)(d), s.  
 2191 106.07(5), or s. 106.29(2), as applicable. Persons given a  
 2192 secure sign-on to the electronic filing system are responsible  
 2193 for protecting such from disclosure and are responsible for all  
 2194 filings using such credentials, unless they have notified the  
 2195 division that their credentials have been compromised.

2196 (5) The electronic filing system developed by the division  
 2197 must:

2198 (a) Be based on access by means of the Internet.

2199 (b) Be accessible by anyone with Internet access using  
 2200 standard web-browsing software.

2201 (c) Provide for direct entry of campaign finance  
 2202 information as well as upload of such information from campaign  
 2203 finance software certified by the division.

2204 (d) Provide a method that prevents unauthorized access to  
 2205 electronic filing system functions.

2206 (6) The division shall adopt rules pursuant to ss.  
 2207 120.536(1) and 120.54 to administer this section and provide for

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2208 the reports required to be filed pursuant to this section. Such  
 2209 rules shall, at a minimum, provide:

2210 (a) Alternate filing procedures in case the division's  
 2211 electronic filing system is not operable.

2212 (b) For the issuance of an electronic receipt to the  
 2213 person submitting the report indicating and verifying that the  
 2214 report has been filed.

2215 Section 49. Effective January 1, 2005, section 106.075,  
 2216 Florida Statutes, is amended to read:

2217 106.075 Elected officials; report of personal loans made  
 2218 in year preceding election; limitation on contributions to pay  
 2219 personal loans.--

2220 (1) A person who is elected to office must report all  
 2221 personal loans, exceeding \$500 in value, made to him or her and  
 2222 used for campaign purposes, and made in the 12 months preceding  
 2223 his or her election to office, to the filing officer. The report  
 2224 must be made, in the manner prescribed by the Department of  
 2225 State, within 10 days after being elected to office.

2226 (2) Any person who makes a contribution to an individual  
 2227 to pay all or part of a personal loan incurred, in the 12 months  
 2228 preceding the election, to be used for the individual's  
 2229 campaign, may not contribute more than the amount which is  
 2230 allowed in s. 106.08(1).

2231 Section 50. Effective January 1, 2005, paragraph (d) is  
 2232 added to subsection (5) of section 106.08, Florida Statutes, to  
 2233 read:

2234 106.08 Contributions; limitations on.--

2235 (5)

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2236 (d) Candidates may not make expenditures from their  
 2237 campaign accounts for the purpose of receiving or obtaining an  
 2238 endorsement from any person, group, or organization.

2239 Section 51. Effective January 1, 2005, subsection (2) of  
 2240 section 106.087, Florida Statutes, is amended to read:

2241 106.087 Independent expenditures; contribution limits;  
 2242 restrictions on political parties and, political committees, ~~and~~  
 2243 ~~committees of continuous existence.--~~

2244 (2)(a) Any political committee ~~or committee of continuous~~  
 2245 ~~existence~~ that accepts the use of public funds, equipment,  
 2246 personnel, or other resources to collect dues from its members  
 2247 agrees not to make independent expenditures in support of or  
 2248 opposition to a candidate or elected public official. However,  
 2249 expenditures may be made for the sole purpose of jointly  
 2250 endorsing three or more candidates.

2251 (b) Any political committee ~~or committee of continuous~~  
 2252 ~~existence~~ that violates this subsection is liable for a civil  
 2253 fine of up to \$5,000 to be determined by the Florida Elections  
 2254 Commission or the entire amount of the expenditures, whichever  
 2255 is greater.

2256 Section 52. Effective January 1, 2005, section 106.09,  
 2257 Florida Statutes, is amended to read:

2258 106.09 Cash contributions and contributions ~~contribution~~  
 2259 by cashier's check or money order ~~checks~~.--

2260 (1) A person may not make or accept a cash contribution or  
 2261 contribution by means of a cashier's check or money order in  
 2262 excess of \$100.

