

1 A bill to be entitled

2 An act relating to the petition process; providing a
3 popular name; amending s. 99.097, F.S.; providing for
4 certain petitions and petition revocations to be verified
5 by a certain method; requiring certain provisions to be
6 satisfied before a signature on a petition may be counted;
7 prohibiting compensation to any paid petition circulator
8 in certain circumstances; providing the procedure to
9 contest and resolve the alleged improper verification of
10 certain signatures; amending s. 100.371, F.S.; revising
11 requirements for placement of constitutional amendments
12 proposed by initiative on the ballot for the general
13 election; revising and providing rulemaking authority;
14 providing limitations on the contents of a petition form;
15 establishing compliance criteria for petition forms;
16 providing an elector's right to mail or deliver the form
17 to an address provided for that purpose; providing notices
18 that must be contained in each petition form; providing
19 for revocation of an elector's signature; requiring
20 payment of a fee to process petition revocation forms;
21 revising the duties of supervisors of elections; revising
22 requirements relating to the Financial Impact Estimating
23 Conference and financial impact statements; creating s.
24 100.372, F.S.; providing for the regulation of initiative
25 petition circulators; providing definitions; providing
26 qualification requirements; providing requirements for the
27 practice of paid petition circulation; amending ss.
28 101.161, and 101.62, F.S.; correcting cross references;

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29 | amending s. 104.012, F.S.; providing criminal penalties
30 | for specified offenses involving voter registration
31 | applications; amending s. 104.185, F.S.; revising and
32 | providing violations involving petitions and providing
33 | penalties therefor; amending s. 104.42, F.S.; revising
34 | provisions relating to unlawful registrations, petitions,
35 | and voting and the investigation of such matters;
36 | requiring documentation and reporting thereof to the
37 | Florida Elections Commission within a specified time
38 | period; providing for the validity of certain petition
39 | signatures gathered before the effective date of the act;
40 | requiring previously approved petition forms to be
41 | resubmitted for approval in accordance with the
42 | requirements of the act; providing severability; providing
43 | an effective date.

44

45 | Be It Enacted by the Legislature of the State of Florida:

46

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

49 | Section 2. Subsections (1), (3), and (4) of section
50 | 99.097, Florida Statutes, are amended, and subsection (6) is
51 | added to said section, to read:

52 | 99.097 Verification of signatures on petitions.--

53 | (1) As determined by each supervisor, based upon local
54 | conditions, the verification of signatures ~~checking of names~~ on
55 | petitions may be based on the most inexpensive and

56 | administratively feasible of either of the following methods of
 57 | verification:

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

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

72 |
 73 | Notwithstanding any other provision of law, petitions to secure
 74 | ballot placement for an issue, and petition revocations pursuant
 75 | to s. 100.371(7), must be verified by the method provided in
 76 | paragraph (a).

77 | (3) (a) A signature ~~name~~ on a petition, in a ~~which~~ name
 78 | that is not in substantially the same form as a name on the
 79 | voter registration books, shall be counted as a valid signature
 80 | if, after comparing the signature on the petition with the
 81 | signature of the alleged signer as shown on the registration
 82 | books, the supervisor determines that the person signing the
 83 | petition and the person who registered to vote are one and the

84 same. In any situation in which this code requires the form of
85 the petition to be prescribed by the division, no signature
86 shall be counted toward the number of signatures required unless
87 it is on a petition form prescribed by the division. A signature
88 on a petition may not be counted toward the number of valid
89 signatures required for ballot placement unless all relevant
90 provisions of this code have been satisfied.

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

95 (4) (a) The supervisor shall be paid in advance the sum of
96 10 cents for each signature checked or the actual cost of
97 checking such signature, whichever is less, by the candidate or,
98 in the case of a petition to have an issue placed on the ballot,
99 by the person or organization submitting the petition. However,
100 if a candidate, person, or organization seeking to have an issue
101 placed upon the ballot cannot pay such charges without imposing
102 an undue burden on personal resources or upon the resources
103 otherwise available to such candidate, person, or organization,
104 such candidate, person, or organization shall, upon written
105 certification of such inability given under oath to the
106 supervisor, be entitled to have the signatures verified at no
107 charge. In the event a candidate, person, or organization
108 submitting a petition to have an issue placed upon the ballot is
109 entitled to have the signatures verified at no charge, the
110 supervisor of elections of each county in which the signatures
111 are verified at no charge shall submit the total number of such

