

By Senator Cowin

20-1863-04

1 A bill to be entitled
2 An act relating to elections; amending s.
3 97.021, F.S.; redesignating "paper ballot" as
4 "marksense ballot" and redefining the term
5 "voting system"; amending s. 97.052, F.S.;
6 providing an additional purpose for statewide
7 voter registration applications; amending s.
8 99.095, F.S.; revising procedures for
9 qualification by petition; amending s. 99.0955,
10 F.S.; revising method of qualification by
11 candidates with no party affiliation; amending
12 s. 99.096, F.S.; revising method of
13 qualification by minor party candidates;
14 amending s. 100.011, F.S.; providing that
15 electors in line to vote at the closing of the
16 polls must be allowed to vote; amending s.
17 100.111, F.S.; revising procedures to be
18 followed in the event of a vacancy in
19 nomination; amending s. 101.031, F.S.; revising
20 provisions regarding the responsibility for
21 furnishing instructions for electors; amending
22 ss. 101.048, 101.049, F.S.; providing for
23 voting of provisional ballots by persons with
24 disabilities; amending s. 101.131, F.S.;
25 revising the number of authorized poll
26 watchers; providing for certain political
27 committees to have poll watchers; revising
28 provisions for designation of poll watchers;
29 amending s. 101.151, F.S.; revising
30 specifications for ballots; amending s.
31 101.171, F.S.; providing for copies of proposed

1 constitutional amendments to be provided in
2 booklet or poster form; amending s. 101.253,
3 F.S.; prescribing duties of the supervisor of
4 elections with respect to ballots in cases of
5 vacancy in nomination; amending s. 101.294,
6 F.S.; prohibiting governing bodies from
7 deploying uncertified voting equipment;
8 prohibiting vendors of voting equipment from
9 providing uncertified voting systems; requiring
10 vendors of voting equipment to provide
11 certifications that voting systems have been
12 certified; amending s. 101.295, F.S.; providing
13 penalties for unlawfully providing voting
14 systems; amending s. 101.5606, F.S.; conforming
15 to a change in terminology; providing an
16 additional requirement for voting systems;
17 amending s. 101.595, F.S.; revising duties of
18 the supervisor of elections with respect to
19 reporting under votes and overvotes; amending
20 s. 101.6103, F.S.; allowing mail ballots to
21 begin being canvassed 4 days before the
22 election; amending s. 101.62, F.S.; revising
23 provisions relating to absentee ballots for
24 overseas voters; amending s. 101.64, F.S.;
25 requiring absentee voters voting pursuant to
26 the Uniformed and Overseas Citizens Absentee
27 Voting Act to use a standard oath as prescribed
28 by federal law; amending s. 101.68, F.S.;
29 providing an exemption from the witness
30 requirement for absentee ballots for certain
31 voters; amending s. 101.6923, F.S.; revising

1 requirements for instructions for certain
2 first-time voters voting an absentee ballot;
3 amending s. 101.694, F.S.; revising guidelines
4 for absentee envelopes; amending s. 101.697,
5 F.S.; requiring the Department of State to
6 determine security of electronic transmissions
7 of certain absentee ballots before adopting
8 rule; amending s. 102.012, F.S.; providing for
9 a single election board in each precinct;
10 amending s. 102.111, F.S.; allowing the
11 Elections Canvassing Commission to delegate the
12 authority to order recounts to the chief
13 election officer; amending s. 102.071, F.S.;
14 deleting the requirement that the certificate
15 of results be prepared in triplicate; amending
16 s. 102.141, F.S.; deleting the requirement that
17 the canvass be filed with the county court
18 judge; clarifying responsibility for ordering
19 recounts; deleting the requirement for the
20 logic and accuracy test at the completion of
21 the recount; extending the deadline for
22 reporting results of the machine recount;
23 amending s. 102.166, F.S.; clarifying
24 responsibility for ordering manual recounts;
25 clarifying that manual recounts are only
26 conducted with marksense ballots and when the
27 number of overvotes and undervotes could change
28 the outcome of the election; amending s.
29 102.168, F.S.; revising provisions with respect
30 to the time for contesting an election;
31 declaring the county canvassing board and the

1 Elections Canvassing Commission indispensable
2 parties in contested elections; amending s.
3 105.031, F.S.; exempting write-in candidates
4 for certain office from payment of the
5 qualifying fee; amending s. 105.035, F.S.;
6 revising procedures for qualifying as candidate
7 for judicial or school board office by
8 petition; amending s. 106.011, F.S.; defining
9 the term "eliminated candidate"; amending s.
10 106.07, F.S.; revising requirements for filing
11 campaign reports; allowing electronic receipts
12 to be used as proof of filing; creating s.
13 106.0705, F.S.; providing for electronic filing
14 of campaign treasurer's reports; providing
15 standards and guidelines; amending s. 106.075,
16 F.S.; revising requirement with respect to
17 reporting loans; amending s. 106.08, F.S.;
18 prohibiting candidates from expending funds
19 from campaign account to obtain endorsements;
20 amending s. 106.087, F.S.; exempting committees
21 of continuous existence from certain
22 prohibitions with respect to expenditures;
23 amending s. 106.09, F.S.; prohibiting
24 acceptance of certain contributions made by
25 money order; providing penalties; amending s.
26 106.11, F.S.; revising provisions relating to
27 reporting use of debit cards; amending s.
28 106.29, F.S.; revising provisions relating to
29 reports by political parties; requiring voting
30 systems to meet certain requirements by a date
31 certain; repealing s. 98.181, F.S., relating to

1 the supervisor of elections making up indexes
2 or records; repealing s. 101.635, F.S.,
3 relating to distribution of blocks of printed
4 ballots; repealing s. 102.061, F.S., relating
5 to duties of elections boards; repealing s.
6 106.085, F.S., relating to independent
7 expenditures; repealing s. 106.144, F.S.,
8 relating to endorsements or opposition by
9 certain groups and organizations; amending s.
10 22, ch. 2002-281, Laws of Florida; changing the
11 effective date of certain sections of ch.
12 2002-281, Laws of Florida; amending s. 287.057,
13 F.S.; adding an exemption to the competitive
14 solicitation requirement to exempt certain
15 voter education activities; providing effective
16 dates.

17

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

19

20 Section 1. Subsections (3) and (38) of section 97.021,
21 Florida Statutes, are amended to read:

22 97.021 Definitions.--For the purposes of this code,
23 except where the context clearly indicates otherwise, the
24 term:

25 (3) "Ballot" or "official ballot" when used in
26 reference to:

27 (a) "Marksense ~~Paper~~ ballots" means that printed sheet
28 of paper, used in conjunction with an electronic or
29 electromechanical vote tabulation voting system, containing
30 the names of candidates, or a statement of proposed
31 constitutional amendments or other questions or propositions

1 submitted to the electorate at any election, on which sheet of
2 paper an elector casts his or her vote.

3 (b) "Electronic or electromechanical devices" means a
4 ballot that is voted by the process of electronically
5 designating, including by touchscreen, or marking with a
6 marking device for tabulation by automatic tabulating
7 equipment or data processing equipment.

8 (38) "Voting system" means a method of casting and
9 processing votes that functions wholly or partly by use of
10 electromechanical or electronic apparatus or by use of
11 marksense paper ballots and includes, but is not limited to,
12 the procedures for casting and processing votes and the
13 programs, operating manuals, supplies ~~tabulating cards~~,
14 printouts, and other software necessary for the system's
15 operation.

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

18 97.052 Uniform statewide voter registration
19 application.--

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

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

- 25 1. Initial registration.
- 26 2. Change of address.
- 27 3. Change of party affiliation.
- 28 4. Change of name.
- 29 5. Replacement of voter registration identification
30 card.
- 31 6. Signature updates.

1 (b) The department is responsible for printing the
2 uniform statewide voter registration application and the voter
3 registration application form prescribed by the Federal
4 Election Commission pursuant to the National Voter
5 Registration Act of 1993. The applications and forms must be
6 distributed, upon request, to the following:

- 7 1. Individuals seeking to register to vote.
- 8 2. Individuals or groups conducting voter registration
9 programs. A charge of 1 cent per application shall be assessed
10 on requests for 10,000 or more applications.
- 11 3. The Department of Highway Safety and Motor
12 Vehicles.
- 13 4. Voter registration agencies.
- 14 5. Armed forces recruitment offices.
- 15 6. Qualifying educational institutions.
- 16 7. Supervisors, who must make the applications and
17 forms available in the following manner:
 - 18 a. By distributing the applications and forms in their
19 offices to any individual or group.
 - 20 b. By distributing the applications and forms at other
21 locations designated by each supervisor.
 - 22 c. By mailing the applications and forms to applicants
23 upon the request of the applicant.

24 (c) The uniform statewide voter registration
25 application may be reproduced by any of the entities described
26 in paragraph (b)~~private individual or group~~, provided the
27 reproduced application is in the same format as the
28 application prescribed under this section.

29 Section 3. Effective January 1, 2005, section 99.095,
30 Florida Statutes, is amended to read:

31 (Substantial rewording of section. See

1 s. 99.095, F.S., for present text.)
2 99.095 Petition process in lieu of qualifying fee and
3 party assessment.--

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

8 (2)(a) A candidate shall obtain the signatures of
9 voters in the geographical area represented by the office
10 sought equal to at least 1 percent of the total number of
11 voters of that geographical area, as shown by the compilation
12 by the department for the last preceding general election.
13 Signatures may not be obtained until the candidate has filed
14 the appointment of campaign treasurer and designation of
15 campaign depository pursuant to s. 106.021.

16 (b) The format of the petition shall be prescribed by
17 the division and shall be used by candidates to reproduce
18 petitions for circulation. If the candidate is running for an
19 office that requires a group or district designation, the
20 petition must indicate that designation and if it does not,
21 the signatures are not valid. A separate petition is required
22 for each candidate.

