

CHAMBER ACTION

1 The Ethics & Elections Committee recommends the following:

2
3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the petition process; providing a
7 popular name; amending s. 99.097, F.S.; providing for
8 certain petitions and petition revocations to be verified
9 by a certain method; requiring certain provisions to be
10 satisfied before a signature on a petition may be counted;
11 prohibiting compensation to any paid petition circulator
12 in certain circumstances; providing the procedure to
13 contest and resolve the alleged improper verification of
14 certain signatures; amending s. 100.371, F.S.; revising
15 requirements for placement of constitutional amendments
16 proposed by initiative on the ballot for the general
17 election; revising and providing rulemaking authority;
18 providing limitations on the contents of a petition form;
19 establishing compliance criteria for petition forms;
20 providing an elector's right; providing notices that must
21 be contained in each petition form; providing for
22 revocation of an elector's signature; revising the duties
23 of supervisors of elections; revising requirements

HB 1471

2005
CS

24 relating to the Financial Impact Estimating Conference and
 25 financial impact statements; creating s. 100.372, F.S.;
 26 providing for the regulation of initiative petition
 27 circulators; providing definitions; providing
 28 qualification requirements; providing requirements for the
 29 practice of paid petition circulation; amending ss.
 30 101.161, and 101.62, F.S.; correcting cross references;
 31 amending s. 104.012, F.S.; providing criminal penalties
 32 for specified offenses involving voter registration
 33 applications; amending s. 104.185, F.S.; revising and
 34 providing violations involving petitions and providing
 35 penalties therefor; amending s. 104.42, F.S.; revising
 36 provisions relating to unlawful registrations, petitions,
 37 and voting and the investigation of such matters;
 38 requiring documentation and reporting thereof to the
 39 Florida Elections Commission within a specified time
 40 period; providing for the validity of certain petition
 41 signatures gathered before the effective date of the act;
 42 requiring previously approved petition forms to be
 43 resubmitted for approval in accordance with the
 44 requirements of the act; providing severability; providing
 45 an effective date.

46
 47 Be It Enacted by the Legislature of the State of Florida:

48
 49 Section 1. This act may be cited as the "Petition Fraud
 50 and Voter Protection Act."

HB 1471

2005
CS

51 Section 2. Subsections (1), (3), and (4) of section
52 99.097, Florida Statutes, are amended, and subsection (6) is
53 added to said section, to read:

54 99.097 Verification of signatures on petitions.--

55 (1) As determined by each supervisor, based upon local
56 conditions, the verification of signatures ~~checking of names~~ on
57 petitions may be based on the most inexpensive and
58 administratively feasible of either of the following methods of
59 verification:

60 (a) A name-by-name, signature-by-signature check of the
61 number of valid ~~authorized~~ signatures on the petitions; or

62 (b) A check of a random sample, as provided by the
63 Department of State, of names and signatures on the petitions.
64 The sample must be such that a determination can be made as to
65 whether or not the required number of valid signatures has ~~have~~
66 been obtained with a reliability of at least 99.5 percent. Rules
67 and guidelines for this method of petition verification shall be
68 promulgated by the Department of State, which may include a
69 requirement that petitions bear an additional number of names
70 and signatures, not to exceed 15 percent of the names and
71 signatures otherwise required. If the petitions do not meet such
72 criteria, then the use of the verification method described in
73 this paragraph shall not be available to supervisors.

74
75 Notwithstanding any other provision of law, petitions to secure
76 ballot placement for an issue, and petition revocations pursuant
77 to s. 100.371(7), must be verified by the method provided in
78 paragraph (a).

HB 1471

2005
CS

79 | (3)(a) A signature ~~name~~ on a petition, in a ~~which~~ name
80 | that is not in substantially the same form as a name on the
81 | voter registration books, shall be counted as a valid signature
82 | if, after comparing the signature on the petition with the
83 | signature of the alleged signer as shown on the registration
84 | books, the supervisor determines that the person signing the
85 | petition and the person who registered to vote are one and the
86 | same. In any situation in which this code requires the form of
87 | the petition to be prescribed by the division, no signature
88 | shall be counted toward the number of signatures required unless
89 | it is on a petition form prescribed by the division. A signature
90 | on a petition may not be counted toward the number of valid
91 | signatures required for ballot placement unless all relevant
92 | provisions of this code have been satisfied.