112 signatures checked in the county to the Chief Financial Officer
113 no later than December 1 of the general election year, and the
114 Chief Financial Officer shall cause such supervisor of elections
115 to be reimbursed from the General Revenue Fund in an amount
116 equal to 10 cents for each signature ~~name~~ checked or the actual
117 cost of checking such signatures, whichever is less. In no event
118 shall such reimbursement of costs be deemed or applied as extra
119 compensation for the supervisor. Petitions shall be retained by
120 the supervisors for a period of 1 year following the election
121 for which the petitions were circulated.

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

135 (6) (a) The alleged improper verification of a signature on
136 a petition to secure ballot placement for an issue pursuant to
137 this code may be contested in the circuit court by a political
138 committee or by an elector. The contestant shall file a
139 complaint setting forth the basis of the contest, together with

140 the fees prescribed in chapter 28, with the clerk of the circuit
141 court in the county in which the petition is certified or in
142 Leon County if the complaint is directed to petitions certified
143 in more than one county.

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

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

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

164 100.371 Initiatives; procedure for placement on ballot.--

165 (1) Constitutional amendments proposed by initiative shall
166 be placed on the ballot for the general election provided that
167 an initiative petition is filed with the Secretary of State by

168 February 1 of the year in which the general election is to be
 169 held occurring in excess of 90 days from the certification of
 170 ballot position by the Secretary of State.

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

180 (3) The sponsor of an initiative amendment shall, prior to
 181 obtaining any signatures, register as a political committee
 182 pursuant to s. 106.03 and submit the text of the proposed
 183 amendment to the Secretary of State, with the form on which the
 184 signatures will be affixed, and shall obtain the approval of the
 185 Secretary of State of such form. The division ~~Secretary of State~~
 186 shall adopt rules pursuant to s. 120.54 prescribing the style
 187 and requirements of such form. Upon filing with the Secretary of
 188 State, the text of the proposed amendment and all forms filed in
 189 connection with this section must, upon request, be made
 190 available in alternative formats. The contents of a petition
 191 form shall be limited to those items required by statute or
 192 rule. A petition form shall be deemed a political advertisement
 193 as defined in s. 106.011 and, as such, must comply with all
 194 relevant requirements of chapter 106.

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

200 (a) The form must contain the original signature of the
201 purported elector;

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

204 (c) The form must accurately set forth the purported
205 elector's name, street address, county, voter registration
206 number or date of birth, and any other information required by
207 the division by rule;

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

212 (e) The date the elector signed the form, as recorded by
213 the elector, must be no more than 45 days from the date the form
214 was received by the supervisor of elections;

215 (f) The elector must accurately record on the form whether
216 the elector was presented with the petition form for his or her
217 signature by a petition circulator, as defined in s. 100.372(1);
218 and

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

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

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

229
 230 RIGHT TO MAIL-IN - You have the right to take this
 231 petition home and study the issue before signing. If
 232 you choose to sign the petition, you may return it to
 233 the sponsors of the amendment at the following
 234 address: _____.

235
 236 PAID PETITION CIRCULATOR - The person presenting this
 237 petition for your signature may be receiving
 238 compensation to do so. You have the right to ask for
 239 this information and the person's rate of compensation
 240 before you sign the petition.

241
 242 NATURE OF AMENDMENT - The merits of the proposed
 243 change to the Florida Constitution appearing below
 244 have not been officially reviewed by any court or
 245 agency of state government.

246
 247 (7) An elector's signature on a petition form may be
 248 revoked by submitting to the supervisor a signed petition
 249 revocation form in a form and manner prescribed by rule by the

250 division. The petition revocation form shall be subject to the
251 same requirements as the corresponding petition form under this
252 code. The petition revocation form shall be filed with the
253 appropriate supervisor of elections no later than the January 1
254 preceding the next general election or, if the initiative
255 amendment is not certified for ballot position in that election,
256 no later than the January 1 preceding the next successive
257 general election. The supervisor of elections shall promptly
258 verify the signature on the petition revocation form and process
259 such revocation upon payment of a fee, in advance, of 10 cents
260 or the actual cost of checking such signature, whichever is
261 less.