23 (3) Each petition must be submitted before noon of the
24 28th day preceding the first day of the qualifying period for
25 the office sought to the supervisor of elections of the county
26 in which such petition was circulated. Each supervisor shall
27 check the signatures on the petitions to verify their status
28 as voters in the county, district, or other geographical area
29 represented by the office sought. No later than the 7th day
30 before the first day of the qualifying period, the supervisor
31 shall certify the number of valid signatures.

1 (4)(a) Certifications for candidates for federal,
2 state, or multicounty district office shall be submitted to
3 the division. The division shall determine whether the
4 required number of signatures has been obtained and shall
5 notify the candidate.

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

10 (5) If the required number of signatures has been
11 obtained, the candidate is eligible to qualify pursuant to s.
12 99.061.

13 Section 4. Effective January 1, 2005, section 99.0955,
14 Florida Statutes, is amended to read:

15 99.0955 Candidates with no party affiliation; name on
16 general election ballot.--

17 (1) Each person seeking to qualify ~~for election~~ as a
18 candidate with no party affiliation shall file his or her
19 qualifying qualification papers and pay the qualifying fee or
20 qualify by the petition process pursuant to s. 99.095,
21 ~~alternative method prescribed in subsection (3)with the~~
22 officer and during the times and under the circumstances
23 prescribed in s. 99.061. Upon qualifying, the candidate is
24 entitled to have his or her name placed on the general
25 election ballot.

26 (2) The qualifying fee for candidates with no party
27 affiliation shall consist of a filing fee and an election
28 assessment. ~~The amount of the filing fee is 3 percent of the~~
29 ~~annual salary of the office sought. The amount of the~~
30 ~~election assessment is 1 percent of the annual salary of the~~
31 ~~office sought. The election assessment shall be deposited~~

1 ~~into the Elections Commission Trust Fund. Filing fees paid to~~
2 ~~the Department of State shall be deposited into the General~~
3 ~~Revenue Fund of the state. Filing fees paid to the supervisor~~
4 ~~of elections shall be deposited into the general revenue fund~~
5 ~~of the county.~~

6 ~~(3)(a) A candidate with no party affiliation may, in~~
7 ~~lieu of paying the qualifying fee, qualify for office by the~~
8 ~~alternative method prescribed in this subsection. A candidate~~
9 ~~using this petitioning process shall file an oath with the~~
10 ~~officer before whom the candidate would qualify for the office~~
11 ~~stating that he or she intends to qualify by this alternative~~
12 ~~method. If the person is running for an office that requires~~
13 ~~a group or district designation, the candidate must indicate~~
14 ~~the designation in his or her oath. The oath shall be filed~~
15 ~~at any time after the first Tuesday after the first Monday in~~
16 ~~January of the year in which the election is held, but before~~
17 ~~the 21st day preceding the first day of the qualifying period~~
18 ~~for the office sought. The Department of State shall~~
19 ~~prescribe the form to be used in administering and filing the~~
20 ~~oath. Signatures may not be obtained by a candidate on any~~
21 ~~petition until the candidate has filed the oath required in~~
22 ~~this subsection. Upon receipt of the written oath from a~~
23 ~~candidate, the qualifying officer shall provide the candidate~~
24 ~~with petition forms in sufficient numbers to facilitate the~~
25 ~~gathering of signatures. If the candidate is running for an~~
26 ~~office that requires a group or district designation, the~~
27 ~~petition must indicate that designation or the signatures~~
28 ~~obtained on the petition will not be counted.~~

29 ~~(b) A candidate shall obtain the signatures of a~~
30 ~~number of qualified electors in the geographical entity~~
31 ~~represented by the office sought equal to 1 percent of the~~

1 ~~registered electors of the geographical entity represented by~~
2 ~~the office sought, as shown by the compilation by the~~
3 ~~Department of State for the preceding general election.~~

4 ~~(c) Each petition must be submitted before noon of the~~
5 ~~21st day preceding the first day of the qualifying period for~~
6 ~~the office sought, to the supervisor of elections of the~~
7 ~~county for which such petition was circulated. Each supervisor~~
8 ~~to whom a petition is submitted shall check the signatures on~~
9 ~~the petition to verify their status as electors in the county,~~
10 ~~district, or other geographical entity represented by the~~
11 ~~office sought. Before the first day for qualifying, the~~
12 ~~supervisor shall certify the number shown as registered~~
13 ~~electors.~~

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

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

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

30 Section 5. Effective January 1, 2005, section 99.096,
31 Florida Statutes, is amended to read:

1 99.096 Minor party candidates; names on ballot.--
2 (1) The executive committee of a minor political party
3 shall, no later than noon of the third day prior to the first
4 day of the qualifying period prescribed for federal
5 candidates, submit to the Department of State a list of
6 federal candidates nominated by the party to be on the general
7 election ballot. ~~and~~ No later than noon of the third day prior
8 to the first day of the qualifying period for state
9 candidates, the executive committee of a minor party shall
10 ~~submit to the Department of State~~ the official list of the
11 state, multicounty, and county ~~respective~~ candidates nominated
12 by that party to be on the ballot in the general election to
13 the filing officer for each of the candidates. ~~The Department~~
14 ~~of State shall notify the appropriate supervisors of elections~~
15 ~~of the name of each minor party candidate eligible to qualify~~
16 ~~before such supervisor.~~ The official list of nominated
17 candidates may not be changed by the party after having been
18 filed with the filing officers ~~Department of State~~, except
19 that candidates who have qualified may withdraw from the
20 ballot pursuant to the provisions of this code, and vacancies
21 in nominations may be filled pursuant to s. 100.111.

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

29 ~~(3)(a) A minor party candidate may, in lieu of paying~~
30 ~~the qualifying fee and party assessment, qualify for office by~~
31 ~~the alternative method prescribed in this subsection. A~~

1 ~~candidate using this petitioning process shall file an oath~~
2 ~~with the officer before whom the candidate would qualify for~~
3 ~~the office stating that he or she intends to qualify by this~~
4 ~~alternative method. If the person is running for an office~~
5 ~~that requires a group or district designation, the candidate~~
6 ~~must indicate the designation in his or her oath. The oath~~
7 ~~must be filed at any time after the first Tuesday after the~~
8 ~~first Monday in January of the year in which the election is~~
9 ~~held, but before the 21st day preceding the first day of the~~
10 ~~qualifying period for the office sought. The Department of~~
11 ~~State shall prescribe the form to be used in administering and~~
12 ~~filing the oath. Signatures may not be obtained by a~~
13 ~~candidate on any petition until the candidate has filed the~~
14 ~~oath required in this section. Upon receipt of the written~~
15 ~~oath from a candidate, the qualifying officer shall provide~~
16 ~~the candidate with petition forms in sufficient numbers to~~
17 ~~facilitate the gathering of signatures. If the candidate is~~
18 ~~running for an office that requires a group or district~~
19 ~~designation, the petition must indicate that designation or~~
20 ~~the signatures on such petition will not be counted.~~

21 ~~(b) A candidate shall obtain the signatures of a~~
22 ~~number of qualified electors in the geographical entity~~
23 ~~represented by the office sought equal to 1 percent of the~~
24 ~~registered electors in the geographical entity represented by~~
25 ~~the office sought, as shown by the compilation by the~~
26 ~~Department of State for the last preceding general election.~~

27 ~~(c) Each petition shall be submitted prior to noon of~~
28 ~~the 21st day preceding the first day of the qualifying period~~
29 ~~for the office sought to the supervisor of elections of the~~
30 ~~county for which the petition was circulated. Each supervisor~~
31 ~~to whom a petition is submitted shall check the signatures on~~

1 ~~the petition to verify their status as electors in the county,~~
2 ~~district, or other geographical entity represented by the~~
3 ~~office sought. Before the first day for qualifying, the~~
4 ~~supervisor shall certify the number shown as registered~~
5 ~~electors.~~

6 ~~(d)1. Certifications for candidates for federal,~~
7 ~~state, or multicounty district office shall be submitted to~~
8 ~~the Department of State. The Department of State shall~~
9 ~~determine whether the required number of signatures has been~~
10 ~~obtained for the name of the candidate to be placed on the~~
11 ~~ballot and shall notify the candidate.~~

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

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

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

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

28 100.011 Opening and closing of polls, all elections;
29 expenses.--

30 (1) The polls shall be open at the voting places at
31 7:00 a.m., on the day of the election, and shall be kept open

1 until 7:00 p.m., of the same day, and the time shall be
2 regulated by the customary time in standard use in the county
3 seat of the locality. The inspectors shall make public
4 proclamation of the opening and closing of the polls. During
5 the election and canvass of the votes, the ballot box shall
6 not be concealed. Any elector in line at the official closing
7 shall be allowed to cast a vote in the election.

8 Section 7. Paragraph (b) of subsection (4) of section
9 100.111, Florida Statutes, is amended to read:

10 100.111 Filling vacancy.--

11 (4)

12 (b) If the vacancy in nomination occurs later than
13 September 15, or if the vacancy in nomination occurs with
14 respect to a candidate of a minor political party which has
15 obtained a position on the ballot, no special primary election
16 shall be held and the Department of State shall notify the
17 chair of the appropriate state, district, or county political
18 party executive committee of such party; and, within 7 days,
19 the chair shall call a meeting of his or her executive
20 committee to consider designation of a nominee to fill the
21 vacancy. The name of any person so designated shall be
22 submitted to the Department of State within 14 days of notice
23 to the chair ~~in order that the person designated may have his~~
24 ~~or her name printed or otherwise placed on the ballot of the~~
25 ~~ensuing general election, but in no event shall the supervisor~~
26 ~~of elections be required to place on a ballot a name submitted~~
27 ~~less than 21 days prior to the election.~~ If the name of the
28 new nominee is submitted after the ballots have been printed
29 or programmed into the machines and the supervisor of
30 elections is not able to reprint or reprogram the ballots or
31 otherwise strike the former nominee's name and insert the new

1 nominee's name ~~vacancy occurs less than 21 days prior to the~~
2 ~~election~~, the person designated by the political party will
3 replace the former party nominee even though the former party
4 nominee's name will be on the ballot. Any ballots cast for
5 the former party nominee will be counted for the person
6 designated by the political party to replace the former party
7 nominee. If there is no opposition to the party nominee, the
8 person designated by the political party to replace the former
9 party nominee will be elected to office at the general
10 election. For purposes of this paragraph, the term "district
11 political party executive committee" means the members of the
12 state executive committee of a political party from those
13 counties comprising the area involving a district office.