93 | (b) If a voter signs a petition and lists an address other
94 | than the legal residence where the voter is registered, the
95 | supervisor shall treat the signature as if the voter had listed
96 | the address where the voter is registered.

97 | (4)(a) The supervisor shall be paid in advance the sum of
98 | 10 cents for each signature checked or the actual cost of
99 | checking such signature, whichever is less, by the candidate or,
100 | in the case of a petition to have an issue placed on the ballot,
101 | by the person or organization submitting the petition. However,
102 | if a candidate, person, or organization seeking to have an issue
103 | placed upon the ballot cannot pay such charges without imposing
104 | an undue burden on personal resources or upon the resources
105 | otherwise available to such candidate, person, or organization,
106 | such candidate, person, or organization shall, upon written

HB 1471

2005
CS

107 certification of such inability given under oath to the
 108 supervisor, be entitled to have the signatures verified at no
 109 charge. In the event a candidate, person, or organization
 110 submitting a petition to have an issue placed upon the ballot is
 111 entitled to have the signatures verified at no charge, the
 112 supervisor of elections of each county in which the signatures
 113 are verified at no charge shall submit the total number of such
 114 signatures checked in the county to the Chief Financial Officer
 115 no later than December 1 of the general election year, and the
 116 Chief Financial Officer shall cause such supervisor of elections
 117 to be reimbursed from the General Revenue Fund in an amount
 118 equal to 10 cents for each signature ~~name~~ checked or the actual
 119 cost of checking such signatures, whichever is less. In no event
 120 shall such reimbursement of costs be deemed or applied as extra
 121 compensation for the supervisor. Petitions shall be retained by
 122 the supervisors for a period of 1 year following the election
 123 for which the petitions were circulated.

124 (b) A person or organization submitting a petition to
 125 secure ballot placement for an issue which has filed a
 126 certification of undue burden may not provide compensation to
 127 any paid petition circulator, as defined in s. 100.372, unless
 128 the person or organization first pays all supervisors for each
 129 signature checked or reimburses the General Revenue Fund for
 130 such costs. If a person or organization subject to this
 131 paragraph provides compensation to a paid petition circulator
 132 before the date the person or organization pays all supervisors
 133 for each signature checked or reimburses the General Revenue
 134 Fund for such costs, no signature on a petition circulated by

HB 1471

2005
CS

135 the petition circulator before that date may be counted toward
 136 the number of valid signatures required for ballot placement.

137 (6)(a) The alleged improper verification of a signature on
 138 a petition to secure ballot placement for an issue pursuant to
 139 this code may be contested in the circuit court by a political
 140 committee or by an elector. The contestant shall file a
 141 complaint setting forth the basis of the contest, together with
 142 the fees prescribed in chapter 28, with the clerk of the circuit
 143 court in the county in which the petition is certified or in
 144 Leon County if the complaint is directed to petitions certified
 145 in more than one county.

146 (b) If the contestant demonstrates by a preponderance of
 147 the evidence that one or more petitions were improperly
 148 verified, the signatures appearing on such petitions may not be
 149 counted toward the number of valid signatures required for
 150 ballot placement. If an action brought under this subsection is
 151 resolved after the Secretary of State has issued a certificate
 152 of ballot position for the issue, but the contestant
 153 demonstrates by a preponderance of the evidence that the person
 154 or organization submitting the petition had obtained
 155 verification of an insufficient number of valid and verified
 156 signatures to qualify for ballot placement, the issue shall be
 157 removed from the ballot or, if such action is impractical, any
 158 votes cast for or against the issue may not be counted and shall
 159 be invalidated.

160 (c) An action under this subsection must be commenced not
 161 later than 90 days after the Secretary of State issues a
 162 certificate of ballot position for the issue.

HB 1471

2005
CS

163 Section 3. Section 100.371, Florida Statutes, as amended
164 by section 9 of chapter 2002-281, Laws of Florida, is amended to
165 read:

166 100.371 Initiatives; procedure for placement on ballot.--

167 (1) Constitutional amendments proposed by initiative shall
168 be placed on the ballot for the general election provided that
169 an initiative petition is filed with the Secretary of State by
170 February 1 of the year in which the general election is to be
171 held occurring in excess of 90 days from the certification of
172 ballot position by the Secretary of State.