2263 (2)(a) Any person who makes or accepts a contribution in  
 2264 excess of \$100 in violation of this section commits a

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2265 misdemeanor of the first degree, punishable as provided in s.  
 2266 775.082 or s. 775.083.

2267 (b) Any person who knowingly and willfully makes or  
 2268 accepts a contribution in excess of \$5,000 in violation of this  
 2269 section commits a felony of the third degree, punishable as  
 2270 provided in s. 775.082, s. 775.083, or s. 775.084.

2271 Section 53. Effective January 1, 2005, subsection (2) of  
 2272 section 106.11, Florida Statutes, is amended to read:

2273 106.11 Expenses of and expenditures by candidates and  
 2274 political committees.--Each candidate and each political  
 2275 committee which designates a primary campaign depository  
 2276 pursuant to s. 106.021(1) shall make expenditures from funds on  
 2277 deposit in such primary campaign depository only in the  
 2278 following manner, with the exception of expenditures made from  
 2279 petty cash funds provided by s. 106.12:

2280 (2)(a) For purposes of this section, debit cards are  
 2281 considered bank checks, if:

2282 1. Debit cards are obtained from the same bank that has  
 2283 been designated as the candidate's or political committee's  
 2284 primary campaign depository.

2285 2. Debit cards are issued in the name of the treasurer,  
 2286 deputy treasurer, or authorized user and state "Campaign Account  
 2287 of ... (name of candidate or political committee) ...."

2288 3. No more than three debit cards are requested and  
 2289 issued.

2290 4. Before a debit card is used, a list of all persons  
 2291 authorized to use the card is filed with the filing officer  
 2292 division.



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2293 5. All debit cards issued to a candidate's campaign or a  
 2294 political committee expire no later than midnight of the last  
 2295 day of the month of the general election.

2296 6. The person using the debit card does not receive cash  
 2297 as part of, or independent of, any transaction for goods or  
 2298 services.

2299 7. All receipts for debit card transactions contain:

2300 a. The last four digits of the debit card number.

2301 b. The exact amount of the expenditure.

2302 c. The name of the payee.

2303 d. The signature of the campaign treasurer, deputy  
 2304 treasurer, or authorized user.

2305 e. The exact purpose for which the expenditure is  
 2306 authorized.

2307  
 2308 Any information required by this subparagraph but not included  
 2309 on the debit card transaction receipt may be handwritten on, or  
 2310 attached to, the receipt by the authorized user before  
 2311 submission to the treasurer.

2312 (b) Debit cards are not subject to the requirements of  
 2313 paragraph (1)(b).

2314 Section 54. Subsection (6) of section 106.141, Florida  
 2315 Statutes, is amended to read:

2316 106.141 Disposition of surplus funds by candidates.--

2317 (6) Prior to disposing of funds pursuant to subsection (4)  
 2318 or transferring funds into an office account pursuant to  
 2319 subsection (5), any candidate who filed an oath stating that he  
 2320 or she was unable to pay the election assessment or fee for  
 2321 verification of petition signatures without imposing an undue

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2322 burden on his or her personal resources or on resources  
 2323 otherwise available to him or her, or who filed both such oaths,  
 2324 or who qualified by the alternative method and was not required  
 2325 to pay an election assessment, shall reimburse the state or  
 2326 local governmental entity, whichever is applicable, for such  
 2327 waived assessment or fee or both. Such reimbursement shall be  
 2328 made first for the cost of petition verification and then, if  
 2329 funds are remaining, for the amount of the election assessment.  
 2330 If there are insufficient funds in the account to pay the full  
 2331 amount of either the assessment or the fee or both, the  
 2332 remaining funds shall be disbursed in the above manner until no  
 2333 funds remain. All funds disbursed pursuant to this subsection  
 2334 shall be remitted to the qualifying officer. Any reimbursement  
 2335 for petition verification costs which are reimbursable by the  
 2336 state shall be forwarded by the qualifying officer to the state  
 2337 for deposit in the General Revenue Fund. All reimbursements for  
 2338 the amount of the election assessment shall be forwarded by the  
 2339 qualifying officer to the Department of State for deposit in the  
 2340 General Revenue ~~Elections Commission Trust~~ Fund.

