

By the Committee on Ethics and Elections; and Senator Cowin

313-2472-04

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; amending s.
16 101.131, F.S.; authorizing political parties to
17 have a certain number of at-large poll
18 watchers; revising provisions for designation
19 of poll watchers; amending s. 106.023, F.S.;
20 providing that the execution and filing of the
21 statement of candidate does not create a
22 presumption of a willful violation of ch. 106
23 or ch. 104, F.S.; amending s. 106.04, F.S.;
24 reducing the fine for late filing of campaign
25 finance reports by committees of continuous
26 existence; providing for deposit of fine
27 proceeds into the General Revenue Fund;
28 amending s. 106.07, F.S.; requiring the
29 reporting of certain expenditures made
30 indirectly through a campaign treasurer for
31 certain goods and services; deleting a

1 requirement making candidates personally liable
2 for payment of late-filing fines for campaign
3 finance reports; directing the deposit of
4 certain late-filing fines for campaign finance
5 reports to the General Revenue Fund; modifying
6 procedures and grounds for contesting certain
7 late-filing fines; amending s. 106.141, F.S.;
8 providing for deposit of reimbursed election
9 assessments into the General Revenue Fund;
10 amending s. 106.25, F.S.; requiring sworn
11 complaints to the Florida Elections Commission
12 to be based upon personal knowledge of the
13 complainant; limiting the commission's
14 investigatory authority; precluding the filing
15 of certain complaints; authorizing respondents,
16 complainants, and their counsel to attend
17 hearings at which probable cause is determined;
18 requiring prior notice; permitting a brief oral
19 statement; specifying basis for determining
20 probable cause; amending s. 106.29, F.S.;
21 providing for deposit of late-filing fees for
22 political party campaign finance reports into
23 the General Revenue Fund; providing effective
24 dates.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsections (3) and (38) of section 97.021,
29 Florida Statutes, are amended to read:

30
31

1 97.021 Definitions.--For the purposes of this code,
2 except where the context clearly indicates otherwise, the
3 term:

4 (3) "Ballot" or "official ballot" when used in
5 reference to:

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

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

18 (38) "Voting system" means a method of casting and
19 processing votes that functions wholly or partly by use of
20 electromechanical or electronic apparatus or by use of
21 marksense ~~paper~~ ballots and includes, but is not limited to,
22 the procedures for casting and processing votes and the
23 programs, operating manuals, supplies ~~tabulating cards~~,
24 printouts, and other software necessary for the system's
25 operation.

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

28 97.052 Uniform statewide voter registration
29 application.--

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

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

- 4 1. Initial registration.
- 5 2. Change of address.
- 6 3. Change of party affiliation.
- 7 4. Change of name.
- 8 5. Replacement of voter registration identification
9 card.
- 10 6. Signature updates.

11 (b) The department is responsible for printing the
12 uniform statewide voter registration application and the voter
13 registration application form prescribed by the Federal
14 Election Commission pursuant to the National Voter
15 Registration Act of 1993. The applications and forms must be
16 distributed, upon request, to the following:

- 17 1. Individuals seeking to register to vote.
- 18 2. Individuals or groups conducting voter registration
19 programs. A charge of 1 cent per application shall be assessed
20 on requests for 10,000 or more applications.
- 21 3. The Department of Highway Safety and Motor
22 Vehicles.
- 23 4. Voter registration agencies.
- 24 5. Armed forces recruitment offices.
- 25 6. Qualifying educational institutions.
- 26 7. Supervisors, who must make the applications and
27 forms available in the following manner:

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

30 b. By distributing the applications and forms at other
31 locations designated by each supervisor.

1 c. By mailing the applications and forms to applicants
2 upon the request of the applicant.

3 (c) The uniform statewide voter registration
4 application may be reproduced by any of the entities described
5 in paragraph (b)~~private individual or group~~, provided the
6 reproduced application is in the same format as the
7 application prescribed under this section.

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

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

12 99.095 Petition process in lieu of qualifying fee and
13 party assessment.--

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

18 (2)(a) A candidate shall obtain the signatures of
19 voters in the geographical area represented by the office
20 sought equal to at least 1 percent of the total number of
21 voters of that geographical area, as shown by the compilation
22 by the department for the last preceding general election.
23 Signatures may not be obtained until the candidate has filed
24 the appointment of campaign treasurer and designation of
25 campaign depository pursuant to s. 106.021.

26 (b) The format of the petition shall be prescribed by
27 the division and shall be used by candidates to reproduce
28 petitions for circulation. If the candidate is running for an
29 office that requires a group or district designation, the
30 petition must indicate that designation and if it does not,
31

1 the signatures are not valid. A separate petition is required
2 for each candidate.

3 (3) Each petition must be submitted before noon of the
4 28th day preceding the first day of the qualifying period for
5 the office sought to the supervisor of elections of the county
6 in which such petition was circulated. Each supervisor shall
7 check the signatures on the petitions to verify their status
8 as voters in the county, district, or other geographical area
9 represented by the office sought. No later than the 7th day
10 before the first day of the qualifying period, the supervisor
11 shall certify the number of valid signatures.

12 (4)(a) Certifications for candidates for federal,
13 state, or multicounty district office shall be submitted to
14 the division. The division shall determine whether the
15 required number of signatures has been obtained and shall
16 notify the candidate.

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

21 (5) If the required number of signatures has been
22 obtained, the candidate is eligible to qualify pursuant to s.
23 99.061.

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

26 99.0955 Candidates with no party affiliation; name on
27 general election ballot.--

28 (1) Each person seeking to qualify ~~for election~~ as a
29 candidate with no party affiliation shall file his or her
30 qualifying ~~qualification~~ papers and pay the qualifying fee or
31 qualify by the petition process pursuant to s. 99.095,

1 ~~alternative method prescribed in subsection (3)~~with the
2 officer and during the times and under the circumstances
3 prescribed in s. 99.061. Upon qualifying, the candidate is
4 entitled to have his or her name placed on the general
5 election ballot.

6 (2) The qualifying fee for candidates with no party
7 affiliation shall consist of a filing fee and an election
8 assessment. ~~The amount of the filing fee is 3 percent of the~~
9 ~~annual salary of the office sought. The amount of the~~
10 ~~election assessment is 1 percent of the annual salary of the~~
11 ~~office sought. The election assessment shall be deposited~~
12 ~~into the Elections Commission Trust Fund. Filing fees paid to~~
13 ~~the Department of State shall be deposited into the General~~
14 ~~Revenue Fund of the state. Filing fees paid to the supervisor~~
15 ~~of elections shall be deposited into the general revenue fund~~
16 ~~of the county.~~

17 ~~(3)(a) A candidate with no party affiliation may, in~~
18 ~~lieu of paying the qualifying fee, qualify for office by the~~
19 ~~alternative method prescribed in this subsection. A candidate~~
20 ~~using this petitioning process shall file an oath with the~~
21 ~~officer before whom the candidate would qualify for the office~~
22 ~~stating that he or she intends to qualify by this alternative~~
23 ~~method. If the person is running for an office that requires~~
24 ~~a group or district designation, the candidate must indicate~~
25 ~~the designation in his or her oath. The oath shall be filed~~
26 ~~at any time after the first Tuesday after the first Monday in~~
27 ~~January of the year in which the election is held, but before~~
28 ~~the 21st day preceding the first day of the qualifying period~~
29 ~~for the office sought. The Department of State shall~~
30 ~~prescribe the form to be used in administering and filing the~~
31 ~~oath. Signatures may not be obtained by a candidate on any~~

1 ~~petition until the candidate has filed the oath required in~~
2 ~~this subsection. Upon receipt of the written oath from a~~
3 ~~candidate, the qualifying officer shall provide the candidate~~
4 ~~with petition forms in sufficient numbers to facilitate the~~
5 ~~gathering of signatures. If the candidate is running for an~~
6 ~~office that requires a group or district designation, the~~
7 ~~petition must indicate that designation or the signatures~~
8 ~~obtained on the petition will not be counted.~~

9 ~~(b) A candidate shall obtain the signatures of a~~
10 ~~number of qualified electors in the geographical entity~~
11 ~~represented by the office sought equal to 1 percent of the~~
12 ~~registered electors of the geographical entity represented by~~
13 ~~the office sought, as shown by the compilation by the~~
14 ~~Department of State for the preceding general election.~~

15 ~~(c) Each petition must be submitted before noon of the~~
16 ~~21st day preceding the first day of the qualifying period for~~
17 ~~the office sought, to the supervisor of elections of the~~
18 ~~county for which such petition was circulated. Each supervisor~~
19 ~~to whom a petition is submitted shall check the signatures on~~
20 ~~the petition to verify their status as electors in the county,~~
21 ~~district, or other geographical entity represented by the~~
22 ~~office sought. Before the first day for qualifying, the~~
23 ~~supervisor shall certify the number shown as registered~~
24 ~~electors.~~

25 ~~(d)1. Certifications for candidates for federal,~~
26 ~~state, or multicounty district office shall be submitted to~~
27 ~~the Department of State. The Department of State shall~~
28 ~~determine whether the required number of signatures has been~~
29 ~~obtained for the name of the candidate to be placed on the~~
30 ~~ballot and shall notify the candidate.~~

31

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

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

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

13 99.096 Minor party candidates; names on ballot.--

14 (1) The executive committee of a minor political party
15 shall, no later than noon of the third day prior to the first
16 day of the qualifying period prescribed for federal
17 candidates, submit to the Department of State a list of
18 federal candidates nominated by the party to be on the general
19 election ballot. ~~and~~ No later than noon of the third day prior
20 to the first day of the qualifying period for state
21 candidates, the executive committee of a minor party shall
22 ~~submit to the Department of State~~ the official list of the
23 state, multicounty, and county ~~respective~~ candidates nominated
24 by that party to be on the ballot in the general election to
25 the filing officer for each of the candidates. ~~The Department~~
26 ~~of State shall notify the appropriate supervisors of elections~~
27 ~~of the name of each minor party candidate eligible to qualify~~
28 ~~before such supervisor.~~ The official list of nominated
29 candidates may not be changed by the party after having been
30 filed with the filing officers ~~Department of State~~, except
31 that candidates who have qualified may withdraw from the

1 ballot pursuant to the provisions of this code, and vacancies
2 in nominations may be filled pursuant to s. 100.111.