173 (2) ~~Such~~ Certification of ballot position shall be issued
174 when the Secretary of State has received verification
175 certificates from the supervisors of elections indicating that
176 the requisite number and distribution of valid petitions bearing
177 the signatures of electors have been submitted to and verified
178 by the supervisors. Every signature shall be dated by the
179 elector when made. Signatures are ~~and shall be~~ valid for a
180 period of 4 years following such date, provided all other
181 requirements of law are satisfied ~~complied with~~.

182 (3) The sponsor of an initiative amendment shall, prior to
183 obtaining any signatures, register as a political committee
184 pursuant to s. 106.03 and submit the text of the proposed
185 amendment to the Secretary of State, with the form on which the
186 signatures will be affixed, and shall obtain the approval of the
187 Secretary of State of such form. The division ~~Secretary of State~~
188 shall adopt rules pursuant to s. 120.54 prescribing the style
189 and requirements of such form. Upon filing with the Secretary of
190 State, the text of the proposed amendment and all forms filed in

191 connection with this section must, upon request, be made
 192 available in alternative formats. The contents of a petition
 193 form shall be limited to those items required by statute or
 194 rule. A petition form shall be deemed a political advertisement
 195 as defined in s. 106.011 and, as such, must comply with all
 196 relevant requirements of chapter 106.

197 (4) The supervisor of elections shall record the date each
 198 petition form was received by the supervisor and the date the
 199 signature on the form was verified as valid. The supervisor
 200 shall verify that the signature on a petition form is valid only
 201 if the form complies with all of the following:

202 (a) The form must contain the original signature of the
 203 purported elector;

204 (b) The purported elector must accurately record on the
 205 form the date on which he or she signed the form;

206 (c) The purported elector must accurately record on the
 207 form his or her name, street address, county, voter registration
 208 number, and any other information required by the division by
 209 rule;

210 (d) The purported elector must be, at the time he or she
 211 signs the form, a duly qualified and registered elector
 212 authorized to vote in the county for which his or her signature
 213 is submitted;

214 (e) The date the elector signed the form, as recorded by
 215 the elector, must be no more than 10 days from the date the form
 216 was received by the supervisor of elections;

217 (f) The elector must accurately record on the form whether
 218 the elector was presented with the petition form for his or her

HB 1471

2005
CS

219 signature by a petition circulator, as defined in s. 100.372(1);
 220 and

221 (g) If the elector was presented with the petition form
 222 for his or her signature by a petition circulator, the petition
 223 form must comply with the requirements of s. 100.372.

224 (5) An elector has the right to submit his or her signed
 225 form to the sponsor of the initiative amendment, by mail or
 226 otherwise, at an address listed on the form for this purpose.

227 (6) Each form must contain the following three notices at
 228 the top of the form in bold type and in a 16-point or larger
 229 font, immediately following the title "Constitutional Amendment
 230 Petition Form":

231
 232 RIGHT TO MAIL-IN - You have the right to take this
 233 petition home and study the issue before signing. If
 234 you choose to sign the petition, you may return it to
 235 the sponsors of the amendment at the following
 236 address: _____.

237
 238 PAID PETITION CIRCULATOR - The person presenting this
 239 petition for your signature may be receiving
 240 compensation to do so. You have the right to ask for
 241 this information and the person's rate of compensation
 242 before you sign the petition.

243
 244 NATURE OF AMENDMENT - The merits of the proposed
 245 change to the Florida Constitution appearing below

HB 1471

2005
CS

246 have not been officially reviewed by any court or
 247 agency of state government.

248
 249 (7) An elector's signature on a petition form may be
 250 revoked by submitting to the supervisor a signed petition
 251 revocation form adopted by rule for this purpose by the
 252 division. The sponsor of an initiative amendment shall provide
 253 to any elector submitting his or her signature on a petition
 254 form a revocation form for that initiative. The revocation form
 255 must contain the address of the Secretary of State to permit the
 256 elector to submit the revocation form via United States mail.
 257 The petition revocation form shall be filed with the Secretary
 258 of State no later than the January 1 preceding the next general
 259 election or, if the initiative amendment is not certified for
 260 ballot position in that election, no later than the January 1
 261 preceding the next successive general election. The division
 262 shall promptly process the revocation form under procedures
 263 adopted by rule for this purpose by the division.