2341 Section 55. Subsections (2) and (4) of section 106.25,  
 2342 Florida Statutes, are amended to read:

2343 106.25 Reports of alleged violations to Florida Elections  
 2344 Commission; disposition of findings.--

2345 (2) The commission shall investigate all violations of  
 2346 this chapter and chapter 104, but only after having received  
 2347 either a sworn complaint or information reported to it under  
 2348 this subsection by the Division of Elections. Any person, other  
 2349 than the division, having information of any violation of this  
 2350 chapter or chapter 104 shall file a sworn complaint with the

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2351 commission. Such sworn complaint shall be based upon personal  
 2352 knowledge or independent research of the complainant. The  
 2353 commission shall investigate only those alleged violations  
 2354 specifically contained within the sworn complaint. If any  
 2355 complainant fails to allege all violations that arise from the  
 2356 facts or allegations alleged in a complaint, the commission  
 2357 shall be barred from investigating a subsequent complaint from  
 2358 such complainant that is based upon such facts or allegations  
 2359 that were raised or could have been raised in the first  
 2360 complaint. Such sworn complaint shall state whether a complaint  
 2361 of the same violation has been made to any state attorney.  
 2362 Within 5 days after receipt of a sworn complaint, the commission  
 2363 shall transmit a copy of the complaint to the alleged violator.  
 2364 All sworn complaints alleging violations of the Florida Election  
 2365 Code over which the commission has jurisdiction shall be filed  
 2366 with the commission within 2 years after ~~of~~ the alleged  
 2367 violations. The period of limitations is tolled on the day a  
 2368 sworn complaint is filed with the commission.

2369 (4) The commission shall undertake a preliminary  
 2370 investigation to determine if the facts alleged in a sworn  
 2371 complaint or a matter initiated by the division constitute  
 2372 probable cause to believe that a violation has occurred. The  
 2373 respondent, the complainant, and their respective counsels shall  
 2374 be permitted to attend the hearing at which the probable cause  
 2375 determination is made. Notice of the hearing shall be sent to  
 2376 the respondent and the complainant at least 14 days prior to the  
 2377 date of the hearing. The respondent and his or her counsel shall  
 2378 be permitted to make a brief oral statement in the nature of  
 2379 oral argument to the commission before the probable cause

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2380 determination. The commission's determination shall be based  
 2381 upon the investigator's report, the complaint, and staff  
 2382 recommendations, as well as any written statements submitted by  
 2383 the respondent and any oral statements made at the hearing. No  
 2384 testimony or other evidence shall be accepted at the hearing.  
 2385 Upon completion of the preliminary investigation, the commission  
 2386 shall, by written report, find probable cause or no probable  
 2387 cause to believe that this chapter or chapter 104 has been  
 2388 violated.

2389 (a) If no probable cause is found, the commission shall  
 2390 dismiss the case and the case shall become a matter of public  
 2391 record, except as otherwise provided in this section, together  
 2392 with a written statement of the findings of the preliminary  
 2393 investigation and a summary of the facts which the commission  
 2394 shall send to the complainant and the alleged violator.

2395 (b) If probable cause is found, the commission shall so  
 2396 notify the complainant and the alleged violator in writing. All  
 2397 documents made or received in the disposition of the complaint  
 2398 shall become public records upon a finding by the commission.

2399  
 2400 In a case where probable cause is found, the commission shall  
 2401 make a preliminary determination to consider the matter or to  
 2402 refer the matter to the state attorney for the judicial circuit  
 2403 in which the alleged violation occurred.

2404 Section 56. Paragraph (a) of subsection (3) of section  
 2405 106.29, Florida Statutes, is amended to read:

2406 106.29 Reports by political parties; restrictions on  
 2407 contributions and expenditures; penalties.--

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2408 (3)(a) Any state or county executive committee failing to  
 2409 file a report on the designated due date shall be subject to a  
 2410 fine as provided in paragraph (b) for each late day. The fine  
 2411 shall be assessed by the filing officer, and the moneys  
 2412 collected shall be deposited in the General Revenue Elections  
 2413 ~~Commission Trust~~ Fund.