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

10 ~~(3)(a) A minor party candidate may, in lieu of paying~~
11 ~~the qualifying fee and party assessment, qualify for office by~~
12 ~~the alternative method prescribed in this subsection. A~~
13 ~~candidate using this petitioning process shall file an oath~~
14 ~~with the officer before whom the candidate would qualify for~~
15 ~~the office stating that he or she intends to qualify by this~~
16 ~~alternative method. If the person is running for an office~~
17 ~~that requires a group or district designation, the candidate~~
18 ~~must indicate the designation in his or her oath. The oath~~
19 ~~must be filed at any time after the first Tuesday after the~~
20 ~~first Monday in January of the year in which the election is~~
21 ~~held, but before the 21st day preceding the first day of the~~
22 ~~qualifying period for the office sought. The Department of~~
23 ~~State shall prescribe the form to be used in administering and~~
24 ~~filing the oath. Signatures may not be obtained by a~~
25 ~~candidate on any petition until the candidate has filed the~~
26 ~~oath required in this section. Upon receipt of the written~~
27 ~~oath from a candidate, the qualifying officer shall provide~~
28 ~~the candidate with petition forms in sufficient numbers to~~
29 ~~facilitate the gathering of signatures. If the candidate is~~
30 ~~running for an office that requires a group or district~~

31

1 ~~designation, the petition must indicate that designation or~~
2 ~~the signatures on such petition will not be counted.~~

3 ~~(b) A candidate shall obtain the signatures of a~~
4 ~~number of qualified electors in the geographical entity~~
5 ~~represented by the office sought equal to 1 percent of the~~
6 ~~registered electors in the geographical entity represented by~~
7 ~~the office sought, as shown by the compilation by the~~
8 ~~Department of State for the last preceding general election.~~

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

19 ~~(d)1. Certifications for candidates for federal,~~
20 ~~state, or multicounty district office shall be submitted to~~
21 ~~the Department of State. The Department of State 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 ~~2. For candidates for county or district office not~~
26 ~~covered by subparagraph 1., the supervisor of elections shall~~
27 ~~determine whether the required number of signatures has been~~
28 ~~obtained for the name of the candidate to be placed on the~~
29 ~~ballot and shall notify the candidate.~~

30 ~~(e) If the required number of signatures has been~~
31 ~~obtained, the candidate shall, during the prescribed time for~~

1 ~~qualifying for office, submit a copy of the notice received~~
2 ~~under paragraph (d) and file his or her qualifying papers and~~
3 ~~the oath prescribed by s. 99.021 with the qualifying officer.~~

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

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

10 100.011 Opening and closing of polls, all elections;
11 expenses.--

12 (1) The polls shall be open at the voting places at
13 7:00 a.m., on the day of the election, and shall be kept open
14 until 7:00 p.m., of the same day, and the time shall be
15 regulated by the customary time in standard use in the county
16 seat of the locality. The inspectors shall make public
17 proclamation of the opening and closing of the polls. During
18 the election and canvass of the votes, the ballot box shall
19 not be concealed. Any elector in line at the official closing
20 shall be allowed to cast a vote in the election.

21 Section 7. Paragraph (b) of subsection (4) of section
22 100.111, Florida Statutes, is amended to read:

23 100.111 Filling vacancy.--

24 (4)

25 (b) If the vacancy in nomination occurs later than
26 September 15, or if the vacancy in nomination occurs with
27 respect to a candidate of a minor political party which has
28 obtained a position on the ballot, no special primary election
29 shall be held and the Department of State shall notify the
30 chair of the appropriate state, district, or county political
31 party executive committee of such party; and, within 7 days,

1 the chair shall call a meeting of his or her executive
2 committee to consider designation of a nominee to fill the
3 vacancy. The name of any person so designated shall be
4 submitted to the Department of State within 14 days of notice
5 to the chair ~~in order that the person designated may have his~~
6 ~~or her name printed or otherwise placed on the ballot of the~~
7 ~~ensuing general election, but in no event shall the supervisor~~
8 ~~of elections be required to place on a ballot a name submitted~~
9 ~~less than 21 days prior to the election.~~ If the name of the
10 new nominee is submitted after the ballots have been printed
11 or programmed into the machines and the supervisor of
12 elections is not able to reprint or reprogram the ballots or
13 otherwise strike the former nominee's name and insert the new
14 nominee's name ~~vacancy occurs less than 21 days prior to the~~
15 ~~election~~, the person designated by the political party will
16 replace the former party nominee even though the former party
17 nominee's name will be on the ballot. Any ballots cast for
18 the former party nominee will be counted for the person
19 designated by the political party to replace the former party
20 nominee. If there is no opposition to the party nominee, the
21 person designated by the political party to replace the former
22 party nominee will be elected to office at the general
23 election. For purposes of this paragraph, the term "district
24 political party executive committee" means the members of the
25 state executive committee of a political party from those
26 counties comprising the area involving a district office.

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

29 101.031 Instructions for electors.--

30 (1) The Department of State, or in case of municipal
31 elections the governing body of the municipality, shall print,

1 in large type on cards, instructions for the electors to use
2 in voting. ~~It shall provide not less than two cards for each~~
3 ~~voting precinct for each election and furnish such cards to~~
4 ~~each supervisor upon requisition.~~ Each supervisor of
5 elections shall send a sufficient number of these cards to the
6 precincts prior to an election. The election inspectors shall
7 display the cards in the polling places as information for
8 electors. The cards shall contain information about how to
9 vote and such other information as the Department of State may
10 deem necessary. The cards must also include the list of rights
11 and responsibilities afforded to Florida voters, as described
12 in subsection (2).

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

16 101.048 Provisional ballots.--

17 (2)(a) The county canvassing board shall examine each
18 Provisional Ballot Voter's Certificate and Affirmation
19 ~~envelope~~ to determine if the person voting that ballot was
20 entitled to vote at the precinct where the person cast a vote
21 in the election and that the person had not already cast a
22 ballot in the election.

23 (b)1. If it is determined that the person was
24 registered and entitled to vote at the precinct where the
25 person cast a vote in the election, the canvassing board shall
26 compare the signature on the Provisional Ballot Voter's
27 Certificate and Affirmation ~~envelope~~ with the signature on the
28 voter's registration and, if it matches, shall count the
29 ballot.

30 2. If it is determined that the person voting the
31 provisional ballot was not registered or entitled to vote at

1 the precinct where the person cast a vote in the election, the
2 provisional ballot shall not be counted and the ballot shall
3 remain in the envelope containing the Provisional Ballot
4 Voter's Certificate and Affirmation and the envelope shall be
5 marked "Rejected as Illegal."

6 (4) Notwithstanding the requirements of subsections
7 ~~(1) through (3) in counties where the voting system does not~~
8 ~~utilize a paper ballot~~, the supervisor of elections may, and
9 for persons with disabilities shall, provide the appropriate
10 provisional ballot to the voter by electronic means that meet
11 the requirements of s. 101.56062 as provided for by the
12 certified voting system. Each person casting a provisional
13 ballot by electronic means shall, prior to casting his or her
14 ballot, complete the Provisional Ballot Voter's Certificate
15 and Affirmation as provided in subsection (3).

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

18 101.049 Provisional ballots; special circumstances.--

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

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

25 101.131 Watchers at polls.--

26 (1) Each political party and each candidate may have
27 one watcher in each polling room at any one time during the
28 election. A political committee, if formed for the specific
29 purpose of opposing or supporting a named issue on the ballot,
30 may have one watcher for each polling room at any one time
31 during the election. No watcher shall be permitted to come

1 closer to the officials' table or the voting booths than is
2 reasonably necessary to properly perform his or her functions,
3 but each shall be allowed within the polling room to watch and
4 observe the conduct of electors and officials. The watchers
5 shall furnish their own materials and necessities and shall
6 not obstruct the orderly conduct of any election. Each
7 watcher shall be a qualified and registered elector of the
8 county in which he or she serves.

9 (2) Each party, each committee, and each candidate
10 requesting to have poll watchers shall designate, in writing,
11 poll watchers for each polling room ~~precinct~~ prior to noon of
12 the second Tuesday preceding the election. The designation
13 shall include specific times for each watcher to be in the
14 polling room. The poll watchers for each polling room ~~precinct~~
15 shall be approved by the supervisor of elections on or before
16 the Tuesday before the election. The supervisor shall furnish
17 to each election board ~~precinct~~ a list of the poll watchers
18 designated and approved for such polling room ~~precinct~~.

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

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

24 101.151 Specifications for ballots.--

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

29 Section 13. Section 101.171, Florida Statutes, is
30 amended to read:

31

1 101.171 Copy of constitutional amendment ~~to be~~
2 ~~posted~~.--Whenever any amendment to the State Constitution is
3 to be voted upon at any election, the Department of State
4 shall have printed, and shall furnish to each supervisor of
5 elections, a sufficient number of copies of the amendment,
6 either in poster or booklet form, and the supervisor shall
7 have a copy thereof conspicuously posted or available at each
8 precinct upon the day of election.

9 Section 14. Section 101.253, Florida Statutes, is
10 amended to read:

11 101.253 When names not to be printed on ballot.--

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

24 (2) No candidate's name, which candidate is required
25 to qualify with the Department of State for any primary or
26 general election, shall be printed on the ballot if such
27 candidate has notified the Department of State in writing,
28 under oath, on or before the 42nd day before the election that
29 the candidate will not accept the nomination or office for
30 which he or she filed qualification papers. The Department of
31 State may in its discretion allow such a candidate to withdraw

1 after the 42nd day before an election upon receipt of a
2 written notice, sworn to under oath, that the candidate will
3 not accept the nomination or office for which he or she
4 qualified.

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

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

10 (b) Reprint or reprogram the ballot; or

11 (c) Provide notice in a newspaper of general
12 circulation in the county, post a notice in each voting booth,
13 and provide an insert with each absentee ballot mailed to a
14 voter explaining the consequences of a vote for the former
15 candidate.~~In no case shall the supervisor be required to~~
16 ~~print on the ballot a name which is submitted less than 21~~
17 ~~days prior to the election. In the event the ballots are~~
18 ~~printed 21 days or more prior to the election, the name of any~~
19 ~~candidate whose death, resignation, removal, or withdrawal~~
20 ~~created a vacancy in office or nomination shall be stricken~~
21 ~~from the ballot with a rubber stamp or appropriate printing~~
22 ~~device, and the name of the new nominee shall be inserted on~~
23 ~~the ballot in a like manner. The supervisor may, as an~~
24 ~~alternative, reprint the ballots to include the name of the~~
25 ~~new nominee.~~

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

28 101.294 Purchase and sale of voting equipment.--

29 (4) A vendor of voting equipment may not provide an
30 uncertified voting system, voting system component, or voting
31

1 system upgrade to a governing body or supervisor of elections
2 in this state.

3 (5) Before or in conjunction with providing a voting
4 system, voting system component, or voting system upgrade, the
5 vendor shall provide the governing body or supervisor of
6 elections with a sworn certification that the voting system,
7 voting system component, or voting system upgrade being
8 provided has been certified by the Division of Elections.

9 Section 16. Section 101.295, Florida Statutes, is
10 amended to read:

11 101.295 Penalties for violation.--

12 (1) Any member of a governing body which purchases or
13 sells voting equipment in violation of the provisions of ss.
14 101.292-101.295, which member knowingly votes to purchase or
15 sell voting equipment in violation of the provisions of ss.
16 101.292-101.295, is guilty of a misdemeanor of the first
17 degree, punishable as provided by s. 775.082 or s. 775.083,
18 and shall be subject to suspension from office on the grounds
19 of malfeasance.

20 (2) Any vendor, chief executive officer, or vendor
21 representative of voting equipment who provides a voting
22 system, voting system component, or voting system upgrade in
23 violation of this chapter commits a felony of the third
24 degree, punishable as provided in s. 775.082, s. 775.083, or
25 s. 775.084.

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

29 101.5606 Requirements for approval of systems.--No
30 electronic or electromechanical voting system shall be
31

1 approved by the Department of State unless it is so
2 constructed that:

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

7 (16) All electronic voter interface devices are
8 capable of allowing voters to cast both regular and
9 provisional ballots while allowing the elections administrator
10 to preserve the secrecy of voted ballots.