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

16 101.031 Instructions for electors.--

17 (1) The Department of State, or in case of municipal
18 elections the governing body of the municipality, shall print,
19 in large type on cards, instructions for the electors to use
20 in voting. ~~It shall provide not less than two cards for each~~
21 ~~voting precinct for each election and furnish such cards to~~
22 ~~each supervisor upon requisition.~~ Each supervisor of
23 elections shall send a sufficient number of these cards to the
24 precincts prior to an election. The election inspectors shall
25 display the cards in the polling places as information for
26 electors. The cards shall contain information about how to
27 vote and such other information as the Department of State may
28 deem necessary. The cards must also include the list of rights
29 and responsibilities afforded to Florida voters, as described
30 in subsection (2).

31

1 Section 9. Effective January 1, 2006, subsections (2)
2 and (4) of section 101.048, Florida Statutes, are amended to
3 read:

4 101.048 Provisional ballots.--

5 (2)(a) The county canvassing board shall examine each
6 Provisional Ballot Voter's Certificate and Affirmation
7 ~~envelope~~ to determine if the person voting that ballot was
8 entitled to vote at the precinct where the person cast a vote
9 in the election and that the person had not already cast a
10 ballot in the election.

11 (b)1. If it is determined that the person was
12 registered and entitled to vote at the precinct where the
13 person cast a vote in the election, the canvassing board shall
14 compare the signature on the Provisional Ballot Voter's
15 Certificate and Affirmation ~~envelope~~ with the signature on the
16 voter's registration and, if it matches, shall count the
17 ballot.

18 2. If it is determined that the person voting the
19 provisional ballot was not registered or entitled to vote at
20 the precinct where the person cast a vote in the election, the
21 provisional ballot shall not be counted and the ballot shall
22 remain in the envelope containing the Provisional Ballot
23 Voter's Certificate and Affirmation and the envelope shall be
24 marked "Rejected as Illegal."

25 (4) Notwithstanding the requirements of subsections
26 ~~(1) through (3) in counties where the voting system does not~~
27 ~~utilize a paper ballot~~, the supervisor of elections may, and
28 for persons with disabilities shall, provide the appropriate
29 provisional ballot to the voter by electronic means that meet
30 the requirements of s. 101.56062 as provided for by the
31 certified voting system. Each person casting a provisional

1 ballot by electronic means shall, prior to casting his or her
2 ballot, complete the Provisional Ballot Voter's Certificate
3 and Affirmation as provided in subsection (3).

4 Section 10. Effective January 1, 2006, subsection (5)
5 of section 101.049, Florida Statutes, is amended to read:

6 101.049 Provisional ballots; special circumstances.--

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

11 Section 11. Section 101.131, Florida Statutes, is
12 amended to read:

13 101.131 Watchers at polls.--

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

28 (2) Each party, each committee, and each candidate
29 requesting to have poll watchers shall designate, in writing,
30 poll watchers for each polling room ~~precinct~~ prior to noon of
31 the second Tuesday preceding the election. The designation

1 shall include specific times for each watcher to be in the
2 polling room.The poll watchers for each polling room precinct
3 shall be approved by the supervisor of elections on or before
4 the Tuesday before the election. The supervisor shall furnish
5 to each election board precinct a list of the poll watchers
6 designated and approved for such polling room precinct.

7 (3) A ~~No~~ candidate or sheriff, deputy sheriff, police
8 officer, or other law enforcement officer may not be
9 designated as a poll watcher.

10 Section 12. Subsection (1) of section 101.151, Florida
11 Statutes, is amended to read:

12 101.151 Specifications for ballots.--

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

17 Section 13. Section 101.171, Florida Statutes, is
18 amended to read:

19 101.171 Copy of constitutional amendment ~~to be~~
20 ~~posted.~~--Whenever any amendment to the State Constitution is
21 to be voted upon at any election, the Department of State
22 shall have printed, and shall furnish to each supervisor of
23 elections, a sufficient number of copies of the amendment,
24 either in poster or booklet form,and the supervisor shall
25 have a copy thereof conspicuously posted or available at each
26 precinct upon the day of election.

27 Section 14. Section 101.253, Florida Statutes, is
28 amended to read:

29 101.253 When names not to be printed on ballot.--

30 (1) No candidate's name, which candidate is required
31 to qualify with a supervisor of elections for any primary or

1 general election, shall be printed on the ballot if such
2 candidate has notified the supervisor of elections in writing,
3 under oath, on or before the 42nd day before the election that
4 the candidate will not accept the nomination or office for
5 which he or she filed qualification papers. The supervisor of
6 elections may, in his or her discretion with the approval of
7 the Department of State, allow such a candidate to withdraw
8 after the 42nd day before an election, upon receipt of written
9 notice, sworn to under oath, that the candidate will not
10 accept the nomination or office for which he or she qualified.

11 (2) No candidate's name, which candidate is required
12 to qualify with the Department of State for any primary or
13 general election, shall be printed on the ballot if such
14 candidate has notified the Department of State in writing,
15 under oath, on or before the 42nd day before the election that
16 the candidate will not accept the nomination or office for
17 which he or she filed qualification papers. The Department of
18 State may in its discretion allow such a candidate to withdraw
19 after the 42nd day before an election upon receipt of a
20 written notice, sworn to under oath, that the candidate will
21 not accept the nomination or office for which he or she
22 qualified.

23 (3) If ballots are printed or programmed into the
24 machines before the death, resignation, removal, or withdrawal
25 of a candidate, the supervisor of elections may:

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

28 (b) Reprint or reprogram the ballot; or

29 (c) Provide notice in a newspaper of general
30 circulation in the county, post a notice in each voting booth,
31 and provide an insert with each absentee ballot mailed to a

1 voter explaining the consequences of a vote for the former
2 candidate.~~In no case shall the supervisor be required to~~
3 ~~print on the ballot a name which is submitted less than 21~~
4 ~~days prior to the election. In the event the ballots are~~
5 ~~printed 21 days or more prior to the election, the name of any~~
6 ~~candidate whose death, resignation, removal, or withdrawal~~
7 ~~created a vacancy in office or nomination shall be stricken~~
8 ~~from the ballot with a rubber stamp or appropriate printing~~
9 ~~device, and the name of the new nominee shall be inserted on~~
10 ~~the ballot in a like manner. The supervisor may, as an~~
11 ~~alternative, reprint the ballots to include the name of the~~
12 ~~new nominee.~~

13 Section 15. Subsections (4) and (5) are added to
14 section 101.294, Florida Statutes, to read:

15 101.294 Purchase and sale of voting equipment.--

16 (4) A vendor of voting equipment may not provide an
17 uncertified voting system, voting system component, or voting
18 system upgrade to a governing body or supervisor of elections
19 in this state.

20 (5) Before or in conjunction with providing a voting
21 system, voting system component, or voting system upgrade, the
22 vendor shall provide the governing body or supervisor of
23 elections with a sworn certification that the voting system,
24 voting system component, or voting system upgrade being
25 provided has been certified by the Division of Elections.

26 Section 16. Section 101.295, Florida Statutes, is
27 amended to read:

28 101.295 Penalties for violation.--

29 (1) Any member of a governing body which purchases or
30 sells voting equipment in violation of the provisions of ss.
31 101.292-101.295, which member knowingly votes to purchase or

1 sell voting equipment in violation of the provisions of ss.
2 101.292-101.295, is guilty of a misdemeanor of the first
3 degree, punishable as provided by s. 775.082 or s. 775.083,
4 and shall be subject to suspension from office on the grounds
5 of malfeasance.

6 (2) Any vendor, chief executive officer, or vendor
7 representative of voting equipment who provides a voting
8 system, voting system component, or voting system upgrade in
9 violation of this chapter commits a felony of the third
10 degree, punishable as provided in s. 775.082, s. 775.083, or
11 s. 775.084.

12 Section 17. Effective January 1, 2006, subsection (4)
13 of section 101.5606, Florida Statutes, is amended, and
14 subsection (16) is added to that section, to read:

15 101.5606 Requirements for approval of systems.--No
16 electronic or electromechanical voting system shall be
17 approved by the Department of State unless it is so
18 constructed that:

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

23 (16) All electronic voter interface devices are
24 capable of allowing voters to cast both regular and
25 provisional ballots while allowing the elections administrator
26 to preserve the secrecy of voted ballots.

27 Section 18. Subsection (1) of section 101.595, Florida
28 Statutes, is amended to read:

29 101.595 Analysis and reports of voting problems.--

30 (1) No later than December 15 of each general election
31 year, the supervisor of elections in each county shall report

1 to the Department of State the total number of overvotes and
2 undervotes in either the presidential or the gubernatorial
3 race, whichever is applicable first race appearing on the
4 ~~ballot pursuant to s. 101.151(2)~~, along with the likely
5 reasons for such overvotes and undervotes and other
6 information as may be useful in evaluating the performance of
7 the voting system and identifying problems with ballot design
8 and instructions which may have contributed to voter
9 confusion.