264 (8)(4) The sponsor shall submit signed and dated forms to
 265 the appropriate supervisor of elections for verification as to
 266 the number of registered electors whose valid signatures appear
 267 thereon. The supervisor shall promptly verify the signatures
 268 upon payment of the fee required by s. 99.097. Upon completion
 269 of verification, the supervisor shall execute a certificate
 270 indicating the total number of signatures checked, the number of
 271 signatures verified as valid and as being of registered
 272 electors, the number of signatures validly revoked pursuant to
 273 subsection (7), and the distribution of such signatures by

HB 1471

2005
CS

274 congressional district. This certificate shall be immediately
 275 transmitted to the Secretary of State. The supervisor shall
 276 retain the signed signature forms and revocation forms for at
 277 least 1 year following the election in which the issue appeared
 278 on the ballot or until the Division of Elections notifies the
 279 supervisors of elections that the committee which circulated the
 280 petition is no longer seeking to obtain ballot position.

281 (9)~~(5)~~ The Secretary of State shall determine from the
 282 verification certificates received from supervisors of elections
 283 the total number of verified valid signatures and the
 284 distribution of such signatures by congressional districts. Upon
 285 a determination that the requisite number and distribution of
 286 valid signatures have been obtained, the secretary shall issue a
 287 certificate of ballot position for that proposed amendment and
 288 shall assign a designating number pursuant to s. 101.161. A
 289 petition shall be deemed to be filed with the Secretary of State
 290 upon the date of the receipt by the secretary of a certificate
 291 or certificates from supervisors of elections indicating the
 292 petition has been signed by the constitutionally required number
 293 of electors.

294 (10)~~(6)~~(a) Within 45 days after receipt of a proposed
 295 revision or amendment to the State Constitution by initiative
 296 petition from the Secretary of State ~~or, within 30 days after~~
 297 ~~such receipt if receipt occurs 120 days or less before the~~
 298 ~~election at which the question of ratifying the amendment will~~
 299 ~~be presented~~, the Financial Impact Estimating Conference shall
 300 complete an analysis and financial impact statement to be placed
 301 on the ballot of the estimated increase or decrease in any

HB 1471

2005
CS

302 revenues or costs to state or local governments resulting from
 303 the proposed initiative. The Financial Impact Estimating
 304 Conference shall submit the financial impact statement to the
 305 Attorney General and Secretary of State.

306 (b)1. The Financial Impact Estimating Conference shall
 307 provide an opportunity for any proponents or opponents of the
 308 initiative to submit information and may solicit information or
 309 analysis from any other entities or agencies, including the
 310 Office of Economic and Demographic Research. All meetings of the
 311 Financial Impact Estimating Conference shall be open to the
 312 public as provided in chapter 286.

313 2. The Financial Impact Estimating Conference is
 314 established to review, analyze, and estimate the financial
 315 impact of amendments to or revisions of the State Constitution
 316 proposed by initiative. The Financial Impact Estimating
 317 Conference shall consist of four principals: one person from the
 318 Executive Office of the Governor; the coordinator of the Office
 319 of Economic and Demographic Research, or his or her designee;
 320 one person from the professional staff of the Senate; and one
 321 person from the professional staff of the House of
 322 Representatives. Each principal shall have appropriate fiscal
 323 expertise in the subject matter of the initiative. A Financial
 324 Impact Estimating Conference may be appointed for each
 325 initiative.

326 3. Principals of the Financial Impact Estimating
 327 Conference shall reach a consensus or majority concurrence on a
 328 clear and unambiguous financial impact statement, no more than
 329 75 words in length, and immediately submit the statement to the

HB 1471

2005
CS

330 Attorney General. Nothing in this subsection prohibits the
 331 Financial Impact Estimating Conference from setting forth a
 332 range of potential impacts in the financial impact statement.
 333 Any financial impact statement that a court finds not to be in
 334 accordance with this section shall be remanded solely to the
 335 Financial Impact Estimating Conference for redrafting. The
 336 Financial Impact Estimating Conference shall redraft the
 337 financial impact statement within 15 days.

338 4. If the members of the Financial Impact Estimating
 339 Conference are unable to agree on the statement required by this
 340 subsection, or if the Supreme Court has rejected the initial
 341 submission by the Financial Impact Estimating Conference and no
 342 redraft has been approved by the Supreme Court by April 1 of the
 343 year in which the general election is to be held ~~5 p.m. on the~~
 344 ~~75th day before the election~~, the following statement shall
 345 appear on the ballot pursuant to s. 101.161(1): "The financial
 346 impact of this measure, if any, cannot be reasonably determined
 347 at this time."