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

13 101.595 Analysis and reports of voting problems.--

14 (1) No later than December 15 of each general election
15 year, the supervisor of elections in each county shall report
16 to the Department of State the total number of overvotes and
17 undervotes in either the presidential or the gubernatorial
18 race, whichever is applicable ~~first race appearing on the~~
19 ~~ballot pursuant to s. 101.151(2)~~, along with the likely
20 reasons for such overvotes and undervotes and other
21 information as may be useful in evaluating the performance of
22 the voting system and identifying problems with ballot design
23 and instructions which may have contributed to voter
24 confusion.

25 Section 19. Subsection (1) of section 101.6103,
26 Florida Statutes, is amended, present subsection (6) of that
27 section is renumbered as subsection (7), and a new subsection
28 (6) is added to that section to read:

29 101.6103 Mail ballot election procedure.--

30 (1) Except as otherwise provided in subsection (7)
31 ~~(6)~~, the supervisor of elections shall mail all official

1 ballots with a secrecy envelope, a return mailing envelope,
2 and instructions sufficient to describe the voting process to
3 each elector entitled to vote in the election not sooner than
4 the 20th day before the election and not later than the 10th
5 day before the date of the election. All such ballots shall
6 be mailed by first-class mail. Ballots shall be addressed to
7 each elector at the address appearing in the registration
8 records and placed in an envelope which is prominently marked
9 "Do Not Forward."

10 (6) The canvassing board may begin the canvassing of
11 mail ballots at 7 a.m. on the fourth day before the election,
12 including processing the ballots through the tabulating
13 equipment. However, results may not be released until after 7
14 p.m. on election day. Any canvassing board member or election
15 employee who releases any result prior 7 p.m. on election day
16 commits a felony of the third degree, punishable as provided
17 in s. 775.082, s. 775.083, or s. 775.084.

18 Section 20. Section 101.62, Florida Statutes, is
19 amended to read:

20 101.62 Request for absentee ballots.--

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

31

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

8 1. The name of the elector for whom the ballot is
9 requested;

10 2. The elector's address;

11 3. The elector's date of birth;

12 4. The requester's name;

13 5. The requester's address;

14 6. The requester's driver's license number, if
15 available;

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

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

18 ~~(2) If a request for an absentee ballot is received~~
19 ~~after the Friday before the election by the supervisor of~~
20 ~~elections from an absent elector overseas, the supervisor~~
21 ~~shall send a notice to the elector acknowledging receipt of~~
22 ~~his or her request and notifying the elector that the ballot~~
23 ~~will not be forwarded due to insufficient time for return of~~
24 ~~the ballot by the required deadline.~~

25 (2)(3) For each request for an absentee ballot
26 received, the supervisor shall record the date the request was
27 made, the date the absentee ballot was delivered or mailed,
28 the date the ballot was received by the supervisor, and such
29 other information he or she may deem necessary. This
30 information shall be confidential and exempt from the
31 provisions of s. 119.07(1) and shall be made available to or

1 reproduced only for a canvassing board, an election official,
2 a political party or official thereof, a candidate who has
3 filed qualification papers and is opposed in an upcoming
4 election, and registered political committees or registered
5 committees of continuous existence, for political purposes
6 only.

7 (3)~~(4)~~(a) To each absent qualified elector overseas
8 who has requested an absentee ballot, the supervisor of
9 elections shall, not fewer than 35 days before the first
10 primary election, mail an absentee ballot. Not fewer than 45
11 days before the second primary and general election, the
12 supervisor of elections shall mail an absentee ballot. If the
13 regular absentee ballots are not available, the supervisor
14 shall mail an advance absentee ballot to those persons
15 requesting ballots for such elections. The advance absentee
16 ballot for the second primary shall be the same as the first
17 primary absentee ballot as to the names of candidates, except
18 that for any offices where there are only two candidates,
19 those offices and all political party executive committee
20 offices shall be omitted. Except as provided in s. 99.063(4),
21 the advance absentee ballot for the general election shall be
22 as specified in s. 101.151, except that in the case of
23 candidates of political parties where nominations were not
24 made in the first primary, the names of the candidates placing
25 first and second in the first primary election shall be
26 printed on the advance absentee ballot. The advance absentee
27 ballot or advance absentee ballot information booklet shall be
28 of a different color for each election and also a different
29 color from the absentee ballots for the first primary, second
30 primary, and general election. The supervisor shall mail an
31 advance absentee ballot for the second primary and general

1 election to each qualified absent elector for whom a request
2 is received until the absentee ballots are printed. The
3 supervisor shall enclose with the advance second primary
4 absentee ballot and advance general election absentee ballot
5 an explanation stating that the absentee ballot for the
6 election will be mailed as soon as it is printed; and, if both
7 the advance absentee ballot and the absentee ballot for the
8 election are returned in time to be counted, only the absentee
9 ballot will be counted. The Department of State may prescribe
10 by rule the requirements for preparing and mailing absentee
11 ballots to absent qualified electors overseas.

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

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

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

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

24 c. The elector is in a hospital, assisted-living
25 facility, nursing home, short-term medical or rehabilitation
26 facility, or correctional facility,

27
28 in which case the supervisor shall mail the ballot by
29 nonforwardable, return-if-undeliverable mail to any other
30 address the elector specifies in the request.

31

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

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

6 4. By delivery to a designee on election day or up to
7 4 days prior to the day of an election. Any elector may
8 designate in writing a person to pick up the ballot for the
9 elector; however, the person designated may not pick up more
10 than two absentee ballots per election, other than the
11 designee's own ballot, except that additional ballots may be
12 picked up for members of the designee's immediate family. For
13 purposes of this section, "immediate family" means the
14 designee's spouse or the parent, child, grandparent, or
15 sibling of the designee or of the designee's spouse. The
16 designee shall provide to the supervisor the written
17 authorization by the elector and a picture identification of
18 the designee and must complete an affidavit. The designee
19 shall state in the affidavit that the designee is authorized
20 by the elector to pick up that ballot and shall indicate if
21 the elector is a member of the designee's immediate family
22 and, if so, the relationship. The department shall prescribe
23 the form of the affidavit. If the supervisor is satisfied that
24 the designee is authorized to pick up the ballot and that the
25 signature of the elector on the written authorization matches
26 the signature of the elector on file, the supervisor shall
27 give the ballot to that designee for delivery to the elector.

28 ~~(4)(5)~~ In the event that the Elections Canvassing
29 Commission is unable to certify the results of an election for
30 a state office in time to comply with subsection (4), the
31

1 Department of State is authorized to prescribe rules for a
2 ballot to be sent to absent electors overseas.

3 (5)~~(6)~~ Nothing other than the materials necessary to
4 vote absentee shall be mailed or delivered with any absentee
5 ballot.

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

8 101.64 Delivery of absentee ballots; envelopes;
9 form.--

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

17

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

20

21 VOTER'S CERTIFICATE

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

1 (2)

2 (c)1. The canvassing board shall, if the supervisor

3 has not already done so, compare the signature of the elector

4 on the voter's certificate with the signature of the elector

5 in the registration books to see that the elector is duly

6 registered in the county and to determine the legality of that

7 absentee ballot. An absentee ballot shall be considered

8 illegal if it does not include the signature of the elector,

9 as shown by the registration records, and, except for voters

10 using the standard oath as required by s. 101.64(3), the

11 signature and address of an attesting witness. However, an

12 absentee ballot shall not be considered illegal if the

13 signature of the elector or attesting witness does not cross

14 the seal of the mailing envelope. If the canvassing board

15 determines that any ballot is illegal, a member of the board

16 shall, without opening the envelope, mark across the face of

17 the envelope: "rejected as illegal." The envelope and the

18 ballot contained therein shall be preserved in the manner that

19 official ballots voted are preserved.

20 2. If any elector or candidate present believes that

21 an absentee ballot is illegal due to a defect apparent on the

22 voter's certificate, he or she may, at any time before the

23 ballot is removed from the envelope, file with the canvassing

24 board a protest against the canvass of that ballot, specifying

25 the precinct, the ballot, and the reason he or she believes

26 the ballot to be illegal. A challenge based upon a defect in

27 the voter's certificate may not be accepted after the ballot

28 has been removed from the mailing envelope.

29 Section 23. Section 101.6923, Florida Statutes, is

30 amended to read:

31

1 101.6923 Special absentee ballot instructions for
2 certain first-time voters.--

3 (1) The provisions of this section apply to voters who
4 registered to vote by mail, who have not previously voted in
5 the county, and who have not provided the identification or
6 information required by s. 97.0535 by the time the absentee
7 ballot is mailed.

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

11
12 READ THESE INSTRUCTIONS CAREFULLY BEFORE
13 MARKING YOUR BALLOT. FAILURE TO FOLLOW THESE
14 INSTRUCTIONS MAY CAUSE YOUR BALLOT NOT TO
15 COUNT.

16
17 1. In order to ensure that your absentee ballot will
18 be counted, it should be completed and returned as soon as
19 possible so that it can reach the supervisor of elections of
20 the county in which your precinct is located no later than 7
21 p.m. on the date of the election.

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

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

30 4. Place your marked ballot in the enclosed secrecy
31 envelope and seal the envelope.

1 5. Insert the secrecy envelope into the enclosed
2 envelope bearing the Voter's Certificate. Seal the envelope
3 and completely fill out the Voter's Certificate on the back of
4 the envelope.

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

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

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

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

16 a. Identification which must include your name and
17 photograph: current and valid Florida driver's license;
18 Florida identification card issued by the Department of
19 Highway Safety and Motor Vehicles; United States passport;
20 employee badge or identification; buyer's club identification
21 card; debit or credit card; military identification; student
22 identification; retirement center identification; neighborhood
23 association identification; entertainment identification; or
24 public assistance identification; or

25 b. Identification which shows your name and current
26 residence address: current utility bill, bank statement,
27 government check, paycheck, or government document (excluding
28 voter identification card).

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

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

1 b. You have a temporary or permanent physical
2 disability.

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

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

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

13 f. You are currently residing outside the United
14 States.

15 8. Place the envelope bearing the Voter's Certificate
16 into the mailing envelope addressed to the supervisor. Insert
17 a copy of your identification in the mailing envelope. DO NOT
18 PUT YOUR IDENTIFICATION INSIDE THE SECRECY ENVELOPE WITH THE
19 BALLOT OR INSIDE THE ENVELOPE WHICH BEARS THE VOTER'S
20 CERTIFICATE OR YOUR BALLOT WILL NOT COUNT.

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

24 10. FELONY NOTICE. It is a felony under Florida law to
25 accept any gift, payment, or gratuity in exchange for your
26 vote for a candidate. It is also a felony under Florida law to
27 vote in an election using a false identity or false address,
28 or under any other circumstances making your ballot false or
29 fraudulent.

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

1 101.694 Mailing of ballots upon receipt of federal
2 postcard application.--

3 (3) Absentee envelopes printed for overseas voters
4 shall meet the specifications as determined by the Division of
5 Elections in conjunction with the Federal Voting Assistance
6 Program of the United States Department of Defense and the
7 United States Postal Service.~~There shall be printed across~~
8 ~~the face of each envelope in which a ballot is sent to a~~
9 ~~federal postcard applicant, or is returned by such applicant~~
10 ~~to the supervisor, two parallel horizontal red bars, each~~
11 ~~one-quarter inch wide, extending from one side of the envelope~~
12 ~~to the other side, with an intervening space of one-quarter~~
13 ~~inch, the top bar to be 1 1/4 inches from the top of the~~
14 ~~envelope, and with the words "Official Election Balloting~~
15 ~~Material via Air Mail," or similar language, between the bars.~~
16 ~~There shall be printed in the upper right corner of each such~~
17 ~~envelope, in a box, the words "Free of U. S. Postage,~~
18 ~~including Air Mail." All printing on the face of each~~
19 ~~envelope shall be in red, and there shall be printed in red in~~
20 ~~the upper left corner of each ballot envelope an appropriate~~
21 ~~inscription or blanks for return address of sender.~~
22 ~~Additional specifications may be prescribed by rule of the~~
23 ~~Division of Elections upon recommendation of the presidential~~
24 ~~designee under the Uniformed and Overseas Citizens Absentee~~
25 ~~Voting Act.~~Otherwise, the envelopes shall be the same as
26 those used in sending ballots to, or receiving them from,
27 other absentee voters.