10 Section 19. Subsection (1) of section 101.6103,
11 Florida Statutes, is amended, present subsection (6) of that
12 section is renumbered as subsection (7), and a new subsection
13 (6) is added to that section to read:

14 101.6103 Mail ballot election procedure.--

15 (1) Except as otherwise provided in subsection(7)
16 ~~(6)~~, the supervisor of elections shall mail all official
17 ballots with a secrecy envelope, a return mailing envelope,
18 and instructions sufficient to describe the voting process to
19 each elector entitled to vote in the election not sooner than
20 the 20th day before the election and not later than the 10th
21 day before the date of the election. All such ballots shall
22 be mailed by first-class mail. Ballots shall be addressed to
23 each elector at the address appearing in the registration
24 records and placed in an envelope which is prominently marked
25 "Do Not Forward."

26 (6) The canvassing board may begin the canvassing of
27 mail ballots at 7 a.m. on the fourth day before the election,
28 including processing the ballots through the tabulating
29 equipment. However, results may not be released until after 7
30 p.m. on election day. Any canvassing board member or election
31 employee who releases any result prior 7 p.m. on election day

1 commits a felony of the third degree, punishable as provided
2 in s. 775.082, s. 775.083, or s. 775.084.

3 Section 20. Section 101.62, Florida Statutes, is
4 amended to read:

5 101.62 Request for absentee ballots.--

6 (1)(a) The supervisor may accept a request for an
7 absentee ballot from an elector in person or in writing.
8 Except as provided in s. 101.694, one request shall be deemed
9 sufficient to receive an absentee ballot for all elections
10 which are held within a calendar year, unless the elector or
11 the elector's designee indicates at the time the request is
12 made the elections for which the elector desires to receive an
13 absentee ballot. Such request may be considered canceled when
14 any first-class mail sent by the supervisor to the elector is
15 returned as undeliverable.

16 (b) The supervisor may accept a written or telephonic
17 request for an absentee ballot from the elector, or, if
18 directly instructed by the elector, a member of the elector's
19 immediate family, or the elector's legal guardian. For
20 purposes of this section, the term "immediate family" has the
21 same meaning as specified in paragraph (3)(b)~~(4)(b)~~. The
22 person making the request must disclose:

23 1. The name of the elector for whom the ballot is
24 requested;

25 2. The elector's address;

26 3. The elector's date of birth;

27 4. The requester's name;

28 5. The requester's address;

29 6. The requester's driver's license number, if
30 available;

31 7. The requester's relationship to the elector; and

1 8. The requester's signature (written requests only).

2 ~~(2) If a request for an absentee ballot is received~~
3 ~~after the Friday before the election by the supervisor of~~
4 ~~elections from an absent elector overseas, the supervisor~~
5 ~~shall send a notice to the elector acknowledging receipt of~~
6 ~~his or her request and notifying the elector that the ballot~~
7 ~~will not be forwarded due to insufficient time for return of~~
8 ~~the ballot by the required deadline.~~

9 (2)~~(3)~~ For each request for an absentee ballot
10 received, the supervisor shall record the date the request was
11 made, the date the absentee ballot was delivered or mailed,
12 the date the ballot was received by the supervisor, and such
13 other information he or she may deem necessary. This
14 information shall be confidential and exempt from the
15 provisions of s. 119.07(1) and shall be made available to or
16 reproduced only for a canvassing board, an election official,
17 a political party or official thereof, a candidate who has
18 filed qualification papers and is opposed in an upcoming
19 election, and registered political committees or registered
20 committees of continuous existence, for political purposes
21 only.

22 (3)~~(4)~~(a) To each absent qualified elector overseas
23 who has requested an absentee ballot, the supervisor of
24 elections shall, not fewer than 35 days before the first
25 primary election, mail an absentee ballot. Not fewer than 45
26 days before the second primary and general election, the
27 supervisor of elections shall mail an absentee ballot. If the
28 regular absentee ballots are not available, the supervisor
29 shall mail an advance absentee ballot to those persons
30 requesting ballots for such elections. The advance absentee
31 ballot for the second primary shall be the same as the first

1 primary absentee ballot as to the names of candidates, except
2 that for any offices where there are only two candidates,
3 those offices and all political party executive committee
4 offices shall be omitted. Except as provided in s. 99.063(4),
5 the advance absentee ballot for the general election shall be
6 as specified in s. 101.151, except that in the case of
7 candidates of political parties where nominations were not
8 made in the first primary, the names of the candidates placing
9 first and second in the first primary election shall be
10 printed on the advance absentee ballot. The advance absentee
11 ballot or advance absentee ballot information booklet shall be
12 of a different color for each election and also a different
13 color from the absentee ballots for the first primary, second
14 primary, and general election. The supervisor shall mail an
15 advance absentee ballot for the second primary and general
16 election to each qualified absent elector for whom a request
17 is received until the absentee ballots are printed. The
18 supervisor shall enclose with the advance second primary
19 absentee ballot and advance general election absentee ballot
20 an explanation stating that the absentee ballot for the
21 election will be mailed as soon as it is printed; and, if both
22 the advance absentee ballot and the absentee ballot for the
23 election are returned in time to be counted, only the absentee
24 ballot will be counted. The Department of State may prescribe
25 by rule the requirements for preparing and mailing absentee
26 ballots to absent qualified electors overseas.

27 (b) As soon as the remainder of the absentee ballots
28 are printed, the supervisor shall provide an absentee ballot
29 to each elector by whom a request for that ballot has been
30 made by one of the following means:

31

1 1. By nonforwardable, return-if-undeliverable mail to
2 the elector's current mailing address on file with the
3 supervisor, unless the elector specifies in the request that:
4 a. The elector is absent from the county and does not
5 plan to return before the day of the election;
6 b. The elector is temporarily unable to occupy the
7 residence because of hurricane, tornado, flood, fire, or other
8 emergency or natural disaster; or
9 c. The elector is in a hospital, assisted-living
10 facility, nursing home, short-term medical or rehabilitation
11 facility, or correctional facility,
12
13 in which case the supervisor shall mail the ballot by
14 nonforwardable, return-if-undeliverable mail to any other
15 address the elector specifies in the request.
16 2. By forwardable mail to voters who are entitled to
17 vote by absentee ballot under the Uniformed and Overseas
18 Citizens Absentee Voting Act.
19 3. By personal delivery to the elector, upon
20 presentation of the identification required in s. 101.657.
21 4. By delivery to a designee on election day or up to
22 4 days prior to the day of an election. Any elector may
23 designate in writing a person to pick up the ballot for the
24 elector; however, the person designated may not pick up more
25 than two absentee ballots per election, other than the
26 designee's own ballot, except that additional ballots may be
27 picked up for members of the designee's immediate family. For
28 purposes of this section, "immediate family" means the
29 designee's spouse or the parent, child, grandparent, or
30 sibling of the designee or of the designee's spouse. The
31 designee shall provide to the supervisor the written

1 authorization by the elector and a picture identification of
2 the designee and must complete an affidavit. The designee
3 shall state in the affidavit that the designee is authorized
4 by the elector to pick up that ballot and shall indicate if
5 the elector is a member of the designee's immediate family
6 and, if so, the relationship. The department shall prescribe
7 the form of the affidavit. If the supervisor is satisfied that
8 the designee is authorized to pick up the ballot and that the
9 signature of the elector on the written authorization matches
10 the signature of the elector on file, the supervisor shall
11 give the ballot to that designee for delivery to the elector.

12 (4)~~(5)~~ In the event that the Elections Canvassing
13 Commission is unable to certify the results of an election for
14 a state office in time to comply with subsection (4), the
15 Department of State is authorized to prescribe rules for a
16 ballot to be sent to absent electors overseas.

17 (5)~~(6)~~ Nothing other than the materials necessary to
18 vote absentee shall be mailed or delivered with any absentee
19 ballot.

20 Section 21. Section 101.64, Florida Statutes, is
21 amended to read:

22 101.64 Delivery of absentee ballots; envelopes;
23 form.--

24 (1) The supervisor shall enclose with each absentee
25 ballot two envelopes: a secrecy envelope, into which the
26 absent elector shall enclose his or her marked ballot; and a
27 mailing envelope, into which the absent elector shall then
28 place the secrecy envelope, which shall be addressed to the
29 supervisor and also bear on the back side a certificate in
30 substantially the following form:

31

1 seal of the envelope; however, no statement shall appear on
2 the envelope which indicates that a signature of the voter or
3 witness must cross the seal of the envelope. The absent
4 elector and the attesting witness shall execute the
5 certificate on the envelope.

6 (3) In lieu of the voter's certificate provided in
7 this section, the supervisor of elections shall provide each
8 person voting absentee under the Uniformed and Overseas
9 Citizens Absentee Voting Act with the standard oath prescribed
10 by the presidential designee. Witness information is not
11 required of these voters.

12 Section 22. Paragraph (c) of subsection (2) of section
13 101.68, Florida Statutes, is amended to read:

14 101.68 Canvassing of absentee ballot.--

15 (2)

16 (c)1. The canvassing board shall, if the supervisor
17 has not already done so, compare the signature of the elector
18 on the voter's certificate with the signature of the elector
19 in the registration books to see that the elector is duly
20 registered in the county and to determine the legality of that
21 absentee ballot. An absentee ballot shall be considered
22 illegal if it does not include the signature of the elector,
23 as shown by the registration records, and, except for voters
24 using the standard oath as required by s. 101.64(3), the
25 signature and address of an attesting witness. However, an
26 absentee ballot shall not be considered illegal if the
27 signature of the elector or attesting witness does not cross
28 the seal of the mailing envelope. If the canvassing board
29 determines that any ballot is illegal, a member of the board
30 shall, without opening the envelope, mark across the face of
31 the envelope: "rejected as illegal." The envelope and the

1 ballot contained therein shall be preserved in the manner that
2 official ballots voted are preserved.

3 2. If any elector or candidate present believes that
4 an absentee ballot is illegal due to a defect apparent on the
5 voter's certificate, he or she may, at any time before the
6 ballot is removed from the envelope, file with the canvassing
7 board a protest against the canvass of that ballot, specifying
8 the precinct, the ballot, and the reason he or she believes
9 the ballot to be illegal. A challenge based upon a defect in
10 the voter's certificate may not be accepted after the ballot
11 has been removed from the mailing envelope.