348 (c) The financial impact statement must be separately
 349 contained and be set forth after the ballot summary as required
 350 in s. 101.161(1).

351 (d)1. Any financial impact statement that the Supreme
 352 Court finds not to be in accordance with this subsection shall
 353 be remanded solely to the Financial Impact Estimating Conference
 354 for redrafting, provided the court's advisory opinion is
 355 rendered by April 1 of the year in which the general election is
 356 to be held ~~at least 75 days before the election at which the~~
 357 ~~question of ratifying the amendment will be presented~~. The

HB 1471

2005
CS

358 Financial Impact Estimating Conference shall prepare and adopt a
359 revised financial impact statement no later than 5 p.m. on the
360 15th day after the date of the court's opinion.

361 2. If, by 5 p.m. on April 1 of the year in which the
362 general election is to be held ~~the 75th day before the election,~~
363 the Supreme Court has not issued an advisory opinion on the
364 initial financial impact statement prepared by the Financial
365 Impact Estimating Conference for an initiative amendment that
366 otherwise meets the legal requirements for ballot placement, the
367 financial impact statement shall be deemed approved for
368 placement on the ballot.

369 3. In addition to the financial impact statement required
370 by this subsection, the Financial Impact Estimating Conference
371 shall draft an initiative financial information statement. The
372 initiative financial information statement should describe in
373 greater detail than the financial impact statement any projected
374 increase or decrease in revenues or costs that the state or
375 local governments would likely experience if the ballot measure
376 were approved. If appropriate, the initiative financial
377 information statement may include both estimated dollar amounts
378 and a description placing the estimated dollar amounts into
379 context. The initiative financial information statement must
380 include both a summary of not more than 500 words and additional
381 detailed information that includes the assumptions that were
382 made to develop the financial impacts, workpapers, and any other
383 information deemed relevant by the Financial Impact Estimating
384 Conference.

HB 1471

2005
CS

385 4. The Department of State shall have printed, and shall
 386 furnish to each supervisor of elections, a copy of the summary
 387 from the initiative financial information statements. The
 388 supervisors shall have the summary from the initiative financial
 389 information statements available at each polling place and at
 390 the main office of the supervisor of elections upon request.

391 5. The Secretary of State and the Office of Economic and
 392 Demographic Research shall make available on the Internet each
 393 initiative financial information statement in its entirety. In
 394 addition, each supervisor of elections whose office has a
 395 website shall post the summary from each initiative financial
 396 information statement on the website. Each supervisor shall
 397 include the Internet addresses for the information statements on
 398 the Secretary of State's and the Office of Economic and
 399 Demographic Research's websites in the publication or mailing
 400 required by s. 101.20.

401 ~~(11)(7)~~ The Department of State may adopt rules in
 402 accordance with s. 120.54 to carry out this section ~~the~~
 403 ~~provisions of subsections (1)-(6)~~.

404 Section 4. Section 100.372, Florida Statutes, is created
 405 to read:

406 100.372 Regulation of initiative petition circulators.--

407 (1) For purposes of this section, a:

408 (a) "Petition circulator" is any person who, in the
 409 context of a direct face-to-face conversation, presents to
 410 another person for his or her possible signature a petition form
 411 or petition revocation form regarding ballot placement for an
 412 initiative.

413 (b) "Paid petition circulator" is a petition circulator
 414 who receives any compensation as either a direct or indirect
 415 consequence of the activities described in paragraph (a).

416 (2) A petition circulator must be, at the time the
 417 petition circulator presents to any person for his or her
 418 possible signature a petition form or petition revocation form
 419 regarding ballot placement for an initiative, at least 18 years
 420 of age and eligible to register to vote in this state pursuant
 421 to s. 97.041.

422 (3) A paid petitioner circulator shall, when engaged in
 423 the activities described in paragraph (1)(a), wear a prominent
 424 badge, in a form and manner prescribed by rule by the division,
 425 identifying him or her as a "PAID PETITION CIRCULATOR."

426 (4) In addition to any other practice or action
 427 permissible under law, an owner, lessee, or other person
 428 lawfully exercising control over private property may:

429 (a) Prohibit petition circulators from operating on the
 430 property and prohibit persons from engaging in other activities
 431 supporting or opposing an initiative; or

432 (b) Permit such conduct on the property subject to time,
 433 place, and manner restrictions that are reasonable and uniformly
 434 applied.