28 Section 25. Section 101.697, Florida Statutes, is
29 amended to read:

30 101.697 Electronic transmission of election
31 materials.--The Department of State shall adopt rules to

1 authorize a supervisor of elections to accept a request for an
2 absentee ballot and a voted absentee ballot by facsimile
3 machine or other electronic means from overseas voters if the
4 department can be assured that the security of the
5 transmission of the ballot is able to be established. The
6 rules must provide that in order to accept a voted ballot, the
7 verification of the voter must be established, the security of
8 the transmission must be established, and each ballot received
9 must be recorded.

10 Section 26. Section 102.012, Florida Statutes, is
11 amended to read:

12 102.012 Inspectors and clerks to conduct elections.--

13 (1) The supervisor of elections of each county, at
14 least 20 days prior to the holding of any election, shall
15 appoint an ~~two~~ election board ~~boards~~ for each precinct in the
16 county; ~~however, the supervisor of elections may, in any~~
17 ~~election, appoint one election board if the supervisor has~~
18 ~~reason to believe that only one is necessary~~. The clerk shall
19 be in charge of, and responsible for, seeing that the election
20 board carries out its duties and responsibilities. Each
21 inspector and each clerk shall take and subscribe to an oath
22 or affirmation, which shall be written or printed, to the
23 effect that he or she will perform the duties of inspector or
24 clerk of election, respectively, according to law and will
25 endeavor to prevent all fraud, deceit, or abuse in conducting
26 the election. The oath may be taken before an officer
27 authorized to administer oaths or before any of the persons
28 who are to act as inspectors, one of them to swear the others,
29 and one of the others sworn thus, in turn, to administer the
30 oath to the one who has not been sworn. The oaths shall be
31 returned with the poll list and the returns of the election to

1 the supervisor. In all questions that may arise before the
2 members of an election board, the decision of a majority of
3 them shall decide the question. The supervisor of elections
4 of each county shall be responsible for the attendance and
5 diligent performance of his or her duties by each clerk and
6 inspector.

7 (2) Each member of the election board shall be able to
8 read and write the English language and shall be a registered
9 qualified elector of the county in which the member is
10 appointed or a person who has preregistered to vote, pursuant
11 to s. 97.041(1)(b), in the county in which the member is
12 appointed. No election board shall be composed solely of
13 members of one political party; however, in any primary in
14 which only one party has candidates appearing on the ballot,
15 all clerks and inspectors may be of that party. Any person
16 whose name appears as an opposed candidate for any office
17 shall not be eligible to serve on an election board.

18 (3) The supervisor shall furnish inspectors of
19 election for each precinct with the registration books divided
20 alphabetically as will best facilitate the holding of an
21 election. The supervisor shall also furnish to the inspectors
22 of election at the polling place at each precinct in the
23 supervisor's county a sufficient number of forms and blanks
24 for use on election day.

25 (4)~~(a)~~ The election board of each precinct shall
26 attend the polling place by 6 a.m. of the day of the election
27 and shall arrange the furniture, stationery, and voting
28 equipment.

29 ~~(b)~~ The An election board shall conduct the voting,
30 beginning and closing at the time set forth in s. 100.011. ~~If~~
31 ~~more than one board has been appointed, the second board~~

1 ~~shall, upon the closing of the polls, come on duty and count~~
2 ~~the votes cast. In such case, the first board shall turn over~~
3 ~~to the second board all closed ballot boxes, registration~~
4 ~~books, and other records of the election at the time the~~
5 ~~boards change. The second board shall continue counting until~~
6 ~~the count is complete or until 7 a.m. the next morning, and,~~
7 ~~if the count is not completed at that time, the first board~~
8 ~~that conducted the election shall again report for duty and~~
9 ~~complete the count. The second board shall turn over to the~~
10 ~~first board all ballots counted, all ballots not counted, and~~
11 ~~all registration books and other records and shall advise the~~
12 ~~first board as to what has transpired in tabulating the~~
13 ~~results of the election.~~

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

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

21 Section 27. Section 102.111, Florida Statutes, is
22 amended to read:

23 102.111 Elections Canvassing Commission.--

24 (1) The Elections Canvassing Commission shall consist
25 of the Governor and two members of the Cabinet selected by the
26 Governor. If a member of the Elections Canvassing Commission
27 is unable to serve for any reason, the Governor shall appoint
28 a remaining member of the Cabinet. If there is a further
29 vacancy, the remaining members of the commission shall agree
30 on another elected official to fill the vacancy. The Elections
31 Canvassing Commission shall, as soon as the official results

1 are compiled from all counties, certify the returns of the
2 election and determine and declare who has been elected for
3 each federal, state, and multicounty office.

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

6 (3) The Elections Canvassing Commission may delegate
7 the authority to order recounts pursuant to ss. 102.141(6) and
8 102.166 to the chief election officer.

9 Section 28. Section 102.071, Florida Statutes, is
10 amended to read:

11 102.071 Tabulation of votes and proclamation of
12 results ~~where ballots are used.~~--The election board shall post
13 at the polls, for the benefit of the public, the results of
14 the voting for each office or other item on the ballot as the
15 count is completed. Upon completion of all counts in all
16 races, a certificate ~~triplicate certificates~~ of the results
17 shall be drawn up by the inspectors and clerk at each precinct
18 upon a form provided by the supervisor of elections which
19 shall contain the name of each person voted for, for each
20 office, and the number of votes cast for each person for such
21 office; and, if any question is submitted, the certificate
22 shall also contain the number of votes cast for and against
23 the question. The certificate shall be signed by the
24 inspectors and clerk, ~~and one of the certificates~~ shall be
25 delivered without delay ~~by one of the inspectors~~, securely
26 sealed, to the supervisor for immediate publication; ~~the~~
27 ~~duplicate copy of the certificate shall be delivered to the~~
28 ~~county court judge; and the remaining copy shall be enclosed~~
29 ~~in the ballot box together with the oaths of inspectors and~~
30 ~~clerks.~~ All the ballot boxes, ballots, ballot stubs,
31 memoranda, and papers of all kinds used in the election shall

1 also be transmitted, after being sealed by the inspectors, to
2 ~~with the certificates of result of the election to be filed in~~
3 the supervisor's office. Registration books and the poll lists
4 shall not be placed in the ballot boxes but shall be returned
5 to the supervisor.

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

8 102.141 County canvassing board; duties.--

9 (3) The canvass, except the canvass of absentee
10 electors' returns and the canvass of provisional ballots,
11 shall be made from the returns and certificates of the
12 inspectors as signed and filed by them with the ~~county court~~
13 ~~judge and~~ supervisor, ~~respectively~~, and the county canvassing
14 board shall not change the number of votes cast for a
15 candidate, nominee, constitutional amendment, or other measure
16 submitted to the electorate of the county, respectively, in
17 any polling place, as shown by the returns. All returns shall
18 be made to the board on or before 2 a.m. of the day following
19 any primary, general, special, or other election. If the
20 returns from any precinct are missing, if there are any
21 omissions on the returns from any precinct, or if there is an
22 obvious error on any such returns, the canvassing board shall
23 order a retabulation ~~recount~~ of the returns from such
24 precinct. Before canvassing such returns, the canvassing
25 board shall examine the tabulation of the ballots cast in such
26 precinct and determine whether the returns correctly reflect
27 the votes cast. If there is a discrepancy between the returns
28 and the tabulation of the ballots cast, the tabulation of the
29 ballots cast shall be presumed correct and such votes shall be
30 canvassed accordingly.

31

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

8 (5) If the county canvassing board determines that the
9 unofficial returns may contain a counting error in which the
10 vote tabulation system failed to count votes that were
11 properly marked in accordance with the instructions on the
12 ballot, the county canvassing board shall:

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

15 (b) Request that the Department of State verify the
16 tabulation software. When the Department of State verifies
17 such software, the department shall compare the software used
18 to tabulate the votes with the software filed with the
19 department pursuant to s. 101.5607 and check the election
20 parameters.

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

1 is the board responsible for ordering county and local
2 recounts. The Elections Canvassing Commission is the board
3 responsible for ordering federal, state, and multicounty
4 recounts.A recount need not be ordered with respect to the
5 returns for any office, however, if the candidate or
6 candidates defeated or eliminated from contention for such
7 office by one-half of a percent or less of the votes cast for
8 such office request in writing that a recount not be made.

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

1 (b) ~~In counties with voting systems that do not use~~
2 ~~paper ballots,~~ Each canvassing board responsible for
3 conducting a recount where touchscreen ballots were used shall
4 examine the counters on the precinct tabulators to ensure that
5 the total of the returns on the precinct tabulators equals the
6 overall election return. If there is a discrepancy between the
7 overall election return and the counters of the precinct
8 tabulators, the counters of the precinct tabulators shall be
9 presumed correct and such votes shall be canvassed
10 accordingly.

11 (c) The canvassing board shall submit a second set of
12 unofficial returns on forms or formats provided by the
13 division to the Department of State for each federal,
14 statewide, state, or multicounty office or ballot measure no
15 later than noon on the fourth ~~third~~ day after any election in
16 which a recount was conducted pursuant to this subsection. If
17 the canvassing board is unable to complete the recount
18 prescribed in this subsection by the deadline, the second set
19 of unofficial returns submitted by the canvassing board shall
20 be identical to the initial unofficial returns and the
21 submission shall also include a detailed explanation of why it
22 was unable to timely complete the recount. However, the
23 canvassing board shall complete the recount prescribed in this
24 subsection, along with any manual recount prescribed in s.
25 102.166, and certify election returns in accordance with the
26 requirements of this chapter.

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

31

1 (8) At the same time that the official results of an
2 election are certified to the Department of State, the county
3 canvassing board shall file a report with the Division of
4 Elections on the conduct of the election. The report shall
5 contain information relating to any problems incurred as a
6 result of equipment malfunctions either at the precinct level
7 or at a counting location, any difficulties or unusual
8 circumstances encountered by an election board or the
9 canvassing board, and any other additional information which
10 the canvassing board feels should be made a part of the
11 official election record. Such reports shall be maintained on
12 file in the Division of Elections and shall be available for
13 public inspection. The division shall utilize the reports
14 submitted by the canvassing boards to determine what problems
15 may be likely to occur in other elections and disseminate such
16 information, along with possible solutions, to the supervisors
17 of elections.