2414 Section 57. Effective January 1, 2005, paragraph (b) of  
 2415 subsection (3) of section 106.29, Florida Statutes, is amended  
 2416 to read:

2417 106.29 Reports by political parties; restrictions on  
 2418 contributions and expenditures; penalties.--

2419 (3)

2420 (b) Upon determining that a report is late, the filing  
 2421 officer shall immediately notify the chair of the executive  
 2422 committee as to the failure to file a report by the designated  
 2423 due date and that a fine is being assessed for each late day.  
 2424 The fine shall be \$1,000 for a state executive committee, and  
 2425 \$50 for a county executive committee, per day for each late day,  
 2426 not to exceed 25 percent of the total receipts or expenditures,  
 2427 whichever is greater, for the period covered by the late report.  
 2428 However, if an executive committee fails to file a report on the  
 2429 Friday immediately preceding the general election, the fine  
 2430 shall be \$10,000 per day for each day a state executive  
 2431 committee is late and \$500 per day for each day a county  
 2432 executive committee is late. Upon receipt of the report, the  
 2433 filing officer shall determine the amount of the fine which is  
 2434 due and shall notify the chair. The filing officer shall  
 2435 determine the amount of the fine due based upon the earliest of  
 2436 the following:

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- 2437 1. When the report is actually received by such officer.
- 2438 2. When the report is postmarked.
- 2439 3. When the certificate of mailing is dated.
- 2440 4. When the receipt from an established courier company is
- 2441 dated.
- 2442 5. When the electronic receipt issued pursuant to s.
- 2443 106.0705 is dated.

2444

2445 Such fine shall be paid to the filing officer within 20 days

2446 after receipt of the notice of payment due, unless appeal is

2447 made to the Florida Elections Commission pursuant to paragraph

2448 (c). An officer or member of an executive committee shall not be

2449 personally liable for such fine.

2450 Section 58. Subsection (1) of section 191.005, Florida

2451 Statutes, is amended to read:

2452 191.005 District boards of commissioners; membership,

2453 officers, meetings.--

2454 (1)(a) With the exception of districts whose governing

2455 boards are appointed collectively by the Governor, the county

2456 commission, and any cooperating city within the county, the

2457 business affairs of each district shall be conducted and

2458 administered by a five-member board. All three-member boards

2459 existing on the effective date of this act shall be converted to

2460 five-member boards, except those permitted to continue as a

2461 three-member board by special act adopted in 1997 or thereafter.

2462 The board shall be elected in nonpartisan elections by the

2463 electors of the district. Except as provided in this act, such

2464 elections shall be held at the time and in the manner prescribed

2465 by law for holding general elections in accordance with s.

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2466 189.405(2)(a) and (3), and each member shall be elected for a  
 2467 term of 4 years and serve until the member's successor assumes  
 2468 office. Candidates for the board of a district shall qualify  
 2469 with the county supervisor of elections in whose jurisdiction  
 2470 the district is located. If the district is a multicounty  
 2471 district, candidates shall qualify with the Department of State.  
 2472 All candidates may qualify by paying a filing fee of \$25 or by  
 2473 obtaining the signatures of at least 25 registered electors of  
 2474 the district on petition forms provided by the supervisor of  
 2475 elections which petitions shall be submitted and checked in the  
 2476 same manner as petitions filed by nonpartisan judicial  
 2477 candidates pursuant to s. 105.035.

2478 (b) Each candidate who collects or expends campaign  
 2479 contributions shall conduct his or her campaign for commissioner  
 2480 of an independent special fire control district in accordance  
 2481 with the provisions of chapter 106. However, candidates who  
 2482 receive no contributions and make no other expenditures except  
 2483 for petition verification or the \$25 filing fee may be exempt  
 2484 from the provisions of chapter 106 requiring the establishment  
 2485 of bank accounts and the appointment of campaign treasurers, as  
 2486 long as they have no opposition. If opposition is confirmed by  
 2487 the qualifying officer at the close of the qualifying period,  
 2488 opposed candidates shall open a campaign account, designate a  
 2489 campaign treasurer within 5 days after the end of qualifying,  
 2490 and be responsible for all other requirements of chapter 106.