435 (5) Prior to being presented to a possible elector for
 436 signature, a petition form or petition revocation form regarding
 437 ballot placement for an initiative must set forth the following
 438 information in a format and manner prescribed by rule by the
 439 division:

HB 1471

2005
CS

440 (a) The name of any organization or entity with which the
 441 petition circulator is affiliated and on behalf of which the
 442 petition circulator is presenting forms to electors for possible
 443 signature.

444 (b) The name of the sponsor of the initiative if different
 445 from the entity with which the petition circulator is
 446 affiliated.

447 (c) A statement directing those seeking information about
 448 initiative sponsors and their contributors to the internet
 449 address of the appropriate division website; and

450 (d) A statement disclosing whether the petition circulator
 451 is a paid petition circulator, and, if so, the amount or rate of
 452 compensation and the name and address of the person or entity
 453 paying the compensation to the paid petition circulator.

454 (6)(a) A paid petition circulator shall attach to each
 455 signed petition form, petition revocation form, or group of such
 456 forms obtained by the paid petition circulator a signed,
 457 notarized, and dated affidavit executed by the paid petition
 458 circulator in a form prescribed by rule by the division. If the
 459 affidavit pertains to a group of forms, the forms shall be
 460 consecutively numbered on their face by the paid petition
 461 circulator and the affidavit shall refer to the forms by number.

462 (b) The affidavit shall include the paid petition
 463 circulator's printed name; the street address at which he or she
 464 resides, including county; the petition circulator's date of
 465 birth; the petition circulator's Florida voter registration
 466 number and county of registration, if applicable, or an
 467 identification number from a valid government-issued photo

HB 1471

2005
CS

468 identification card along with information identifying the
 469 issuer; and the date he or she signed the affidavit.

470 (c) The affidavit shall attest that the paid petition
 471 circulator has read and understands the laws governing the
 472 circulation of petition and petition revocation forms regarding
 473 ballot placement for an initiative; that he or she was 18 years
 474 of age and eligible to register to vote at the time the attached
 475 form or forms were circulated and signed by the listed electors;
 476 that he or she circulated the attached form or forms; that each
 477 signature thereon was affixed in the circulator's presence; that
 478 each signature thereon is the signature of the person whose name
 479 it purports to be; that to the best of the circulator's
 480 knowledge and belief each of the persons signing the form or
 481 forms was, at the time of signing, a registered elector; that
 482 the circulator has not provided or received, and will not in the
 483 future provide or receive, compensation that is based, directly
 484 or indirectly, upon the number of signatures obtained on
 485 petitions or petition revocation forms; and that he or she has
 486 not paid or will not in the future pay, and that he or she
 487 believes that no other person has paid or will pay, directly or
 488 indirectly, any money or other thing of value to any signer for
 489 the purpose of inducing or causing such signer to affix his or
 490 her signature to the form.

491 (d) A signature on a petition form or petition revocation
 492 form regarding ballot placement for an initiative to which an
 493 affidavit required by this subsection is not attached is
 494 invalid, may not be verified by the supervisor of elections, and

HB 1471

2005
CS

495 may not be counted toward the number of valid signatures
496 required for ballot placement.

497 (7) Each paid petition circulator shall provide to the
498 sponsor of the initiative amendment for which he or she is
499 circulating petitions a copy of a valid and current government-
500 issued photo identification card that accurately indicates the
501 address at which the paid petition circulator resides. The
502 sponsor of the initiative shall maintain the copies of these
503 identification cards in its files and shall make them available
504 for inspection by any person. If a sponsor fails to maintain
505 such a copy with respect to a particular paid petition
506 circulator, all petitions obtained by that paid petition
507 circulator prior to the date the sponsor produces the required
508 copy of the identification card are invalid, may not be verified
509 by the supervisor of elections, and may not be counted toward
510 the number of valid signatures required for ballot placement.

511 (8) A signature on a petition form or petition revocation
512 form regarding ballot placement for an initiative which does not
513 fully comply with the applicable provisions of this chapter, or
514 which was obtained in violation of the applicable provisions of
515 this code, is invalid, may not be verified by the supervisor of
516 elections, and may not be counted toward the number of valid
517 signatures required for ballot placement.