18 Section 30. Section 102.166, Florida Statutes, is
19 amended to read:

20 102.166 Manual recounts.--

21 (1) If the second set of unofficial returns pursuant
22 to s. 102.141 indicates that a candidate for any office was
23 defeated or eliminated by one-quarter of a percent or less of
24 the votes cast for such office, that a candidate for retention
25 to a judicial office was retained or not retained by
26 one-quarter of a percent or less of the votes cast on the
27 question of retention, or that a measure appearing on the
28 ballot was approved or rejected by one-quarter of a percent or
29 less of the votes cast on such measure, the board responsible
30 for certifying the results of the vote on such race or measure
31 shall order a manual recount of the overvotes and undervotes

1 on the marksense ballots cast in the entire geographic
2 jurisdiction of such office or ballot measure. However, a
3 manual recount may not be ordered if the number of overvotes
4 and undervotes is fewer than the number of votes needed to
5 change the outcome of the election. A manual recount may not
6 be conducted of undervotes on touchscreen machines.

7 (2)(a) If the second set of unofficial returns
8 pursuant to s. 102.141 indicates that a candidate for any
9 office was defeated or eliminated by between one-quarter and
10 one-half of a percent of the votes cast for such office, that
11 a candidate for retention to judicial office was retained or
12 not retained by between one-quarter and one-half of a percent
13 of the votes cast on the question of retention, or that a
14 measure appearing on the ballot was approved or rejected by
15 between one-quarter and one-half of a percent of the votes
16 cast on such measure, any such candidate, the political party
17 of such candidate, or any political committee that supports or
18 opposes such ballot measure is entitled to a manual recount of
19 only the overvotes and undervotes on the marksense ballots
20 cast in the entire geographic jurisdiction of such office or
21 ballot measure, provided that a request for a manual recount
22 is made by 5 p.m. on the third day after the election.

23 (b) For federal, statewide, state, and multicounty
24 races and ballot issues, requests for a manual recount shall
25 be made in writing to the state Elections Canvassing
26 Commission. For all other races and ballot issues, requests
27 for a manual recount shall be made in writing to the county
28 canvassing board.

29 (c) Upon receipt of a proper and timely request, the
30 Elections Canvassing Commission or county canvassing board
31 shall immediately order a manual recount of overvotes and

1 undervotes on the marksense ballots in all affected
2 jurisdictions. However, a manual recount may not be ordered if
3 the number of overvotes and undervotes is fewer than the
4 number of votes needed to change the outcome of the election.

5 (3)(a) Any hardware or software used to identify and
6 sort overvotes and undervotes for a given race or ballot
7 measure must be certified by the Department of State as part
8 of the voting system pursuant to s. 101.015. Any such hardware
9 or software must be capable of simultaneously counting votes.
10 For certified voting systems, the department shall certify
11 such hardware or software by July 1, 2002. If the department
12 is unable to certify such hardware or software for a certified
13 voting system by July 1, 2002, the department shall adopt
14 rules prescribing procedures for identifying and sorting such
15 overvotes and undervotes. The department's rules may provide
16 for the temporary use of hardware or software whose sole
17 function is identifying and sorting overvotes and undervotes.

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

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

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

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

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

- 1 1. Exclusively provide that the voter must properly
2 mark or designate his or her choice on the ballot; or
3 2. Contain a catch-all provision that fails to
4 identify specific standards, such as "any other mark or
5 indication clearly indicating that the voter has made a
6 definite choice."
- 7 (6) Procedures for a manual recount are as follows:
8 (a) The county canvassing board shall appoint as many
9 counting teams of at least two electors as is necessary to
10 manually recount the ballots. A counting team must have, when
11 possible, members of at least two political parties. A
12 candidate involved in the race shall not be a member of the
13 counting team.
- 14 (b) Each duplicate ballot prepared pursuant to s.
15 101.5614(5) or s. 102.141(6) shall be compared with the
16 original ballot to ensure the correctness of the duplicate.
- 17 (c) If a counting team is unable to determine whether
18 the ballot contains a clear indication that the voter has made
19 a definite choice, the ballot shall be presented to the county
20 canvassing board for a determination.
- 21 (d) The Department of State shall adopt detailed rules
22 prescribing additional recount procedures for marksense
23 ballots ~~each certified voting system~~ which shall be uniform to
24 the extent practicable. The rules shall address, at a minimum,
25 the following areas:
- 26 1. Security of ballots during the recount process;
27 2. Time and place of recounts;
28 3. Public observance of recounts;
29 4. Objections to ballot determinations;
30 5. Record of recount proceedings; and
31

1 6. Procedures relating to candidate and petitioner
2 representatives.

3 Section 31. Section 102.168, Florida Statutes, is
4 amended to read:

5 102.168 Contest of election.--

6 (1) Except as provided in s. 102.171, the
7 certification of election or nomination of any person to
8 office, or of the result on any question submitted by
9 referendum, may be contested in the circuit court by any
10 unsuccessful candidate for such office or nomination thereto
11 or by any elector qualified to vote in the election related to
12 such candidacy, or by any taxpayer, respectively.

13 (2) Such contestant shall file a complaint, together
14 with the fees prescribed in chapter 28, with the clerk of the
15 circuit court within 10 days after midnight of the date the
16 last board responsible for certifying the results officially
17 ~~county canvassing board empowered to canvass the returns~~
18 certifies the results of the election being contested.

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

24 (a) Misconduct, fraud, or corruption on the part of
25 any election official or any member of the canvassing board
26 sufficient to change or place in doubt the result of the
27 election.

28 (b) Ineligibility of the successful candidate for the
29 nomination or office in dispute.

30
31

1 (c) Receipt of a number of illegal votes or rejection
2 of a number of legal votes sufficient to change or place in
3 doubt the result of the election.

4 (d) Proof that any elector, election official, or
5 canvassing board member was given or offered a bribe or reward
6 in money, property, or any other thing of value for the
7 purpose of procuring the successful candidate's nomination or
8 election or determining the result on any question submitted
9 by referendum.

10 (4) The county canvassing board ~~or Elections~~
11 ~~Canvassing Commission~~ is an indispensable and shall be the
12 proper party defendant in county and local elections and the
13 Elections Canvassing Commission is an indispensable and proper
14 party defendant in federal, state, and multicounty races, and
15 the successful candidate is ~~shall be~~ an indispensable party to
16 any action brought to contest the election or nomination of a
17 candidate.

18 (5) A statement of the grounds of contest may not be
19 rejected, nor the proceedings dismissed, by the court for any
20 want of form if the grounds of contest provided in the
21 statement are sufficient to clearly inform the defendant of
22 the particular proceeding or cause for which the nomination or
23 election is contested.

24 (6) A copy of the complaint shall be served upon the
25 defendant and any other person named therein in the same
26 manner as in other civil cases under the laws of this state.
27 Within 10 days after the complaint has been served, the
28 defendant must file an answer admitting or denying the
29 allegations on which the contestant relies or stating that the
30 defendant has no knowledge or information concerning the
31 allegations, which shall be deemed a denial of the

1 | allegations, and must state any other defenses, in law or
2 | fact, on which the defendant relies. If an answer is not filed
3 | within the time prescribed, the defendant may not be granted a
4 | hearing in court to assert any claim or objection that is
5 | required by this subsection to be stated in an answer.

6 | (7) Any candidate, qualified elector, or taxpayer
7 | presenting such a contest to a circuit judge is entitled to an
8 | immediate hearing. However, the court in its discretion may
9 | limit the time to be consumed in taking testimony, with a view
10 | therein to the circumstances of the matter and to the
11 | proximity of any succeeding election.

12 | Section 32. Subsection (3) of section 105.031, Florida
13 | Statutes, is amended to read:

14 | 105.031 Qualification; filing fee; candidate's oath;
15 | items required to be filed.--

16 | (3) QUALIFYING FEE--Each candidate qualifying for
17 | election to a judicial office or the office of school board
18 | member, except write-in judicial or school board candidates,
19 | shall, during the time for qualifying, pay to the officer with
20 | whom he or she qualifies a qualifying fee, which shall consist
21 | of a filing fee and an election assessment, or qualify by the
22 | alternative method. The amount of the filing fee is 3 percent
23 | of the annual salary of the office sought. The amount of the
24 | election assessment is 1 percent of the annual salary of the
25 | office sought. The Department of State shall forward all
26 | filing fees to the Department of Revenue for deposit in the
27 | Elections Commission Trust Fund. The supervisor of elections
28 | shall forward all filing fees to the Elections Commission
29 | Trust Fund. The election assessment shall be deposited into
30 | the Elections Commission Trust Fund. The annual salary of the
31 | office for purposes of computing the qualifying fee shall be

1 computed by multiplying 12 times the monthly salary authorized
2 for such office as of July 1 immediately preceding the first
3 day of qualifying. This subsection shall not apply to
4 candidates qualifying for retention to judicial office.

5 Section 33. Effective January 1, 2005, section
6 105.035, Florida Statutes, is amended to read:

7 105.035 Alternative method of qualifying for certain
8 judicial offices and the office of school board member.--

9 (1) A person seeking to qualify for election to the
10 office of circuit judge or county court judge or the office of
11 school board member may qualify for election to such office by
12 means of the petitioning process prescribed in this section. A
13 person qualifying by this alternative method shall not be
14 required to pay the qualifying fee required by this chapter. ~~A~~
15 ~~person using this petitioning process shall file an oath with~~
16 ~~the officer before whom the candidate would qualify for the~~
17 ~~office stating that he or she intends to qualify by this~~
18 ~~alternative method for the office sought. Such oath shall be~~
19 ~~filed at any time after the first Tuesday after the first~~
20 ~~Monday in January of the year in which the election is held,~~
21 ~~but prior to the 21st day preceding the first day of the~~
22 ~~qualifying period for the office sought. The form of such oath~~
23 ~~shall be prescribed by the Division of Elections. No~~
24 ~~signatures shall be obtained until the person has filed the~~
25 ~~oath prescribed in this subsection.~~

26 (2) ~~Upon receipt of a written oath from a candidate,~~
27 ~~The qualifying officer shall provide the candidate with a~~
28 ~~petition format shall be prescribed by the Division of~~
29 ~~Elections and shall to be used by the candidate to reproduce~~
30 ~~petitions for circulation. If the candidate is running for an~~
31 ~~office which will be grouped on the ballot with two or more~~

1 similar offices to be filled at the same election, the
2 candidate's petition must indicate, prior to the obtaining of
3 registered electors' signatures, for which group or district
4 office the candidate is running.

5 (3) Each candidate for election to a judicial office
6 or the office of school board member shall obtain the
7 signature of a number of qualified electors equal to at least
8 1 percent of the total number of registered electors of the
9 district, circuit, county, or other geographic entity
10 represented by the office sought as shown by the compilation
11 by the Department of State for the last preceding general
12 election. A separate petition shall be circulated for each
13 candidate availing himself or herself of the provisions of
14 this section. Signatures may not be obtained until the
15 candidate has filed the appointment of campaign treasurer and
16 designation of campaign depository pursuant to s. 106.021.