2491 (c)(b)1. At the next general election following the  
 2492 effective date of this act, or on or after the effective date of  
 2493 a special act or general act of local application creating a new  
 2494 district, the members of the board shall be elected by the

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2495 electors of the district in the manner provided in this section.  
 2496 The office of each member of the board is designated as being a  
 2497 seat on the board, distinguished from each of the other seats by  
 2498 a numeral: 1, 2, 3, 4, or 5. The numerical seat designation does  
 2499 not designate a geographical subdistrict unless such subdistrict  
 2500 exists on the effective date of this act, in which case the  
 2501 candidates must reside in the subdistrict, and only electors of  
 2502 the subdistrict may vote in the election for the member from  
 2503 that subdistrict. Each candidate for a seat on the board shall  
 2504 designate, at the time the candidate qualifies, the seat on the  
 2505 board for which the candidate is qualifying. The name of each  
 2506 candidate who qualifies for election to a seat on the board  
 2507 shall be included on the ballot in a way that clearly indicates  
 2508 the seat for which the candidate is a candidate. The candidate  
 2509 for each seat who receives the most votes cast for a candidate  
 2510 for the seat shall be elected to the board.

2511 2. If, on the effective date of this act, a district  
 2512 presently in existence elects members of its board, the next  
 2513 election shall be conducted in accordance with this section, but  
 2514 this section does not require the early expiration of any  
 2515 member's term of office by more than 60 days.

2516 3. If, on the effective date of this act, a district does  
 2517 not elect the members of its board, the entire board shall be  
 2518 elected in accordance with this section. However, in the first  
 2519 election following the effective date of this act, seats 1, 3,  
 2520 and 5 shall be designated for 4-year terms and seats 2 and 4  
 2521 shall be designated for 2-year terms.

2522 4. If, on the effective date of this act, the district has  
 2523 an elected three-member board, one of the two seats added by



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2524 this act shall, for the first election following the effective  
 2525 date of this act, be designated for a 4-year term and the other  
 2526 for a 2-year term, unless the terms of the three existing seats  
 2527 all expire within 6 months of the first election following the  
 2528 effective date of this act, in which case seats 1, 3, and 5  
 2529 shall be designated for 4-year terms and seats 2 and 4 shall be  
 2530 designated for 2-year terms.

2531 5. If the district has an elected three-member board  
 2532 designated to remain three members by special act adopted in  
 2533 1997 or thereafter, the terms of the board members shall be  
 2534 staggered. In the first election following the effective date of  
 2535 this act, seats 1 and 3 shall be designated for 4-year terms,  
 2536 and seat 2 for a 2-year term.

2537 (d)~~(e)~~ The board of any district may request the local  
 2538 legislative delegation that represents the area within the  
 2539 district to create by special law geographical subdistricts for  
 2540 board seats. Any board of five members or larger elected on a  
 2541 subdistrict basis as of the effective date of this act shall  
 2542 continue to elect board members from such previously designated  
 2543 subdistricts, and this act shall not require the elimination of  
 2544 board seats from such boards.

2545 Section 59. Paragraph (f) of subsection (5) of section  
 2546 287.057, Florida Statutes, is amended to read:

2547 287.057 Procurement of commodities or contractual  
 2548 services.--

2549 (5) When the purchase price of commodities or contractual  
 2550 services exceeds the threshold amount provided in s. 287.017 for  
 2551 CATEGORY TWO, no purchase of commodities or contractual services  
 2552 may be made without receiving competitive sealed bids,

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2553 competitive sealed proposals, or competitive sealed replies

2554 unless:

2555 (f) The following contractual services and commodities are  
 2556 not subject to the competitive-solicitation requirements of this  
 2557 section:

2558 1. Artistic services.