262 (8)-(4) The sponsor shall submit signed and dated forms to
263 the appropriate supervisor of elections for verification as to
264 the number of registered electors whose valid signatures appear
265 thereon. The supervisor shall promptly verify the signatures
266 upon payment of the fee required by s. 99.097. Upon completion
267 of verification, the supervisor shall execute a certificate
268 indicating the total number of signatures checked, the number of
269 signatures verified as valid and as being of registered
270 electors, the number of signatures validly revoked pursuant to
271 subsection (7), and the distribution of such signatures by
272 congressional district. This certificate shall be immediately
273 transmitted to the Secretary of State. The supervisor shall
274 retain the signed signature forms and revocation forms for at
275 least 1 year following the election in which the issue appeared
276 on the ballot or until the Division of Elections notifies the

277 supervisors of elections that the committee which circulated the
278 petition is no longer seeking to obtain ballot position.

279 (9)~~(5)~~ The Secretary of State shall determine from the
280 verification certificates received from supervisors of elections
281 the total number of verified valid signatures and the
282 distribution of such signatures by congressional districts. Upon
283 a determination that the requisite number and distribution of
284 valid signatures have been obtained, the secretary shall issue a
285 certificate of ballot position for that proposed amendment and
286 shall assign a designating number pursuant to s. 101.161. A
287 petition shall be deemed to be filed with the Secretary of State
288 upon the date of the receipt by the secretary of a certificate
289 or certificates from supervisors of elections indicating the
290 petition has been signed by the constitutionally required number
291 of electors.

292 (10)~~(6)~~(a) Within 45 days after receipt of a proposed
293 revision or amendment to the State Constitution by initiative
294 petition from the Secretary of State ~~or, within 30 days after~~
295 ~~such receipt if receipt occurs 120 days or less before the~~
296 ~~election at which the question of ratifying the amendment will~~
297 ~~be presented~~, the Financial Impact Estimating Conference shall
298 complete an analysis and financial impact statement to be placed
299 on the ballot of the estimated increase or decrease in any
300 revenues or costs to state or local governments resulting from
301 the proposed initiative. The Financial Impact Estimating
302 Conference shall submit the financial impact statement to the
303 Attorney General and Secretary of State.

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

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

324 3. Principals of the Financial Impact Estimating
325 Conference shall reach a consensus or majority concurrence on a
326 clear and unambiguous financial impact statement, no more than
327 75 words in length, and immediately submit the statement to the
328 Attorney General. Nothing in this subsection prohibits the
329 Financial Impact Estimating Conference from setting forth a
330 range of potential impacts in the financial impact statement.
331 Any financial impact statement that a court finds not to be in

332 accordance with this section shall be remanded solely to the
333 Financial Impact Estimating Conference for redrafting. The
334 Financial Impact Estimating Conference shall redraft the
335 financial impact statement within 15 days.

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

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

349 (d)1. Any financial impact statement that the Supreme
350 Court finds not to be in accordance with this subsection shall
351 be remanded solely to the Financial Impact Estimating Conference
352 for redrafting, provided the court's advisory opinion is
353 rendered by April 1 of the year in which the general election is
354 to be held ~~at least 75 days before the election at which the~~
355 ~~question of ratifying the amendment will be presented~~. The
356 Financial Impact Estimating Conference shall prepare and adopt a
357 revised financial impact statement no later than 5 p.m. on the
358 15th day after the date of the court's opinion.

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

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

383 4. The Department of State shall have printed, and shall
384 furnish to each supervisor of elections, a copy of the summary
385 from the initiative financial information statements. The
386 supervisors shall have the summary from the initiative financial

387 information statements available at each polling place and at
 388 the main office of the supervisor of elections upon request.

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

399 ~~(11)-(7)~~ The Department of State may adopt rules in
 400 accordance with s. 120.54 to carry out this section ~~the~~
 401 ~~provisions of subsections (1)-(6)~~.