17 (4)(a) Each candidate seeking to qualify for election
18 to the office of circuit judge or the office of school board
19 member from a multicounty school district pursuant to this
20 section shall file a separate petition from each county from
21 which signatures are sought. Each petition shall be submitted,
22 prior to noon of the 28th ~~21st~~ day preceding the first day of
23 the qualifying period for the office sought, to the supervisor
24 of elections of the county for which such petition was
25 circulated. Each supervisor of elections to whom a petition is
26 submitted shall check the signatures on the petition to verify
27 their status as electors of that county and of the geographic
28 area represented by the office sought. No later than the 7th
29 day before ~~Prior to~~ the first date for qualifying, the
30 supervisor shall certify the number shown as registered
31 electors and submit such certification to the Division of

1 Elections. The division shall determine whether the required
2 number of signatures has been obtained for the name of the
3 candidate to be placed on the ballot and shall notify the
4 candidate. If the required number of signatures has been
5 obtained, the candidate shall, during the time prescribed for
6 qualifying for office, submit a copy of such notice and file
7 his or her qualifying papers and oath prescribed in s. 105.031
8 with the Division of Elections. Upon receipt of the copy of
9 such notice and qualifying papers, the division shall certify
10 the name of the candidate to the appropriate supervisor or
11 supervisors of elections as having qualified for the office
12 sought.

13 (b) Each candidate seeking to qualify for election to
14 the office of county court judge or the office of school board
15 member from a single county school district pursuant to this
16 section shall submit his or her petition, prior to noon of the
17 28th ~~21st~~ day preceding the first day of the qualifying period
18 for the office sought, to the supervisor of elections of the
19 county for which such petition was circulated. The supervisor
20 shall check the signatures on the petition to verify their
21 status as electors of the county and of the geographic area
22 represented by the office sought. No later than the 7th day
23 before ~~Prior to~~ the first date for qualifying, the supervisor
24 shall determine whether the required number of signatures has
25 been obtained for the name of the candidate to be placed on
26 the ballot and shall notify the candidate. If the required
27 number of signatures has been obtained, the candidate shall,
28 during the time prescribed for qualifying for office, submit a
29 copy of such notice and file his or her qualifying papers and
30 oath prescribed in s. 105.031 with the qualifying officer.
31 Upon receipt of the copy of such notice and qualifying papers,

1 such candidate shall be entitled to have his or her name
2 printed on the ballot.

3 Section 34. Present subsection (17) of section
4 106.011, Florida Statutes, is renumbered as subsection (18),
5 and a new subsection (17) is added to that section, to read:

6 106.011 Definitions.--As used in this chapter, the
7 following terms have the following meanings unless the context
8 clearly indicates otherwise:

9 (17) "Eliminated candidate" means a candidate for
10 elected office who failed to receive a sufficient number of
11 votes to be certified as the winner of an election or as a
12 runoff candidate in an election. A candidate who files a
13 timely contest of an election as provided for in s. 102.168
14 may not be considered eliminated for the purposes of receiving
15 contributions and making expenditures solely for the purpose
16 of paying legal fees and costs associated with the candidate's
17 contest of the election.

18 Section 35. Effective January 1, 2005, subsections (2)
19 and (3) of section 106.07, Florida Statutes, and subsection
20 (8) of that section, as amended by this act, are amended to
21 read:

22 106.07 Reports; certification and filing.--

23 (2)(a) All reports required of a candidate by this
24 section shall be filed with the officer before whom the
25 candidate is required by law to qualify. All candidates who
26 file with the Department of State shall file ~~the original and~~
27 ~~one copy of their~~ reports pursuant to s. 106.0705. In
28 addition, a copy of each report for candidates for other than
29 statewide office who qualify with the Department of State
30 shall be filed with the supervisor of elections in the county
31 where the candidate resides. Except as provided in s.

1 106.0705, reports shall be filed not later than 5 p.m. of the
2 day designated; however, any report postmarked by the United
3 States Postal Service no later than midnight of the day
4 designated shall be deemed to have been filed in a timely
5 manner. A certificate of mailing obtained from and dated by
6 the United States Postal Service at the time of mailing, or a
7 receipt from an established courier company, which bears a
8 date on or before the date on which the report is due, shall
9 be proof of mailing in a timely manner. Reports shall contain
10 information of all previously unreported contributions
11 received and expenditures made as of the preceding Friday,
12 except that the report filed on the Friday immediately
13 preceding the election shall contain information of all
14 previously unreported contributions received and expenditures
15 made as of the day preceding that designated due date. All
16 such reports shall be open to public inspection.

17 (b)1. Any report which is deemed to be incomplete by
18 the officer with whom the candidate qualifies shall be
19 accepted on a conditional basis, and the campaign treasurer
20 shall be notified by registered mail as to why the report is
21 incomplete and be given 3 days from receipt of such notice to
22 file an addendum to the report providing all information
23 necessary to complete the report in compliance with this
24 section. Failure to file a complete report after such notice
25 constitutes a violation of this chapter.

26 2. In lieu of the notice by registered mail as
27 required in subparagraph 1., the qualifying officer may notify
28 the campaign treasurer by telephone that the report is
29 incomplete and request the information necessary to complete
30 the report. If, however, such information is not received by
31 the qualifying officer within 3 days of the telephone request

1 therefor, notice shall be sent by registered mail as provided
2 in subparagraph 1.

3 (3) Reports required of a political committee shall be
4 filed with the agency or officer before whom such committee
5 registers pursuant to s. 106.03(3) and shall be subject to the
6 same filing conditions as established for candidates' reports.
7 ~~Only committees that file with the Department of State shall~~
8 ~~file the original and one copy of their reports.~~Incomplete
9 reports by political committees shall be treated in the manner
10 provided for incomplete reports by candidates in subsection
11 (2).

12 (8)(a) Any candidate or political committee failing to
13 file a report on the designated due date shall be subject to a
14 fine as provided in paragraph (b) for each late day. The fine
15 shall be assessed by the filing officer and the moneys
16 collected shall be deposited:

17 1. In the General Revenue Fund, in the case of a
18 candidate for state office or a political committee that
19 registers with the Division of Elections; or

20 2. In the general revenue fund of the political
21 subdivision, in the case of a candidate for an office of a
22 political subdivision or a political committee that registers
23 with an officer of a political subdivision.

24
25 No separate fine shall be assessed for failure to file a copy
26 of any report required by this section.

27 (b) Upon determining that a report is late, the filing
28 officer shall immediately notify the candidate or chair of the
29 political committee as to the failure to file a report by the
30 designated due date and that a fine is being assessed for each
31 late day. The fine shall be \$50 per day for the first 3 days

1 late and, thereafter, \$500 per day for each late day, not to
2 exceed 25 percent of the total receipts or expenditures,
3 whichever is greater, for the period covered by the late
4 report. However, for the reports immediately preceding each
5 primary and general election, the fine shall be \$500 per day
6 for each late day, not to exceed 25 percent of the total
7 receipts or expenditures, whichever is greater, for the period
8 covered by the late report. For reports required under s.
9 106.141(7), the fine is \$50 per day for each late day, not to
10 exceed 25 percent of the total receipts or expenditures,
11 whichever is greater, for the period covered by the late
12 report. Upon receipt of the report, the filing officer shall
13 determine the amount of the fine which is due and shall notify
14 the candidate or chair. The filing officer shall determine
15 the amount of the fine due based upon the earliest of the
16 following:

- 17 1. When the report is actually received by such
18 officer.
- 19 2. When the report is postmarked.
- 20 3. When the certificate of mailing is dated.
- 21 4. When the receipt from an established courier
22 company is dated.
- 23 5. When the electronic receipt issued pursuant to s.
24 106.0705 is dated.

25
26 Such fine shall be paid to the filing officer within 20 days
27 after receipt of the notice of payment due, unless appeal is
28 made to the Florida Elections Commission pursuant to paragraph
29 (c). A candidate or an officer or member of a political
30 committee shall not be personally liable for such fine.

31

1 (c) Any candidate or chair of a political committee
2 may appeal or dispute the fine, based upon, but not limited
3 to, unusual circumstances surrounding the failure to file on
4 the designated due date, and may request and shall be entitled
5 to a hearing before the Florida Elections Commission, which
6 shall have the authority to waive the fine in whole or in
7 part. The Florida Elections Commission must consider the
8 mitigating and aggravating circumstances in s. 106.265(1) when
9 determining the amount of the fine, if any, to waive. Any such
10 request shall be made within 20 days after receipt of the
11 notice of payment due. In such case, the candidate or chair
12 of the political committee shall, within the 20-day period,
13 notify the filing officer in writing of his or her intention
14 to bring the matter before the commission.

15 (d) The appropriate filing officer shall notify the
16 Florida Elections Commission of the repeated late filing by a
17 candidate or political committee, the failure of a candidate
18 or political committee to file a report after notice, or the
19 failure to pay the fine imposed.

20 Section 36. Effective January 1, 2005, section
21 106.0705, Florida Statutes, is created to read:

22 106.0705 Electronic filing of campaign treasurer's
23 reports.--

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

27 (2)(a) Each candidate who is required to file reports
28 with the division pursuant to s. 106.07 must file such reports
29 with the division by means of the division's electronic filing
30 system.

31

1 (b) Each political committee, committee of continuous
2 existence, or state executive committee that is required to
3 file reports with the division under s. 106.04, s. 106.07, or
4 s. 106.29, as applicable, must file such reports with the
5 division by means of the division's electronic filing system.

6 (c) Each person or organization that is required to
7 file reports with the division under s. 106.071 must file such
8 reports with the division by means of the division's
9 electronic filing system.

10 (3) A report filed pursuant to this section must be
11 completed and filed through the electronic filing system not
12 later than midnight of the day designated. A report not filed
13 by midnight of the day designated is a late-filed report and
14 is subject to the penalties under s. 106.04(8), S. 106.07(8),
15 or s. 106.29(3), as applicable.

16 (4) Each report filed pursuant to this section is
17 considered to be under oath by the candidate and treasurer or
18 the chairman and treasurer, whichever is applicable, and such
19 persons are subject to the provisions of s. 106.04(4)(d), s.
20 106.07(5), or s. 106.29(2), as applicable. Persons given a
21 secure sign-on to the electronic campaign filing system are
22 responsible for protecting it from disclosure and are
23 responsible for all filings using such credentials, unless
24 they have notified the division that their credentials have
25 been compromised.

26 (5) The electronic filing system developed by the
27 division must:

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

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

31

1 (c) Provide for direct entry of campaign finance
2 information as well as upload of such information from
3 campaign finance software certified by the division.

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

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

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

12 (b) For the issuance of an electronic receipt to the
13 person submitting the report indicating and verifying that the
14 report has been filed.

15 Section 37. Section 106.075, Florida Statutes, is
16 amended to read:

17 106.075 Elected officials; report of loans made in
18 year preceding election; limitation on contributions to pay
19 loans.--

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

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

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

3 106.08 Contributions; limitations on.--

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

7 (b) Candidates, political committees, and political
8 parties may not solicit contributions from any religious,
9 charitable, civic, or other causes or organizations
10 established primarily for the public good.

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

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

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

24 3. A candidate to purchase, with campaign funds,
25 tickets, admission to events, or advertisements from
26 religious, civic, political party, or charitable groups.

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

30 Section 39. Section 106.087, Florida Statutes, is
31 amended to read:

1 106.087 Independent expenditures; contribution limits;
2 restrictions on political parties and ~~political committees~~
3 ~~and committees of continuous existence.--~~

4 (1)(a) As a condition of receiving a rebate of filing
5 fees and party assessment funds pursuant to s. 99.061(2), s.
6 99.092(1), s. 99.103, or s. 103.121(1)(b), the chair or
7 treasurer of a state or county executive committee shall take
8 and subscribe to an oath or affirmation in writing. During the
9 qualifying period for state candidates and prior to
10 distribution of such funds, a printed copy of the oath or
11 affirmation shall be filed with the Secretary of State and
12 shall be substantially in the following form:

13
14 State of Florida
15 County of....