518 Section 5. Section 101.161, Florida Statutes, is amended
519 to read:

520 (1) Whenever a constitutional amendment or other public
521 measure is submitted to the vote of the people, the substance of
522 such amendment or other public measure shall be printed in clear

HB 1471

2005
CS

523 and unambiguous language on the ballot after the list of
 524 candidates, followed by the word "yes" and also by the word
 525 "no," and shall be styled in such a manner that a "yes" vote
 526 will indicate approval of the proposal and a "no" vote will
 527 indicate rejection. The wording of the substance of the
 528 amendment or other public measure and the ballot title to appear
 529 on the ballot shall be embodied in the joint resolution,
 530 constitutional revision commission proposal, constitutional
 531 convention proposal, taxation and budget reform commission
 532 proposal, or enabling resolution or ordinance. Except for
 533 amendments and ballot language proposed by joint resolution, the
 534 substance of the amendment or other public measure shall be an
 535 explanatory statement, not exceeding 75 words in length, of the
 536 chief purpose of the measure. In addition, for every amendment
 537 proposed by initiative, the ballot shall include, following the
 538 ballot summary, a separate financial impact statement concerning
 539 the measure prepared by the Financial Impact Estimating
 540 Conference in accordance with s. 100.371(10)(~~6~~). The ballot
 541 title shall consist of a caption, not exceeding 15 words in
 542 length, by which the measure is commonly referred to or spoken
 543 of.

544 Section 6. Paragraph (a) of subsection (4) of section
 545 101.62, Florida Statutes, is amended to read:

546 101.62 Request for absentee ballots.--

547 (4)(a) To each absent qualified elector overseas who has
 548 requested an absentee ballot, the supervisor of elections shall,
 549 not fewer than 35 days before the first primary election, mail
 550 an absentee ballot. Not fewer than 45 days before the second

HB 1471

2005
CS

551 primary and general election, the supervisor of elections shall
552 mail an advance absentee ballot to those persons requesting
553 ballots for such elections. The advance absentee ballot for the
554 second primary shall be the same as the first primary absentee
555 ballot as to the names of candidates, except that for any
556 offices where there are only two candidates, those offices and
557 all political party executive committee offices shall be
558 omitted. Except as provided in ss. 99.063(4) and 100.371(10)(~~6~~),
559 the advance absentee ballot for the general election shall be as
560 specified in s. 101.151, except that in the case of candidates
561 of political parties where nominations were not made in the
562 first primary, the names of the candidates placing first and
563 second in the first primary election shall be printed on the
564 advance absentee ballot. The advance absentee ballot or advance
565 absentee ballot information booklet shall be of a different
566 color for each election and also a different color from the
567 absentee ballots for the first primary, second primary, and
568 general election. The supervisor shall mail an advance absentee
569 ballot for the second primary and general election to each
570 qualified absent elector for whom a request is received until
571 the absentee ballots are printed. The supervisor shall enclose
572 with the advance second primary absentee ballot and advance
573 general election absentee ballot an explanation stating that the
574 absentee ballot for the election will be mailed as soon as it is
575 printed; and, if both the advance absentee ballot and the
576 absentee ballot for the election are returned in time to be
577 counted, only the absentee ballot will be counted. The
578 Department of State may prescribe by rule the requirements for

Page 21 of 26

HB 1471

2005
CS

579 preparing and mailing absentee ballots to absent qualified
580 electors overseas.

581 Section 7. Subsection (5) is added to section 104.012,
582 Florida Statutes, to read:

583 104.012 Consideration for registration; interference with
584 registration; soliciting registrations for compensation;
585 alteration of registration application; failing to submit
586 registration application.--

587 (5) Any person who obtains an executed voter registration
588 application from another person and who willfully fails to
589 submit this application to the appropriate supervisor of
590 elections within 10 days commits a felony of the third degree,
591 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

592 Section 8. Section 104.185, Florida Statutes, is amended
593 to read:

594 104.185 Violations involving petitions; knowingly signing
595 ~~more than once; signing another person's name or a fictitious~~
596 ~~name~~.--

597 (1) A person who knowingly signs a petition or petitions
598 to secure ballot position for a candidate, a minor political
599 party, or an issue more than one time commits a misdemeanor of
600 the first degree, punishable as provided in s. 775.082 or s.
601 775.083.