402 Section 4. Section 100.372, Florida Statutes, is created
 403 to read:

404 100.372 Regulation of initiative petition circulators.--

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

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

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

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

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

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

427 (a) Uniformly prohibit petition circulators from operating
428 on the property and uniformly prohibit persons from engaging in
429 other activities supporting or opposing an initiative; or

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

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

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

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

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

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

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

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

468 (c) The affidavit shall attest that the paid petition
469 circulator has read and understands the laws governing the

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

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

495 (7) Each paid petition circulator shall provide to the
496 sponsor of the initiative amendment for which he or she is
497 circulating petitions a copy of a valid and current government-

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

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

517 Section 5. Subsection (1) of section 101.161, Florida
518 Statutes, is amended to read:

519 (1) Whenever a constitutional amendment or other public
520 measure is submitted to the vote of the people, the substance of
521 such amendment or other public measure shall be printed in clear
522 and unambiguous language on the ballot after the list of
523 candidates, followed by the word "yes" and also by the word
524 "no," and shall be styled in such a manner that a "yes" vote
525 will indicate approval of the proposal and a "no" vote will

526 indicate rejection. The wording of the substance of the
527 amendment or other public measure and the ballot title to appear
528 on the ballot shall be embodied in the joint resolution,
529 constitutional revision commission proposal, constitutional
530 convention proposal, taxation and budget reform commission
531 proposal, or enabling resolution or ordinance. Except for
532 amendments and ballot language proposed by joint resolution, the
533 substance of the amendment or other public measure shall be an
534 explanatory statement, not exceeding 75 words in length, of the
535 chief purpose of the measure. In addition, for every amendment
536 proposed by initiative, the ballot shall include, following the
537 ballot summary, a separate financial impact statement concerning
538 the measure prepared by the Financial Impact Estimating
539 Conference in accordance with s. 100.371(10)~~(6)~~. The ballot
540 title shall consist of a caption, not exceeding 15 words in
541 length, by which the measure is commonly referred to or spoken
542 of.

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

545 101.62 Request for absentee ballots.--

546 (4) (a) To each absent qualified elector overseas who has
547 requested an absentee ballot, the supervisor of elections shall,
548 not fewer than 35 days before the first primary election, mail
549 an absentee ballot. Not fewer than 45 days before the second
550 primary and general election, the supervisor of elections shall
551 mail an advance absentee ballot to those persons requesting
552 ballots for such elections. The advance absentee ballot for the
553 second primary shall be the same as the first primary absentee

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

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

582 104.012 Consideration for registration; interference with
 583 registration; soliciting registrations for compensation;
 584 alteration of registration application; failing to submit
 585 registration application.--

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

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

593 104.185 Violations involving petitions; ~~knowingly signing~~
 594 ~~more than once; signing another person's name or a fictitious~~
 595 ~~name.~~--

596 (1) A person who knowingly signs a petition or petitions
 597 to secure ballot position for a candidate, a minor political
 598 party, or an issue more than one time commits a misdemeanor of
 599 the first degree, punishable as provided in s. 775.082 or s.
 600 775.083 and, upon any subsequent conviction, commits a felony of
 601 the third degree, punishable as provided in s. 775.082, s.
 602 775.083, or s. 775.084.

603 (2) A person who signs another person's name or a
 604 fictitious name to any petition to secure ballot position for a
 605 candidate, a minor political party, or an issue, or to a
 606 petition revocation form, commits a misdemeanor of the first
 607 degree, punishable as provided in s. 775.082 or s. 775.083 and,
 608 upon any subsequent conviction, commits a felony of the third

609 degree, punishable as provided in s. 775.082, s. 775.083, or s.
 610 775.084.

611 (3) A person who willfully swears or affirms falsely to
 612 any oath or affirmation, or willfully procures another person to
 613 swear or affirm falsely to an oath or affirmation, in connection
 614 with or arising out of the petitioning process commits a
 615 misdemeanor of the first degree, punishable as provided in s.
 616 775.082 or s. 775.083 and, upon any subsequent conviction,
 617 commits a felony of the third degree, punishable as provided in
 618 s. 775.082, s. 775.083, or s. 775.084.

619 (4) A person who willfully submits any false information
 620 on a petition or petition revocation form commits a misdemeanor
 621 of the first degree, punishable as provided in s. 775.082 or s.
 622 775.083 and, upon any subsequent conviction, commits a felony of
 623 the third degree, punishable as provided in s. 775.082, s.
 624 775.083, or s. 775.084.