12 Section 23. Section 101.6923, Florida Statutes, is
13 amended to read:

14 101.6923 Special absentee ballot instructions for
15 certain first-time voters.--

16 (1) The provisions of this section apply to voters who
17 registered to vote by mail, who have not previously voted in
18 the county, and who have not provided the identification or
19 information required by s. 97.0535 by the time the absentee
20 ballot is mailed.

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

24
25 READ THESE INSTRUCTIONS CAREFULLY BEFORE
26 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE
27 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
28 COUNT.

29
30 1. In order to ensure that your absentee ballot will
31 be counted, it should be completed and returned as soon as

1 possible so that it can reach the supervisor of elections of
2 the county in which your precinct is located no later than 7
3 p.m. on the date of the election.

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

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

12 4. Place your marked ballot in the enclosed secrecy
13 envelope and seal the envelope.

14 5. Insert the secrecy envelope into the enclosed
15 envelope bearing the Voter's Certificate. Seal the envelope
16 and completely fill out the Voter's Certificate on the back of
17 the envelope.

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

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

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

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

29 a. Identification which must include your name and
30 photograph: current and valid Florida driver's license;
31 Florida identification card issued by the Department of

1 Highway Safety and Motor Vehicles; United States passport;
2 employee badge or identification; buyer's club identification
3 card; debit or credit card; military identification; student
4 identification; retirement center identification; neighborhood
5 association identification; entertainment identification; or
6 public assistance identification; or
7 b. Identification which shows your name and current
8 residence address: current utility bill, bank statement,
9 government check, paycheck, or government document (excluding
10 voter identification card).
11 7. The identification requirements of Item 6. do not
12 apply if you meet one of the following requirements:
13 a. You are 65 years of age or older.
14 b. You have a temporary or permanent physical
15 disability.
16 c. You are a member of a uniformed service on active
17 duty who, by reason of such active duty, will be absent from
18 the county on election day.
19 d. You are a member of the Merchant Marine who, by
20 reason of service in the Merchant Marine, will be absent from
21 the county on election day.
22 e. You are the spouse or dependent of a member
23 referred to in paragraph c. or paragraph d. who, by reason of
24 the active duty or service of the member, will be absent from
25 the county on election day.
26 f. You are currently residing outside the United
27 States.
28 8. Place the envelope bearing the Voter's Certificate
29 into the mailing envelope addressed to the supervisor. Insert
30 a copy of your identification in the mailing envelope. DO NOT
31 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE

1 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
2 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

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

12 Section 24. Subsection (3) of section 101.694, Florida
13 Statutes, is amended to read:

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

16 (3) Absentee envelopes printed for overseas voters
17 shall meet the specifications as determined by the Division of
18 Elections in conjunction with the Federal Voting Assistance
19 Program of the United States Department of Defense and the
20 United States Postal Service. ~~There shall be printed across~~
21 ~~the face of each envelope in which a ballot is sent to a~~
22 ~~federal postcard applicant, or is returned by such applicant~~
23 ~~to the supervisor, two parallel horizontal red bars, each~~
24 ~~one-quarter inch wide, extending from one side of the envelope~~
25 ~~to the other side, with an intervening space of one-quarter~~
26 ~~inch, the top bar to be 1 1/4 inches from the top of the~~
27 ~~envelope, and with the words "Official Election Balloting~~
28 ~~Material via Air Mail," or similar language, between the bars.~~
29 ~~There shall be printed in the upper right corner of each such~~
30 ~~envelope, in a box, the words "Free of U. S. Postage,~~
31 ~~including Air Mail." All printing on the face of each~~

1 ~~envelope shall be in red, and there shall be printed in red in~~
2 ~~the upper left corner of each ballot envelope an appropriate~~
3 ~~inscription or blanks for return address of sender.~~
4 ~~Additional specifications may be prescribed by rule of the~~
5 ~~Division of Elections upon recommendation of the presidential~~
6 ~~designee under the Uniformed and Overseas Citizens Absentee~~
7 ~~Voting Act. Otherwise, the envelopes shall be the same as~~
8 ~~those used in sending ballots to, or receiving them from,~~
9 ~~other absentee voters.~~

10 Section 25. Section 101.697, Florida Statutes, is
11 amended to read:

12 101.697 Electronic transmission of election
13 materials.--The Department of State shall adopt rules to
14 authorize a supervisor of elections to accept a request for an
15 absentee ballot and a voted absentee ballot by facsimile
16 machine or other electronic means from overseas voters if the
17 department can be assured that the security of the
18 transmission of the ballot is able to be established. The
19 rules must provide that in order to accept a voted ballot, the
20 verification of the voter must be established, the security of
21 the transmission must be established, and each ballot received
22 must be recorded.

23 Section 26. Section 102.012, Florida Statutes, is
24 amended to read:

25 102.012 Inspectors and clerks to conduct elections.--

26 (1) The supervisor of elections of each county, at
27 least 20 days prior to the holding of any election, shall
28 appoint an ~~two~~ election board ~~boards~~ for each precinct in the
29 county; ~~however, the supervisor of elections may, in any~~
30 ~~election, appoint one election board if the supervisor has~~
31 ~~reason to believe that only one is necessary.~~ The clerk shall

1 be in charge of, and responsible for, seeing that the election
2 board carries out its duties and responsibilities. Each
3 inspector and each clerk shall take and subscribe to an oath
4 or affirmation, which shall be written or printed, to the
5 effect that he or she will perform the duties of inspector or
6 clerk of election, respectively, according to law and will
7 endeavor to prevent all fraud, deceit, or abuse in conducting
8 the election. The oath may be taken before an officer
9 authorized to administer oaths or before any of the persons
10 who are to act as inspectors, one of them to swear the others,
11 and one of the others sworn thus, in turn, to administer the
12 oath to the one who has not been sworn. The oaths shall be
13 returned with the poll list and the returns of the election to
14 the supervisor. In all questions that may arise before the
15 members of an election board, the decision of a majority of
16 them shall decide the question. The supervisor of elections
17 of each county shall be responsible for the attendance and
18 diligent performance of his or her duties by each clerk and
19 inspector.

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

31

1 (3) The supervisor shall furnish inspectors of
2 election for each precinct with the registration books divided
3 alphabetically as will best facilitate the holding of an
4 election. The supervisor shall also furnish to the inspectors
5 of election at the polling place at each precinct in the
6 supervisor's county a sufficient number of forms and blanks
7 for use on election day.

8 (4)~~(a)~~ The election board of each precinct shall
9 attend the polling place by 6 a.m. of the day of the election
10 and shall arrange the furniture, stationery, and voting
11 equipment.

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

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

31

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

5 Section 27. Section 102.111, Florida Statutes, is
6 amended to read:

7 102.111 Elections Canvassing Commission.--

8 (1) The Elections Canvassing Commission shall consist
9 of the Governor and two members of the Cabinet selected by the
10 Governor. If a member of the Elections Canvassing Commission
11 is unable to serve for any reason, the Governor shall appoint
12 a remaining member of the Cabinet. If there is a further
13 vacancy, the remaining members of the commission shall agree
14 on another elected official to fill the vacancy. The Elections
15 Canvassing Commission shall, as soon as the official results
16 are compiled from all counties, certify the returns of the
17 election and determine and declare who has been elected for
18 each federal, state, and multicounty office.

19 (2) The Division of Elections shall provide the staff
20 services required by the Elections Canvassing Commission.

21 (3) The Elections Canvassing Commission may delegate
22 the authority to order recounts pursuant to ss. 102.141(6) and
23 102.166 to the chief election officer.

24 Section 28. Section 102.071, Florida Statutes, is
25 amended to read:

26 102.071 Tabulation of votes and proclamation of
27 results ~~where ballots are used.~~--The election board shall post
28 at the polls, for the benefit of the public, the results of
29 the voting for each office or other item on the ballot as the
30 count is completed. Upon completion of all counts in all
31 races, a certificate ~~triplicate certificates~~ of the results

1 shall be drawn up by the inspectors and clerk at each precinct
2 upon a form provided by the supervisor of elections which
3 shall contain the name of each person voted for, for each
4 office, and the number of votes cast for each person for such
5 office; and, if any question is submitted, the certificate
6 shall also contain the number of votes cast for and against
7 the question. The certificate shall be signed by the
8 inspectors and clerk, ~~and one of the certificates~~ shall be
9 delivered without delay ~~by one of the inspectors~~, securely
10 sealed, to the supervisor for immediate publication; ~~the~~
11 ~~duplicate copy of the certificate shall be delivered to the~~
12 ~~county court judge; and the remaining copy shall be enclosed~~
13 ~~in the ballot box together with the oaths of inspectors and~~
14 ~~clerks.~~ All the ballot boxes, ballots, ballot stubs,
15 memoranda, and papers of all kinds used in the election shall
16 also be transmitted, after being sealed by the inspectors, to
17 ~~with the certificates of result of the election to be filed in~~
18 the supervisor's office. Registration books and the poll lists
19 shall not be placed in the ballot boxes but shall be returned
20 to the supervisor.

21 Section 29. Subsections (3), (4), (5), (6), and (8) of
22 section 102.141, Florida Statutes, are amended to read:

23 102.141 County canvassing board; duties.--

24 (3) The canvass, except the canvass of absentee
25 electors' returns and the canvass of provisional ballots,
26 shall be made from the returns and certificates of the
27 inspectors as signed and filed by them with the ~~county court~~
28 ~~judge and supervisor, respectively,~~ and the county canvassing
29 board shall not change the number of votes cast for a
30 candidate, nominee, constitutional amendment, or other measure
31 submitted to the electorate of the county, respectively, in

1 any polling place, as shown by the returns. All returns shall
2 be made to the board on or before 2 a.m. of the day following
3 any primary, general, special, or other election. If the
4 returns from any precinct are missing, if there are any
5 omissions on the returns from any precinct, or if there is an
6 obvious error on any such returns, the canvassing board shall
7 order a retabulation ~~recount~~ of the returns from such
8 precinct. Before canvassing such returns, the canvassing
9 board shall examine the tabulation of the ballots cast in such
10 precinct and determine whether the returns correctly reflect
11 the votes cast. If there is a discrepancy between the returns
12 and the tabulation of the ballots cast, the tabulation of the
13 ballots cast shall be presumed correct and such votes shall be
14 canvassed accordingly.