2559 2. Academic program reviews.

2560 3. Lectures by individuals.

2561 4. Auditing services.

2562 5. Legal services, including attorney, paralegal, expert  
 2563 witness, appraisal, or mediator services.

2564 6. Health services involving examination, diagnosis,  
 2565 treatment, prevention, medical consultation, or administration.

2566 7. Services provided to persons with mental or physical  
 2567 disabilities by not-for-profit corporations which have obtained  
 2568 exemptions under the provisions of s. 501(c)(3) of the United  
 2569 States Internal Revenue Code or when such services are governed  
 2570 by the provisions of Office of Management and Budget Circular A-  
 2571 122. However, in acquiring such services, the agency shall  
 2572 consider the ability of the vendor, past performance,  
 2573 willingness to meet time requirements, and price.

2574 8. Medicaid services delivered to an eligible Medicaid  
 2575 recipient by a health care provider who has not previously  
 2576 applied for and received a Medicaid provider number from the  
 2577 Agency for Health Care Administration. However, this exception  
 2578 shall be valid for a period not to exceed 90 days after the date  
 2579 of delivery to the Medicaid recipient and shall not be renewed  
 2580 by the agency.

2581 9. Family placement services.

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2582 10. Prevention services related to mental health,  
 2583 including drug abuse prevention programs, child abuse prevention  
 2584 programs, and shelters for runaways, operated by not-for-profit  
 2585 corporations. However, in acquiring such services, the agency  
 2586 shall consider the ability of the vendor, past performance,  
 2587 willingness to meet time requirements, and price.

2588 11. Training and education services provided to injured  
 2589 employees pursuant to s. 440.49(1).

2590 12. Contracts entered into pursuant to s. 337.11.

2591 13. Services or commodities provided by governmental  
 2592 agencies.

2593 14. Voter education activities of the Department of State  
 2594 or the supervisors of elections, either individually or in the  
 2595 aggregate or with their respective professional associations.

2596 Section 60. (1) All electronic and electromechanical  
 2597 voting systems certified after July 1, 2005, must meet the  
 2598 requirements of s. 101.56062, Florida Statutes, except paragraph  
 2599 (1)(d).

2600 (2) Any purchase of a voting system by any county,  
 2601 municipality, or the state after July 1, 2004, must include a  
 2602 contract for future upgrades and sufficient equipment to meet  
 2603 the requirements of ss. 101.5606 and 101.56062, Florida  
 2604 Statutes, as amended by this act.

2605 (3) All electronic and electromechanical voting systems in  
 2606 use on or after January 1, 2006, must be certified to meet and  
 2607 be deployed in a configuration which meets the requirements of  
 2608 ss. 101.5606 and 101.56062, Florida Statutes, as amended by this  
 2609 act.

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2610 Section 61. Section 22 of chapter 2002-281, Laws of  
 2611 Florida, is amended to read:

2612 Section 22. Except as otherwise expressly provided in this  
 2613 act, sections 4, 5, 6, 8, 9, 10, 11, 14, and 19 of this act  
 2614 shall take effect January 1, 2005, and section 12 of this act  
 2615 shall take effect the earlier of January 1, 2006, or one year  
 2616 after the legislature adopts the general appropriations act  
 2617 specifically appropriating to the Department of State, for  
 2618 distribution to the counties, ~~\$8.7 million or such other~~ amounts  
 2619 as it determines and appropriates for the specific purpose of  
 2620 funding this act.

2621 Section 62. Sections 98.181, 101.635, 102.061, 106.085,  
 2622 and 106.144, Florida Statutes, are repealed.

2623 Section 63. To provide for uniformity of the proceedings,  
 2624 both the procedural and substantive amendments to the provisions  
 2625 of chapter 106, Florida Statutes, by this act shall apply to all  
 2626 cases before the Florida Elections Commission pending on or  
 2627 filed on or after the effective date of this act.

2628 Section 64. Except as otherwise provided herein, this act  
 2629 shall take effect upon becoming a law.