625 (5) A person who directly or indirectly gives or promises
 626 anything of value to any other person to induce that other
 627 person to sign a petition or petition revocation form commits a
 628 misdemeanor of the first degree, punishable as provided in s.
 629 775.082 or s. 775.083 and, upon any subsequent conviction,
 630 commits a felony of the third degree, punishable as provided in
 631 s. 775.082, s. 775.083, or s. 775.084.

632 (6) A person who, by bribery, menace, threat, or other
 633 corruption, directly or indirectly influences, deceives, or
 634 deters, or attempts to influence, deceive, or deter, any person
 635 in the free exercise of that person's right to sign a petition
 636 or petition revocation form, upon the first conviction commits a

637 misdemeanor of the first degree, punishable as provided in s.
638 775.082 or s. 775.083 and, upon any subsequent conviction,
639 commits a felony of the third degree, punishable as provided in
640 s. 775.082, s. 775.083, or s. 775.084.

641 (7) A person may not provide or receive compensation that
642 is based, directly or indirectly, upon the number of signatures
643 obtained on petitions or petition revocation forms. A person who
644 violates this subsection commits a misdemeanor of the first
645 degree, punishable as provided in s. 775.082 or s. 775.083 and,
646 upon any subsequent conviction, commits a felony of the third
647 degree, punishable as provided in s. 775.082, s. 775.083, or s.
648 775.084.

649 (8) A person who alters the petition or petition
650 revocation form signed by any other person without the other
651 person's knowledge and consent commits a misdemeanor of the
652 first degree, punishable as provided in s. 775.082 or s. 775.083
653 and, upon any subsequent conviction, commits a felony of the
654 third degree, punishable as provided in s. 775.082, s. 775.083,
655 or s. 775.084.

656 (9) A person perpetrating, or attempting to perpetrate or
657 aid in the perpetration of, any fraud in connection with
658 obtaining the signature of electors on petitions or petition
659 revocation forms commits a misdemeanor of the first degree,
660 punishable as provided in s. 775.082 or s. 775.083 and, upon any
661 subsequent conviction, commits a felony of the third degree,
662 punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

663 (10) In addition to any other penalty provided for by law,
664 if a paid petition circulator, as defined in s. 100.372(1),

665 violates any provision of this section, the Florida Elections
 666 Commission may, pursuant to s. 106.265, impose a civil penalty
 667 in the form of a fine not to exceed \$1,000 per violation on any
 668 person or entity on behalf of which the petition circulator was
 669 acting at the time of the violation.

670 Section 9. Section 104.42, Florida Statutes, is amended to
 671 read:

672 104.42 Unlawful registrations, petitions, ~~Fraudulent~~
 673 ~~registration~~ and ~~illegal~~ voting; investigation.--

674 (1) The supervisor of elections is authorized to
 675 investigate unlawful ~~fraudulent~~ registrations, petitions, and
 676 ~~illegal~~ voting and to report his or her findings to the local
 677 state attorney, the Florida Department of Law Enforcement, and
 678 the Florida Elections Commission.

679 (2) The board of county commissioners in any county may
 680 appropriate funds to the supervisor of elections for the purpose
 681 of investigating unlawful ~~fraudulent~~ registrations, petitions,
 682 and ~~illegal~~ voting.

683 (3) The supervisor of elections shall document and report
 684 suspected unlawful registrations, petitions, and voting to the
 685 Florida Elections Commission within 10 days of acquiring
 686 reasonable suspicion about the lawfulness of the registrations,
 687 petitions, and voting.

688 Section 10. Any signature gathered on an authorized form
 689 for an initiative petition that has been submitted for
 690 verification prior to the effective date of this act may be
 691 verified and counted if otherwise valid. However, any petition
 692 form that is submitted for verification on or after the

693 effective date of this act shall be verified and counted only if
694 it complies with all the provisions of this act. Any initiative
695 petition form approved by the Secretary of State prior to the
696 effective date of this act is hereby invalidated, and a new
697 petition form must be resubmitted to the Secretary of State for
698 approval in accordance with the requirements of this act prior
699 to obtaining elector signatures.

700 Section 11. If any provision of this act or its
701 application to any person or circumstance is held invalid, the
702 invalidity does not affect other provisions or applications of
703 the act which can be given effect without the invalid provision
704 or application, and to this end the provisions of this act are
705 declared severable.

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