15 (4) The canvassing board shall submit unofficial
16 returns on forms or formats provided by the division to the
17 Department of State for each federal, statewide, state, or
18 multicounty office or ballot measure no later than noon on the
19 second day after any primary, general, special, or other
20 election. Such returns shall include the canvass of all
21 ballots as required by subsection (2).

22 (5) If the county canvassing board determines that the
23 unofficial returns may contain a counting error in which the
24 vote tabulation system failed to count votes that were
25 properly marked in accordance with the instructions on the
26 ballot, the county canvassing board shall:

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

29 (b) Request that the Department of State verify the
30 tabulation software. When the Department of State verifies
31 such software, the department shall compare the software used

1 to tabulate the votes with the software filed with the
2 department pursuant to s. 101.5607 and check the election
3 parameters.

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

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

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

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

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

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

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

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

31

1 Section 30. Section 102.166, Florida Statutes, is
2 amended to read:

3 102.166 Manual recounts.--

4 (1) If the second set of unofficial returns pursuant
5 to s. 102.141 indicates that a candidate for any office was
6 defeated or eliminated by one-quarter of a percent or less of
7 the votes cast for such office, that a candidate for retention
8 to a judicial office was retained or not retained by
9 one-quarter of a percent or less of the votes cast on the
10 question of retention, or that a measure appearing on the
11 ballot was approved or rejected by one-quarter of a percent or
12 less of the votes cast on such measure, the board responsible
13 for certifying the results of the vote on such race or measure
14 shall order a manual recount of the overvotes and undervotes
15 on the marksense ballots cast in the entire geographic
16 jurisdiction of such office or ballot measure. However, a
17 manual recount may not be ordered if the number of overvotes
18 and undervotes is fewer than the number of votes needed to
19 change the outcome of the election. A manual recount may not
20 be conducted of undervotes on touchscreen machines.

21 (2)(a) If the second set of unofficial returns
22 pursuant to s. 102.141 indicates that a candidate for any
23 office was defeated or eliminated by between one-quarter and
24 one-half of a percent of the votes cast for such office, that
25 a candidate for retention to judicial office was retained or
26 not retained by between one-quarter and one-half of a percent
27 of the votes cast on the question of retention, or that a
28 measure appearing on the ballot was approved or rejected by
29 between one-quarter and one-half of a percent of the votes
30 cast on such measure, any such candidate, the political party
31 of such candidate, or any political committee that supports or

1 opposes such ballot measure is entitled to a manual recount of
2 only the overvotes and undervotes on the marksense ballots
3 cast in the entire geographic jurisdiction of such office or
4 ballot measure, provided that a request for a manual recount
5 is made by 5 p.m. on the third day after the election.

6 (b) For federal, statewide, state, and multicounty
7 races and ballot issues, requests for a manual recount shall
8 be made in writing to the state Elections Canvassing
9 Commission. For all other races and ballot issues, requests
10 for a manual recount shall be made in writing to the county
11 canvassing board.

12 (c) Upon receipt of a proper and timely request, the
13 Elections Canvassing Commission or county canvassing board
14 shall immediately order a manual recount of overvotes and
15 undervotes on the marksense ballots in all affected
16 jurisdictions. However, a manual recount may not be ordered if
17 the number of overvotes and undervotes is fewer than the
18 number of votes needed to change the outcome of the election.

19 (3)(a) Any hardware or software used to identify and
20 sort overvotes and undervotes for a given race or ballot
21 measure must be certified by the Department of State as part
22 of the voting system pursuant to s. 101.015. Any such hardware
23 or software must be capable of simultaneously counting votes.
24 For certified voting systems, the department shall certify
25 such hardware or software by July 1, 2002. If the department
26 is unable to certify such hardware or software for a certified
27 voting system by July 1, 2002, the department shall adopt
28 rules prescribing procedures for identifying and sorting such
29 overvotes and undervotes. The department's rules may provide
30 for the temporary use of hardware or software whose sole
31 function is identifying and sorting overvotes and undervotes.

1 (b) This subsection does not preclude the department
2 from certifying hardware or software after July 1, 2002.

3 (c) Overvotes and undervotes shall be identified and
4 sorted while recounting ballots pursuant to s. 102.141, if the
5 hardware or software for this purpose has been certified or
6 the department's rules so provide.

7 (4) Any manual recount shall be open to the public.

8 (5)(a) A vote for a candidate or ballot measure shall
9 be counted if there is a clear indication on the ballot that
10 the voter has made a definite choice.

11 (b) The Department of State shall adopt specific rules
12 for marksense ballots ~~each certified voting system~~ prescribing
13 what constitutes a "clear indication on the ballot that the
14 voter has made a definite choice." The rules may not:

15 1. Exclusively provide that the voter must properly
16 mark or designate his or her choice on the ballot; or

17 2. Contain a catch-all provision that fails to
18 identify specific standards, such as "any other mark or
19 indication clearly indicating that the voter has made a
20 definite choice."

21 (6) Procedures for a manual recount are as follows:

22 (a) The county canvassing board shall appoint as many
23 counting teams of at least two electors as is necessary to
24 manually recount the ballots. A counting team must have, when
25 possible, members of at least two political parties. A
26 candidate involved in the race shall not be a member of the
27 counting team.

28 (b) Each duplicate ballot prepared pursuant to s.
29 101.5614(5) or s. 102.141(6) shall be compared with the
30 original ballot to ensure the correctness of the duplicate.

31

1 (c) If a counting team is unable to determine whether
2 the ballot contains a clear indication that the voter has made
3 a definite choice, the ballot shall be presented to the county
4 canvassing board for a determination.

5 (d) The Department of State shall adopt detailed rules
6 prescribing additional recount procedures for marksense
7 ballots ~~each certified voting system~~ which shall be uniform to
8 the extent practicable. The rules shall address, at a minimum,
9 the following areas:

- 10 1. Security of ballots during the recount process;
- 11 2. Time and place of recounts;
- 12 3. Public observance of recounts;
- 13 4. Objections to ballot determinations;
- 14 5. Record of recount proceedings; and
- 15 6. Procedures relating to candidate and petitioner
16 representatives.

17 Section 31. Section 102.168, Florida Statutes, is
18 amended to read:

19 102.168 Contest of election.--

20 (1) Except as provided in s. 102.171, the
21 certification of election or nomination of any person to
22 office, or of the result on any question submitted by
23 referendum, may be contested in the circuit court by any
24 unsuccessful candidate for such office or nomination thereto
25 or by any elector qualified to vote in the election related to
26 such candidacy, or by any taxpayer, respectively.

27 (2) Such contestant shall file a complaint, together
28 with the fees prescribed in chapter 28, with the clerk of the
29 circuit court within 10 days after midnight of the date the
30 last board responsible for certifying the results officially
31

1 ~~county canvassing board empowered to canvass the returns~~
2 certifies the results of the election being contested.

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

8 (a) Misconduct, fraud, or corruption on the part of
9 any election official or any member of the canvassing board
10 sufficient to change or place in doubt the result of the
11 election.

12 (b) Ineligibility of the successful candidate for the
13 nomination or office in dispute.

14 (c) Receipt of a number of illegal votes or rejection
15 of a number of legal votes sufficient to change or place in
16 doubt the result of the election.

17 (d) Proof that any elector, election official, or
18 canvassing board member was given or offered a bribe or reward
19 in money, property, or any other thing of value for the
20 purpose of procuring the successful candidate's nomination or
21 election or determining the result on any question submitted
22 by referendum.

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

31

1 (5) A statement of the grounds of contest may not be
2 rejected, nor the proceedings dismissed, by the court for any
3 want of form if the grounds of contest provided in the
4 statement are sufficient to clearly inform the defendant of
5 the particular proceeding or cause for which the nomination or
6 election is contested.

7 (6) A copy of the complaint shall be served upon the
8 defendant and any other person named therein in the same
9 manner as in other civil cases under the laws of this state.
10 Within 10 days after the complaint has been served, the
11 defendant must file an answer admitting or denying the
12 allegations on which the contestant relies or stating that the
13 defendant has no knowledge or information concerning the
14 allegations, which shall be deemed a denial of the
15 allegations, and must state any other defenses, in law or
16 fact, on which the defendant relies. If an answer is not filed
17 within the time prescribed, the defendant may not be granted a
18 hearing in court to assert any claim or objection that is
19 required by this subsection to be stated in an answer.

20 (7) Any candidate, qualified elector, or taxpayer
21 presenting such a contest to a circuit judge is entitled to an
22 immediate hearing. However, the court in its discretion may
23 limit the time to be consumed in taking testimony, with a view
24 therein to the circumstances of the matter and to the
25 proximity of any succeeding election.