602 (2) A person who signs another person's name or a
603 fictitious name to any petition to secure ballot position for a
604 candidate, a minor political party, or an issue, or to a
605 petition revocation form, commits a felony ~~misdemeanor~~ of the

HB 1471

2005
CS

606 third ~~first~~ degree, punishable as provided in s. 775.082, ~~or~~ s.
607 775.083, or s. 775.084.

608 (3) A person who willfully swears or affirms falsely to
609 any oath or affirmation, or willfully procures another person to
610 swear or affirm falsely to an oath or affirmation, in connection
611 with or arising out of the petitioning process commits a felony
612 of the third degree, punishable as provided in s. 775.082, s.
613 775.083, or s. 775.084.

614 (4) A person who willfully submits any false information
615 on a petition or petition revocation form commits a felony of
616 the third degree, punishable as provided in s. 775.082 or s.
617 775.083.

618 (5) A person who directly or indirectly gives or promises
619 anything of value to any other person to induce that other
620 person to sign a petition or petition revocation form commits a
621 felony of the third degree, punishable as provided in s.
622 775.082, s. 775.083, or s. 775.084.

623 (6) A person who, by bribery, menace, threat, or other
624 corruption, directly or indirectly influences, deceives, or
625 deters, or attempts to influence, deceive, or deter, any person
626 in the free exercise of that person's right to sign a petition
627 or petition revocation form, upon the first conviction commits,
628 a felony of the third degree, punishable as provided in s.
629 775.082, s. 775.083, or s. 775.084.

630 (7) A person may not provide or receive compensation that
631 is based, directly or indirectly, upon the number of signatures
632 obtained on petitions or petition revocation forms. A person who

HB 1471

2005
CS

633 violates this subsection commits a felony of the second degree,
 634 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

635 (8) A person who alters the petition or petition
 636 revocation form signed by any other person without the other
 637 person's knowledge and consent commits a felony of the third
 638 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 639 775.084.

640 (9) A person perpetrating, or attempting to perpetrate or
 641 aid in the perpetration of, any fraud in connection with
 642 obtaining the signature of electors on petitions or petition
 643 revocation forms commits a felony of the third degree,
 644 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

645 (10) In addition to any other penalty provided for by law,
 646 if a paid petition circulator, as defined in s. 100.372(1),
 647 violates any provision of this section, the Florida Elections
 648 Commission may, pursuant to s. 106.265, impose a civil penalty
 649 in the form of a fine not to exceed \$1,000 per violation on any
 650 person or entity on behalf of which the petition circulator was
 651 acting at the time of the violation.

652 Section 9. Section 104.42, Florida Statutes, is amended to
 653 read:

654 104.42 Unlawful registrations, petitions, petition
 655 revocations, ~~Fraudulent registration and illegal~~ voting;
 656 investigation.--

657 (1) The supervisor of elections is authorized to
 658 investigate unlawful ~~fraudulent~~ registrations, petitions, and
 659 ~~illegal~~ voting and to report his or her findings to the local

HB 1471

2005
CS

660 state attorney, the Florida Department of Law Enforcement, and
661 the Florida Elections Commission.

662 (2) The board of county commissioners in any county may
663 appropriate funds to the supervisor of elections for the purpose
664 of investigating unlawful ~~fraudulent~~ registrations, petitions,
665 and ~~illegal~~ voting.

666 (3) The supervisor of elections shall document and report
667 suspected unlawful registrations, petitions, and voting to the
668 Florida Elections Commission within 10 days of acquiring
669 reasonable suspicion about the lawfulness of the registrations,
670 petitions, and voting.

671 Section 10. Any signature gathered on an authorized form
672 for an initiative petition that has been submitted for
673 verification prior to the effective date of this act may be
674 verified and counted if otherwise valid. However, any petition
675 form that is submitted for verification on or after the
676 effective date of this act shall be verified and counted only if
677 it complies with all the provisions of this act. Any initiative
678 petition form approved by the Secretary of State prior to the
679 effective date of this act is hereby invalidated, and a new
680 petition form must be resubmitted to the Secretary of State for
681 approval in accordance with the requirements of this act prior
682 to obtaining elector signatures.

683 Section 11. If any provision of this act or its
684 application to any person or circumstance is held invalid, the
685 invalidity does not affect other provisions or applications of
686 the act which can be given effect without the invalid provision

HB 1471

2005
CS

687 | or application, and to this end the provisions of this act are
688 | declared severable.

689 | Section 12. This act shall take effect August 1, 2005.