16 Before me, an officer authorized to administer oaths,
17 personally appeared ...(name)..., to me well known, who, being
18 sworn, says that he or she is the ...(title)... of the
19 ...(name of party)... ...(state or specified county)...
20 executive committee; that the executive committee has not
21 made, either directly or indirectly, an independent
22 expenditure in support of or opposition to a candidate or
23 elected public official in the prior 6 months; that the
24 executive committee will not make, either directly or
25 indirectly, an independent expenditure in support of or
26 opposition to a candidate or elected public official, through
27 and including the upcoming general election; and that the
28 executive committee will not violate the contribution limits
29 applicable to candidates under s. 106.08(2), Florida Statutes.

30 ...(Signature of committee officer)...

31 ...(Address)...

1
2 Sworn to and subscribed before me this day of,
3 ...(year)..., at County, Florida.
4 ... (Signature and title of officer administering oath)...

5
6 (b) Any executive committee found to have violated the
7 provisions of the oath or affirmation in this section prior to
8 receiving funds shall be ineligible to receive the rebate for
9 that general election year.

10 (c) Any executive committee found to have violated the
11 provisions of the oath or affirmation in this section after
12 receiving funds shall be ineligible to receive the rebate from
13 candidates qualifying for the following general election
14 cycle.

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

18 (2)(a) Any political committee ~~or committee of~~
19 ~~continuous existence~~ that accepts the use of public funds,
20 equipment, personnel, or other resources to collect dues from
21 its members agrees not to make independent expenditures in
22 support of or opposition to a candidate or elected public
23 official. However, expenditures may be made for the sole
24 purpose of jointly endorsing three or more candidates.

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

30 Section 40. Section 106.09, Florida Statutes, is
31 amended to read:

1 106.09 Cash contributions and contribution by
2 cashier's checks or money orders.--

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

6 (2)(a) Any person who makes or accepts a contribution
7 in excess of \$100 in violation of this section commits a
8 misdemeanor of the first degree, punishable as provided in s.
9 775.082 or s. 775.083.

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

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

16 106.11 Expenses of and expenditures by candidates and
17 political committees.--Each candidate and each political
18 committee which designates a primary campaign depository
19 pursuant to s. 106.021(1) shall make expenditures from funds
20 on deposit in such primary campaign depository only in the
21 following manner, with the exception of expenditures made from
22 petty cash funds provided by s. 106.12:

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

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

28 2. Debit cards are issued in the name of the
29 treasurer, deputy treasurer, or authorized user and state
30 "Campaign Account of ...(name of candidate or political
31 committee)...."

1 3. No more than three debit cards are requested and
2 issued.

3 4. Before a debit card is used, a list of all persons
4 authorized to use the card is filed with the filing office
5 division.

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

9 6. The person using the debit card does not receive
10 cash as part of, or independent of, any transaction for goods
11 or services.

12 7. All receipts for debit card transactions contain:

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

14 b. The exact amount of the expenditure.

15 c. The name of the payee.

16 d. The signature of the campaign treasurer, deputy
17 treasurer, or authorized user.

18 e. The exact purpose for which the expenditure is
19 authorized.

20

21 Any information required by this subparagraph but not included
22 on the debit card transaction receipt may be handwritten on,
23 or attached to, the receipt by the authorized user before
24 submission to the treasurer.

25 (b) Debit cards are not subject to the requirements of
26 paragraph (1)(b).

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

30 106.29 Reports by political parties; restrictions on
31 contributions and expenditures; penalties.--

1 (3)
2 (b) Upon determining that a report is late, the filing
3 officer shall immediately notify the chair of the executive
4 committee as to the failure to file a report by the designated
5 due date and that a fine is being assessed for each late day.
6 The fine shall be \$1,000 for a state executive committee, and
7 \$50 for a county executive committee, per day for each late
8 day, not to exceed 25 percent of the total receipts or
9 expenditures, whichever is greater, for the period covered by
10 the late report. However, if an executive committee fails to
11 file a report on the Friday immediately preceding the general
12 election, the fine shall be \$10,000 per day for each day a
13 state executive committee is late and \$500 per day for each
14 day a county executive committee is late. Upon receipt of the
15 report, the filing officer shall determine the amount of the
16 fine which is due and shall notify the chair. The filing
17 officer shall determine the amount of the fine due based upon
18 the earliest of the following:

- 19 1. When the report is actually received by such
20 officer.
- 21 2. When the report is postmarked.
- 22 3. When the certificate of mailing is dated.
- 23 4. When the receipt from an established courier
24 company is dated.
- 25 5. When the electronic receipt issued pursuant to s.
26 106.0705 is dated.

27
28 Such fine shall be paid to the filing officer within 20 days
29 after receipt of the notice of payment due, unless appeal is
30 made to the Florida Elections Commission pursuant to paragraph
31

1 (c). An officer or member of an executive committee shall not
2 be personally liable for such fine.

3 Section 43. (1) All electronic and electromechanical
4 voting systems certified after July 1, 2005, must meet the
5 requirements of section 101.56062, Florida Statutes, except
6 the requirements of paragraph 101.56062(1)(d), Florida
7 Statutes.

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

13 (3) All electronic and electromechanical voting
14 systems in use on or after January 1, 2006, must be certified
15 to meet and be deployed in a configuration which meets the
16 requirements of sections 101.56062 and 101.5606, Florida
17 Statutes, as amended by this act.

18 Section 44. Sections 98.181, 101.635, 102.061, 106.085
19 and 106.144, Florida Statutes, are repealed.

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

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

31

1 Section 46. Paragraph (f) of subsection (5) of section
2 287.057, Florida Statutes, is amended to read:

3 287.057 Procurement of commodities or contractual
4 services.--

5 (5) When the purchase price of commodities or
6 contractual services exceeds the threshold amount provided in
7 s. 287.017 for CATEGORY TWO, no purchase of commodities or
8 contractual services may be made without receiving competitive
9 sealed bids, competitive sealed proposals, or competitive
10 sealed replies unless:

11 (f) The following contractual services and commodities
12 are not subject to the competitive-solicitation requirements
13 of this section:

- 14 1. Artistic services.
- 15 2. Academic program reviews.
- 16 3. Lectures by individuals.
- 17 4. Auditing services.
- 18 5. Legal services, including attorney, paralegal,
19 expert witness, appraisal, or mediator services.
- 20 6. Health services involving examination, diagnosis,
21 treatment, prevention, medical consultation, or
22 administration.
- 23 7. Services provided to persons with mental or
24 physical disabilities by not-for-profit corporations which
25 have obtained exemptions under the provisions of s. 501(c)(3)
26 of the United States Internal Revenue Code or when such
27 services are governed by the provisions of Office of
28 Management and Budget Circular A-122. However, in acquiring
29 such services, the agency shall consider the ability of the
30 vendor, past performance, willingness to meet time
31 requirements, and price.

1 8. Medicaid services delivered to an eligible Medicaid
2 recipient by a health care provider who has not previously
3 applied for and received a Medicaid provider number from the
4 Agency for Health Care Administration. However, this exception
5 shall be valid for a period not to exceed 90 days after the
6 date of delivery to the Medicaid recipient and shall not be
7 renewed by the agency.

8 9. Family placement services.

9 10. Prevention services related to mental health,
10 including drug abuse prevention programs, child abuse
11 prevention programs, and shelters for runaways, operated by
12 not-for-profit corporations. However, in acquiring such
13 services, the agency shall consider the ability of the vendor,
14 past performance, willingness to meet time requirements, and
15 price.

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

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

19 13. Services or commodities provided by governmental
20 agencies.

21 14. Voter education activities of the Department of
22 State and the supervisors of elections, either individually or
23 in the aggregate, or with their respective professional
24 associations.

25 Section 47. Effective July 1, 2004, section 101.131,
26 Florida Statutes, as amended by this act, is amended to read:

27 101.131 Watchers at polls.--

28 (1) Each ~~political party and each~~ candidate may have
29 one poll watcher and each political party may have one poll
30 watcher and one at-large poll watcher in each polling room at
31 any one time during the election. A political committee, if

1 formed for the specific purpose of opposing or supporting a
2 named issue on the ballot, may have one watcher for each
3 polling room at any one time during the election. No poll
4 watcher shall be permitted to come closer to the officials'
5 table or the voting booths than is reasonably necessary to
6 properly perform his or her functions, but each shall be
7 allowed within the polling room to watch and observe the
8 conduct of electors and officials. The poll watchers shall
9 furnish their own materials and necessities and shall not
10 obstruct the orderly conduct of any election. Each watcher
11 shall be a qualified and registered elector of the county in
12 which he or she serves.

13 (2) Each political party, each committee, and each
14 candidate requesting to have poll watchers shall designate, in
15 writing, poll watchers for each polling room prior to noon of
16 the second Tuesday preceding the election. In addition, each
17 political party may designate at least five additional
18 at-large poll watchers, or one additional at-large poll
19 watcher for every 10,000 registered voters, whichever is
20 greater, who shall be approved and have access to all polling
21 rooms. Except for at-large poll watchers, the designation
22 shall include specific times for each watcher to be in the
23 polling room. The poll watchers ~~for each polling room~~ shall be
24 approved by the supervisor of elections on or before the
25 Tuesday before the election. The supervisor shall furnish to
26 each election board a list of the poll watchers designated and
27 approved for such polling room and a list of at-large poll
28 watchers approved for all polling rooms.

29 (3) A candidate or sheriff, deputy sheriff, police
30 officer, or other law enforcement officer may not be
31 designated as a poll watcher.

1 Section 48. Section 106.023, Florida Statutes, is
2 amended to read:

3 106.023 Statement of candidate.--

4 (1) Each candidate must file a statement with the
5 qualifying officer within 10 days after filing the appointment
6 of campaign treasurer and designation of campaign depository,
7 stating that the candidate has read and understands the
8 requirements of this chapter. Such statement shall be
9 provided by the filing officer and shall be in substantially
10 the following form:

11
12 STATEMENT OF CANDIDATE
13

14 I,, candidate for the office of, have
15 received, read, and understand the requirements of Chapter
16 106, Florida Statutes.

17
18 ...(Signature of candidate)... ...(Date)...

19
20 Willful failure to file this form is a violation of ss.
21 106.19(1)(c) and 106.25(3), F.S.

22 (2) The execution and filing of the statement of
23 candidate does not create a presumption that any violation of
24 this chapter or chapter 104 is a willful violation as defined
25 in s. 106.37.

26 Section 49. Paragraph (a) of subsection (8) of section
27 106.04, Florida Statutes, is amended to read:

28 106.04 Committees of continuous existence.--

29 (8)(a) Any committee of continuous existence failing
30 to file a report on the designated due date shall be subject
31 to a fine. The fine shall be \$50~~\$500~~ per day for each late

1 day, not to exceed 25 percent of the total receipts or
2 expenditures, whichever is greater, for the period covered by
3 the late report. The fine shall be assessed by the filing
4 officer, and the moneys collected shall be deposited in the
5 General Revenue ~~Elections Commission Trust~~ Fund. No separate
6 fine shall be assessed for failure to file a copy of any
7 report required by this section.