26 Section 32. Subsection (3) of section 105.031, Florida
27 Statutes, is amended to read:

28 105.031 Qualification; filing fee; candidate's oath;
29 items required to be filed.--

30 (3) QUALIFYING FEE--Each candidate qualifying for
31 election to a judicial office or the office of school board

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

19 Section 33. Effective January 1, 2005, section
20 105.035, Florida Statutes, is amended to read:

21 105.035 Alternative method of qualifying for certain
22 judicial offices and the office of school board member.--

23 (1) A person seeking to qualify for election to the
24 office of circuit judge or county court judge or the office of
25 school board member may qualify for election to such office by
26 means of the petitioning process prescribed in this section. A
27 person qualifying by this alternative method shall not be
28 required to pay the qualifying fee required by this chapter. ~~A~~
29 ~~person using this petitioning process shall file an oath with~~
30 ~~the officer before whom the candidate would qualify for the~~
31 ~~office stating that he or she intends to qualify by this~~

1 ~~alternative method for the office sought. Such oath shall be~~
2 ~~filed at any time after the first Tuesday after the first~~
3 ~~Monday in January of the year in which the election is held,~~
4 ~~but prior to the 21st day preceding the first day of the~~
5 ~~qualifying period for the office sought. The form of such oath~~
6 ~~shall be prescribed by the Division of Elections. No~~
7 ~~signatures shall be obtained until the person has filed the~~
8 ~~oath prescribed in this subsection.~~

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

19 (3) Each candidate for election to a judicial office
20 or the office of school board member shall obtain the
21 signature of a number of qualified electors equal to at least
22 1 percent of the total number of registered electors of the
23 district, circuit, county, or other geographic entity
24 represented by the office sought as shown by the compilation
25 by the Department of State for the last preceding general
26 election. A separate petition shall be circulated for each
27 candidate availing himself or herself of the provisions of
28 this section. Signatures may not be obtained until the
29 candidate has filed the appointment of campaign treasurer and
30 designation of campaign depository pursuant to s. 106.021.

31

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

28 (b) Each candidate seeking to qualify for election to
29 the office of county court judge or the office of school board
30 member from a single county school district pursuant to this
31 section shall submit his or her petition, prior to noon of the

1 28th ~~21st~~ day preceding the first day of the qualifying period
2 for the office sought, to the supervisor of elections of the
3 county for which such petition was circulated. The supervisor
4 shall check the signatures on the petition to verify their
5 status as electors of the county and of the geographic area
6 represented by the office sought. No later than the 7th day
7 before ~~Prior to~~ the first date for qualifying, the supervisor
8 shall determine whether the required number of signatures has
9 been obtained for the name of the candidate to be placed on
10 the ballot and shall notify the candidate. If the required
11 number of signatures has been obtained, the candidate shall,
12 during the time prescribed for qualifying for office, submit a
13 copy of such notice and file his or her qualifying papers and
14 oath prescribed in s. 105.031 with the qualifying officer.
15 Upon receipt of the copy of such notice and qualifying papers,
16 such candidate shall be entitled to have his or her name
17 printed on the ballot.

18 Section 34. Present subsection (17) of section
19 106.011, Florida Statutes, is renumbered as subsection (18),
20 and a new subsection (17) is added to that section, to read:

21 106.011 Definitions.--As used in this chapter, the
22 following terms have the following meanings unless the context
23 clearly indicates otherwise:

24 (17) "Eliminated candidate" means a candidate for
25 elected office who failed to receive a sufficient number of
26 votes to be certified as the winner of an election or as a
27 runoff candidate in an election. A candidate who files a
28 timely contest of an election as provided for in s. 102.168
29 may not be considered eliminated for the purposes of receiving
30 contributions and making expenditures solely for the purpose
31

1 of paying legal fees and costs associated with the candidate's
2 contest of the election.

3 Section 35. Effective January 1, 2005, subsections
4 (2), (3), and (8) of section 106.07, Florida Statutes, are
5 amended to read:

6 106.07 Reports; certification and filing.--

7 (2)(a) All reports required of a candidate by this
8 section shall be filed with the officer before whom the
9 candidate is required by law to qualify. All candidates who
10 file with the Department of State shall file ~~the original and~~
11 ~~one copy of their~~ reports pursuant to s. 106.0705. In
12 addition, a copy of each report for candidates for other than
13 statewide office who qualify with the Department of State
14 shall be filed with the supervisor of elections in the county
15 where the candidate resides. Except as provided in s.
16 106.0705, reports shall be filed not later than 5 p.m. of the
17 day designated; however, any report postmarked by the United
18 States Postal Service no later than midnight of the day
19 designated shall be deemed to have been filed in a timely
20 manner. A certificate of mailing obtained from and dated by
21 the United States Postal Service at the time of mailing, or a
22 receipt from an established courier company, which bears a
23 date on or before the date on which the report is due, shall
24 be proof of mailing in a timely manner. Reports shall contain
25 information of all previously unreported contributions
26 received and expenditures made as of the preceding Friday,
27 except that the report filed on the Friday immediately
28 preceding the election shall contain information of all
29 previously unreported contributions received and expenditures
30 made as of the day preceding that designated due date. All
31 such reports shall be open to public inspection.

1 (b)1. Any report which is deemed to be incomplete by
2 the officer with whom the candidate qualifies shall be
3 accepted on a conditional basis, and the campaign treasurer
4 shall be notified by registered mail as to why the report is
5 incomplete and be given 3 days from receipt of such notice to
6 file an addendum to the report providing all information
7 necessary to complete the report in compliance with this
8 section. Failure to file a complete report after such notice
9 constitutes a violation of this chapter.

10 2. In lieu of the notice by registered mail as
11 required in subparagraph 1., the qualifying officer may notify
12 the campaign treasurer by telephone that the report is
13 incomplete and request the information necessary to complete
14 the report. If, however, such information is not received by
15 the qualifying officer within 3 days of the telephone request
16 therefor, notice shall be sent by registered mail as provided
17 in subparagraph 1.

18 (3) Reports required of a political committee shall be
19 filed with the agency or officer before whom such committee
20 registers pursuant to s. 106.03(3) and shall be subject to the
21 same filing conditions as established for candidates' reports.
22 ~~Only committees that file with the Department of State shall~~
23 ~~file the original and one copy of their reports.~~Incomplete
24 reports by political committees shall be treated in the manner
25 provided for incomplete reports by candidates in subsection
26 (2).

27 (8)(a) Any candidate or political committee failing to
28 file a report on the designated due date shall be subject to a
29 fine as provided in paragraph (b) for each late day, and, in
30 the case of a candidate, such fine shall be paid only from
31 personal funds of the candidate. The fine shall be assessed

1 by the filing officer and the moneys collected shall be
2 deposited:

3 1. In the Elections Commission Trust Fund, in the case
4 of a candidate for state office or a political committee that
5 registers with the Division of Elections; or

6 2. In the general revenue fund of the political
7 subdivision, in the case of a candidate for an office of a
8 political subdivision or a political committee that registers
9 with an officer of a political subdivision.

10

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

13 (b) Upon determining that a report is late, the filing
14 officer shall immediately notify the candidate or chair of the
15 political committee as to the failure to file a report by the
16 designated due date and that a fine is being assessed for each
17 late day. The fine shall be \$50 per day for the first 3 days
18 late and, thereafter, \$500 per day for each late day, not to
19 exceed 25 percent of the total receipts or expenditures,
20 whichever is greater, for the period covered by the late
21 report. However, for the reports immediately preceding each
22 primary and general election, the fine shall be \$500 per day
23 for each late day, not to exceed 25 percent of the total
24 receipts or expenditures, whichever is greater, for the period
25 covered by the late report. For reports required under s.
26 106.141(7), the fine is \$50 per day for each late day, not to
27 exceed 25 percent of the total receipts or expenditures,
28 whichever is greater, for the period covered by the late
29 report. Upon receipt of the report, the filing officer shall
30 determine the amount of the fine which is due and shall notify
31 the candidate or chair. The filing officer shall determine

1 the amount of the fine due based upon the earliest of the
2 following:

- 3 1. When the report is actually received by such
4 officer.
- 5 2. When the report is postmarked.
- 6 3. When the certificate of mailing is dated.
- 7 4. When the receipt from an established courier
8 company is dated.
- 9 5. When the electronic receipt issued pursuant to s.
10 106.0705 is dated.

11
12 Such fine shall be paid to the filing officer within 20 days
13 after receipt of the notice of payment due, unless appeal is
14 made to the Florida Elections Commission pursuant to paragraph
15 (c). In the case of a candidate, such fine shall not be an
16 allowable campaign expenditure and shall be paid only from
17 personal funds of the candidate. An officer or member of a
18 political committee shall not be personally liable for such
19 fine.

20 (c) Any candidate or chair of a political committee
21 may appeal or dispute the fine, based upon unusual
22 circumstances surrounding the failure to file on the
23 designated due date, and may request and shall be entitled to
24 a hearing before the Florida Elections Commission, which shall
25 have the authority to waive the fine in whole or in part. Any
26 such request shall be made within 20 days after receipt of the
27 notice of payment due. In such case, the candidate or chair
28 of the political committee shall, within the 20-day period,
29 notify the filing officer in writing of his or her intention
30 to bring the matter before the commission.

31

1 (d) The appropriate filing officer shall notify the
2 Florida Elections Commission of the repeated late filing by a
3 candidate or political committee, the failure of a candidate
4 or political committee to file a report after notice, or the
5 failure to pay the fine imposed.

6 Section 36. Effective January 1, 2005, section
7 106.0705, Florida Statutes, is created to read:

8 106.0705 Electronic filing of campaign treasurer's
9 reports.--

10 (1) As used in this section, the term "electronic
11 filing system" means an internet system for recording and
12 reporting campaign finance activity by reporting period.

13 (2)(a) Each candidate who is required to file reports
14 with the division pursuant to s. 106.07 must file such reports
15 with the division by means of the division's electronic filing
16 system.

17 (b) Each political committee, committee of continuous
18 existence, or state executive committee that is required to
19 file reports with the division under s. 106.04, s. 106.07, or
20 s. 106.29, as applicable, must file such reports with the
21 division by means of the division's electronic filing system.

22 (c) Each person or organization that is required to
23 file reports with the division under s. 106.071 must file such
24 reports with the division by means of the division's
25 electronic filing system.