8 Section 50. Subsections (4) and (8) of section 106.07,
9 Florida Statutes, are amended to read:

10 106.07 Reports; certification and filing.--

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

13 1. The full name, address, and occupation, if any of
14 each person who has made one or more contributions to or for
15 such committee or candidate within the reporting period,
16 together with the amount and date of such contributions. For
17 corporations, the report must provide as clear a description
18 as practicable of the principal type of business conducted by
19 the corporation. However, if the contribution is \$100 or less
20 or is from a relative, as defined in s. 112.312, provided that
21 the relationship is reported, the occupation of the
22 contributor or the principal type of business need not be
23 listed.

24 2. The name and address of each political committee
25 from which the reporting committee or the candidate received,
26 or to which the reporting committee or candidate made, any
27 transfer of funds, together with the amounts and dates of all
28 transfers.

29 3. Each loan for campaign purposes to or from any
30 person or political committee within the reporting period,
31 together with the full names, addresses, and occupations, and

1 principal places of business, if any, of the lender and
2 endorsers, if any, and the date and amount of such loans.

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

6 5. The total sums of all loans, in-kind contributions,
7 and other receipts by or for such committee or candidate
8 during the reporting period. The reporting forms shall be
9 designed to elicit separate totals for in-kind contributions,
10 loans, and other receipts.

11 6. The full name and address of each person to whom
12 expenditures have been made by or on behalf of the committee
13 or candidate within the reporting period; the amount, date,
14 and purpose of each such expenditure; and the name and address
15 of, and office sought by, each candidate on whose behalf such
16 expenditure was made. However, expenditures made from the
17 petty cash fund provided by s. 106.12 need not be reported
18 individually.

19 7. The full name and address of each person to whom an
20 expenditure for personal services, salary, or reimbursement
21 for authorized expenses as provided in s. 106.021(3) has been
22 made and which is not otherwise reported, including the
23 amount, date, and purpose of such expenditure. However,
24 expenditures made from the petty cash fund provided for in s.
25 106.12 need not be reported individually.

26 8. The total amount withdrawn and the total amount
27 spent for petty cash purposes pursuant to this chapter during
28 the reporting period.

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

31

1 10. The amount and nature of debts and obligations
2 owed by or to the committee or candidate, which relate to the
3 conduct of any political campaign.

4 11. A copy of each credit card statement which shall
5 be included in the next report following receipt thereof by
6 the candidate or political committee. Receipts for each credit
7 card purchase shall be retained by the treasurer with the
8 records for the campaign account.

9 12. The amount and nature of any separate
10 interest-bearing accounts or certificates of deposit and
11 identification of the financial institution in which such
12 accounts or certificates of deposit are located.

13 13. The primary purpose of an expenditure made
14 indirectly through a treasurer pursuant to s. 106.021(3) for
15 goods or services, such as communications media placement or
16 procurement services, campaign signs, insurance, or other
17 expenditures that include multiple integral components as part
18 of the expenditure. The primary purpose of an expenditure
19 shall be that purpose, including integral and directly related
20 components, which comprises 80 percent of such expenditures.

21 (b) The filing officer shall make available to any
22 candidate or committee a reporting form which the candidate or
23 committee may use to indicate contributions received by the
24 candidate or committee but returned to the contributor before
25 deposit.

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

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

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

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

11

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

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

1 the candidate or chair. The filing officer shall determine
2 the amount of the fine due based upon the earliest of the
3 following:

4 1. When the report is actually received by such
5 officer.

6 2. When the report is postmarked.

7 3. When the certificate of mailing is dated.

8 4. When the receipt from an established courier
9 company is dated.

10
11 Such fine shall be paid to the filing officer within 20 days
12 after receipt of the notice of payment due, unless appeal is
13 made to the Florida Elections Commission pursuant to paragraph
14 (c). ~~A candidate or In the case of a candidate, such fine~~
15 ~~shall not be an allowable campaign expenditure and shall be~~
16 ~~paid only from personal funds of the candidate.~~an officer or
17 member of a political committee shall not be personally liable
18 for such fine.

19 (c) Any candidate or chair of a political committee
20 may appeal or dispute the fine, based upon, but not limited
21 to,unusual circumstances surrounding the failure to file on
22 the designated due date, and may request and shall be entitled
23 to a hearing before the Florida Elections Commission, which
24 shall have the authority to waive the fine in whole or in
25 part. The Florida Elections Commission must consider the
26 mitigating and aggravating circumstances in s. 106.265(1) when
27 determining the amount of the fine, if any, to waive.Any such
28 request shall be made within 20 days after receipt of the
29 notice of payment due. In such case, the candidate or chair
30 of the political committee shall, within the 20-day period,
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1 notify the filing officer in writing of his or her intention
2 to bring the matter before the commission.

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

8 Section 51. Subsection (6) of section 106.141, Florida
9 Statutes, is amended to read:

10 106.141 Disposition of surplus funds by candidates.--

11 (6) Prior to disposing of funds pursuant to subsection
12 (4) or transferring funds into an office account pursuant to
13 subsection (5), any candidate who filed an oath stating that
14 he or she was unable to pay the election assessment or fee for
15 verification of petition signatures without imposing an undue
16 burden on his or her personal resources or on resources
17 otherwise available to him or her, or who filed both such
18 oaths, or who qualified by the alternative method and was not
19 required to pay an election assessment, shall reimburse the
20 state or local governmental entity, whichever is applicable,
21 for such waived assessment or fee or both. Such reimbursement
22 shall be made first for the cost of petition verification and
23 then, if funds are remaining, for the amount of the election
24 assessment. If there are insufficient funds in the account to
25 pay the full amount of either the assessment or the fee or
26 both, the remaining funds shall be disbursed in the above
27 manner until no funds remain. All funds disbursed pursuant to
28 this subsection shall be remitted to the qualifying officer.
29 Any reimbursement for petition verification costs which are
30 reimbursable by the state shall be forwarded by the qualifying
31 officer to the state for deposit in the General Revenue Fund.

1 All reimbursements for the amount of the election assessment
2 shall be forwarded by the qualifying officer to the Department
3 of State for deposit in the General Revenue Elections
4 ~~Commission Trust~~ Fund.

5 Section 52. Subsections (2) and (4) of section 106.25,
6 Florida Statutes, are amended to read:

7 106.25 Reports of alleged violations to Florida
8 Elections Commission; disposition of findings.--

9 (2) The commission shall investigate all violations of
10 this chapter and chapter 104, but only after having received
11 either a sworn complaint or information reported to it by the
12 Division of Elections. Any person, other than the division,
13 having information of any violation of this chapter or chapter
14 104 shall file a sworn complaint with the commission. Such
15 sworn complaint must be based on personal knowledge of the
16 complainant, and shall state whether a complaint of the same
17 violation has been made to any state attorney. Within 5 days
18 after receipt of a sworn complaint, the commission shall
19 transmit a copy of the complaint to the alleged violator. The
20 commission shall investigate only those alleged violations
21 specifically contained within the sworn complaint or
22 specifically reported to the commission by the division. If
23 any complainant fails to allege all violations that arise from
24 the facts or allegations alleged in a complaint, the
25 commission is barred from investigating a subsequent complaint
26 from the complainant which is based upon the facts or
27 allegations that were raised or could have been raised in the
28 first complaint.All sworn complaints alleging violations of
29 the Florida Election Code over which the commission has
30 jurisdiction shall be filed with the commission within 2 years
31 of the alleged violations. The period of limitations is

1 tolled on the day a sworn complaint is filed with the
2 commission.

3 (4) The commission shall undertake a preliminary
4 investigation to determine if the facts alleged in a sworn
5 complaint or a matter initiated by the division constitute
6 probable cause to believe that a violation has occurred. The
7 respondent, the complainant, and their respective counsel
8 shall be permitted to attend the hearing at which the probable
9 cause determination is made. Notice of the hearing shall be
10 sent to the respondent and complainant at least 14 days prior
11 to the date of the hearing. The respondent and his or her
12 counsel shall be permitted to make a brief oral statement in
13 the nature of oral argument to the commission before the
14 probable cause determination. The commission's determination
15 shall be based upon the investigator's report, the complaint,
16 and staff recommendations, as well as any written statements
17 submitted by the respondent and any oral statements made at
18 the hearing. No testimony or other evidence will be accepted
19 at the hearing. Upon completion of the preliminary
20 investigation, the commission shall, by written report, find
21 probable cause or no probable cause to believe that this
22 chapter or chapter 104 has been violated.

23 (a) If no probable cause is found, the commission
24 shall dismiss the case and the case shall become a matter of
25 public record, except as otherwise provided in this section,
26 together with a written statement of the findings of the
27 preliminary investigation and a summary of the facts which the
28 commission shall send to the complainant and the alleged
29 violator.

30 (b) If probable cause is found, the commission shall
31 so notify the complainant and the alleged violator in writing.

1 All documents made or received in the disposition of the
2 complaint shall become public records upon a finding by the
3 commission.

4
5 In a case where probable cause is found, the commission shall
6 make a preliminary determination to consider the matter or to
7 refer the matter to the state attorney for the judicial
8 circuit in which the alleged violation occurred.

9 Section 53. Paragraph (a) of subsection (3) of section
10 106.29, Florida Statutes, is amended to read:

11 106.29 Reports by political parties; restrictions on
12 contributions and expenditures; penalties.--

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

19 Section 54. Except as otherwise expressly provided in
20 this act, this act shall take effect upon becoming a law.

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1 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
2 COMMITTEE SUBSTITUTE FOR
3 Senate Bill 3004

4 The committee substitute differs from the original bill in
5 that it:

- 6 o Provides for additional poll watchers at precincts
7 by permitting floating "at large" poll watchers that
8 would have access to all precincts;
- 9 o Provides that the filing of the Statement of
10 Candidate shall not create a presumption that a
11 violation of Chapter 104 or 106, Florida Statutes,
12 is a "willful violation;"
- 13 o Reduces the fine for late-filed reports by
14 committees of continuous existence from \$500 to \$50
15 per day for each day late and requires any fines so
16 collected be deposited into the General Revenue Fund
17 rather than the Elections Commission Trust Fund;
- 18 o Creates a new section within the reporting
19 requirements of section 106.07, Florida Statutes, to
20 require treasurers, when making expenditures for
21 goods and services with multiple components, to
22 report the primary purpose of the expenditure;
23 Requires fines for late-filed candidate or political
24 committee reports be deposited into the General
25 Revenue Fund instead of the Elections Commission
26 Trust Fund and to permit consideration of mitigating
27 circumstances when determining fines to be imposed
28 by the Florida Elections Commission; It further
29 removes the requirement that fines for late-filed
30 reports of candidates may only be paid from the
31 personal funds of the candidate;
- o Requires any reimbursements for election assessments
 by persons qualifying for office by the alternative
 method be deposited into the General Revenue Fund
 instead of the Elections Commission Trust Fund;
- o Provides that a complaint to the Florida Elections
 Commission must be based upon the personal knowledge
 of the complainant and permits both complainant and
 respondent and their respective counsel, if any, to
 participate in a limited manner in the probable
 cause hearing; It also provides that the commission
 is only able to investigate those alleged violations
 contained within the complaint and that if any
 complaint fails to allege all violations that arise
 from the facts or allegations alleged in a
 complaint, the commission is barred from
 investigating a subsequent complaint that is based
 upon the facts or allegations that were raised or
 could have been raised in the first complaint; and
- o Requires moneys collected for fines against any
 state or county executive committee to be deposited
 into the General Revenue Fund instead of the

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Elections Commission Trust Fund.