26 (3) A report filed pursuant to this section must be
27 completed and filed through the electronic filing system not
28 later than midnight of the day designated. A report not filed
29 by midnight of the day designated is a late-filed report and
30 is subject to the penalties under s. 106.04(8), S. 106.07(8),
31 or s. 106.29(3), as applicable.

1 (4) Each report filed pursuant to this section is
2 considered to be under oath by the candidate and treasurer or
3 the chairman and treasurer, whichever is applicable, and such
4 persons are subject to the provisions of s. 106.04(4)(d), s.
5 106.07(5), or s. 106.29(2), as applicable. Persons given a
6 secure sign-on to the electronic campaign filing system are
7 responsible for protecting it from disclosure and are
8 responsible for all filings using such credentials, unless
9 they have notified the division that their credentials have
10 been compromised.

11 (5) The electronic filing system developed by the
12 division must:

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

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

16 (c) Provide for direct entry of campaign finance
17 information as well as upload of such information from
18 campaign finance software certified by the division.

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

21 (6) The division shall adopt rules to administer this
22 section and provide for the reports required to be filed
23 pursuant to this section. Such rules shall, at a minimum,
24 provide:

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

27 (b) For the issuance of an electronic receipt to the
28 person submitting the report indicating and verifying that the
29 report has been filed.

30 Section 37. Section 106.075, Florida Statutes, is
31 amended to read:

1 106.075 Elected officials; report of loans made in
2 year preceding election; limitation on contributions to pay
3 loans.--

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

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

16 Section 38. Subsection (5) of section 106.08, Florida
17 Statutes, is amended to read:

18 106.08 Contributions; limitations on.--

19 (5)(a) A person may not make any contribution through
20 or in the name of another, directly or indirectly, in any
21 election.

22 (b) Candidates, political committees, and political
23 parties may not solicit contributions from any religious,
24 charitable, civic, or other causes or organizations
25 established primarily for the public good.

26 (c) Candidates, political committees, and political
27 parties may not make contributions, in exchange for political
28 support, to any religious, charitable, civic, or other cause
29 or organization established primarily for the public good. It
30 is not a violation of this paragraph for:

31

1 1. A candidate, political committee, or political
2 party executive committee to make gifts of money in lieu of
3 flowers in memory of a deceased person;

4 2. A candidate to continue membership in, or make
5 regular donations from personal or business funds to,
6 religious, political party, civic, or charitable groups of
7 which the candidate is a member or to which the candidate has
8 been a regular donor for more than 6 months; or

9 3. A candidate to purchase, with campaign funds,
10 tickets, admission to events, or advertisements from
11 religious, civic, political party, or charitable groups.

12 (d) A candidate may not make expenditures from his or
13 her campaign account for the purpose of receiving or obtaining
14 an endorsement from any person, group, or organization.

15 Section 39. Section 106.087, Florida Statutes, is
16 amended to read:

17 106.087 Independent expenditures; contribution limits;
18 restrictions on political parties and ~~political committees~~
19 ~~and committees of continuous existence.--~~

20 (1)(a) As a condition of receiving a rebate of filing
21 fees and party assessment funds pursuant to s. 99.061(2), s.
22 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
23 treasurer of a state or county executive committee shall take
24 and subscribe to an oath or affirmation in writing. During the
25 qualifying period for state candidates and prior to
26 distribution of such funds, a printed copy of the oath or
27 affirmation shall be filed with the Secretary of State and
28 shall be substantially in the following form:

29
30 State of Florida
31 County of....

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

4 (2)(a) Any political committee ~~or committee of~~
5 ~~continuous existence~~ that accepts the use of public funds,
6 equipment, personnel, or other resources to collect dues from
7 its members agrees not to make independent expenditures in
8 support of or opposition to a candidate or elected public
9 official. However, expenditures may be made for the sole
10 purpose of jointly endorsing three or more candidates.

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

16 Section 40. Section 106.09, Florida Statutes, is
17 amended to read:

18 106.09 Cash contributions and contribution by
19 cashier's checks or money orders.--

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

23 (2)(a) Any person who makes or accepts a contribution
24 in excess of \$100 in violation of this section commits a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083.

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

31

1 Section 41. Subsection (2) of section 106.11, Florida
2 Statutes, is amended to read:

3 106.11 Expenses of and expenditures by candidates and
4 political committees.--Each candidate and each political
5 committee which designates a primary campaign depository
6 pursuant to s. 106.021(1) shall make expenditures from funds
7 on deposit in such primary campaign depository only in the
8 following manner, with the exception of expenditures made from
9 petty cash funds provided by s. 106.12:

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

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

15 2. Debit cards are issued in the name of the
16 treasurer, deputy treasurer, or authorized user and state
17 "Campaign Account of ...(name of candidate or political
18 committee)...."

19 3. No more than three debit cards are requested and
20 issued.

21 4. Before a debit card is used, a list of all persons
22 authorized to use the card is filed with the filing office
23 ~~division~~.

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

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

30 7. All receipts for debit card transactions contain:

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

- 1 b. The exact amount of the expenditure.
2 c. The name of the payee.
3 d. The signature of the campaign treasurer, deputy
4 treasurer, or authorized user.
5 e. The exact purpose for which the expenditure is
6 authorized.

7
8 Any information required by this subparagraph but not included
9 on the debit card transaction receipt may be handwritten on,
10 or attached to, the receipt by the authorized user before
11 submission to the treasurer.

12 (b) Debit cards are not subject to the requirements of
13 paragraph (1)(b).

14 Section 42. Effective January 1, 2005, paragraph (b)
15 of subsection (3) of section 106.29, Florida Statutes, is
16 amended to read:

17 106.29 Reports by political parties; restrictions on
18 contributions and expenditures; penalties.--

19 (3)

20 (b) Upon determining that a report is late, the filing
21 officer shall immediately notify the chair of the executive
22 committee as to the failure to file a report by the designated
23 due date and that a fine is being assessed for each late day.
24 The fine shall be \$1,000 for a state executive committee, and
25 \$50 for a county executive committee, per day for each late
26 day, not to exceed 25 percent of the total receipts or
27 expenditures, whichever is greater, for the period covered by
28 the late report. However, if an executive committee fails to
29 file a report on the Friday immediately preceding the general
30 election, the fine shall be \$10,000 per day for each day a
31 state executive committee is late and \$500 per day for each

1 day a county executive committee is late. Upon receipt of the
2 report, the filing officer shall determine the amount of the
3 fine which is due and shall notify the chair. The filing
4 officer shall determine the amount of the fine due based upon
5 the earliest of the following:

6 1. When the report is actually received by such
7 officer.

8 2. When the report is postmarked.

9 3. When the certificate of mailing is dated.

10 4. When the receipt from an established courier
11 company is dated.

12 5. When the electronic receipt issued pursuant to s.
13 106.0705 is dated.

14

15 Such fine shall be paid to the filing officer within 20 days
16 after receipt of the notice of payment due, unless appeal is
17 made to the Florida Elections Commission pursuant to paragraph
18 (c). An officer or member of an executive committee shall not
19 be personally liable for such fine.

20 Section 43. (1) All electronic and electromechanical
21 voting systems certified after July 1, 2005, must meet the
22 requirements of section 101.56062, Florida Statutes, except
23 the requirements of paragraph 101.56062(1)(d), Florida
24 Statutes.

25 (2) Any purchase of a voting system by any county or
26 municipality or the state after July 1, 2004, must include a
27 contract for future upgrades and sufficient equipment to meet
28 the requirements of sections 101.56062 and 101.5606, Florida
29 Statutes, as amended by this act.

30 (3) All electronic and electromechanical voting
31 systems in use on or after January 1, 2006, must be certified

1 to meet and be deployed in a configuration which meets the
2 requirements of sections 101.56062 and 101.5606, Florida
3 Statutes, as amended by this act.

4 Section 44. Sections 98.181, 101.635, 102.061, 106.085
5 and 106.144, Florida Statutes, are repealed.

6 Section 45. Section 22 of chapter 2002-281, Laws of
7 Florida, is amended to read:

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

17 Section 46. Paragraph (f) of subsection (5) of section
18 287.057, Florida Statutes, is amended to read:

19 287.057 Procurement of commodities or contractual
20 services.--

21 (5) When the purchase price of commodities or
22 contractual services exceeds the threshold amount provided in
23 s. 287.017 for CATEGORY TWO, no purchase of commodities or
24 contractual services may be made without receiving competitive
25 sealed bids, competitive sealed proposals, or competitive
26 sealed replies unless:

27 (f) The following contractual services and commodities
28 are not subject to the competitive-solicitation requirements
29 of this section:

- 30 1. Artistic services.
31 2. Academic program reviews.

1 3. Lectures by individuals.

2 4. Auditing services.

3 5. Legal services, including attorney, paralegal,
4 expert witness, appraisal, or mediator services.

5 6. Health services involving examination, diagnosis,
6 treatment, prevention, medical consultation, or
7 administration.

8 7. Services provided to persons with mental or
9 physical disabilities by not-for-profit corporations which
10 have obtained exemptions under the provisions of s. 501(c)(3)
11 of the United States Internal Revenue Code or when such
12 services are governed by the provisions of Office of
13 Management and Budget Circular A-122. However, in acquiring
14 such services, the agency shall consider the ability of the
15 vendor, past performance, willingness to meet time
16 requirements, and price.

17 8. Medicaid services delivered to an eligible Medicaid
18 recipient by a health care provider who has not previously
19 applied for and received a Medicaid provider number from the
20 Agency for Health Care Administration. However, this exception
21 shall be valid for a period not to exceed 90 days after the
22 date of delivery to the Medicaid recipient and shall not be
23 renewed by the agency.

24 9. Family placement services.

25 10. Prevention services related to mental health,
26 including drug abuse prevention programs, child abuse
27 prevention programs, and shelters for runaways, operated by
28 not-for-profit corporations. However, in acquiring such
29 services, the agency shall consider the ability of the vendor,
30 past performance, willingness to meet time requirements, and
31 price.

